

alone or in-combination with other plans on projects on these sites in relation to construction phase pollution.

#### Operational Phase

During the operational phase there is the potential for an increase in pollutants through surface water run-off entering the Crofton Ditch which is hydrologically linked to Titchfield Haven and the Solent and Southampton Water SPA/Ramsar site. Therefore, in the absence of mitigation there is a **likely significant effect** either alone or in-combination with other plans or projects.

However, given the removed nature of the application site from Solent Maritime SAC, Portsmouth Harbour SPA/Ramsar site and Solent and Dorset Coast SPA and lack of hydrological connectivity it is concluded there is **no likely significant effect** either alone or in-combination with other plans on projects on these sites.

### **5.5.2 Change in Abiotic Conditions**

#### Change in Nitrogen Output

The proposals would result in waste water discharge from the site, which has the potential to result in an increase in nitrogen output into the Solent waters.

The most recent guidance from Natural England (Natural England, 2020) indicates that an occupancy rate of 2.4 residents per dwelling should be utilised which indicates the new development would support approximately 501.6 residents. This guidance has then been used to calculate the likely nitrogen output as a result of the development, below.

Based on an assumed waste water generation of 110 litres per day this would result in 55,176.00 litres per day of waste water from the development. It is assumed that the waste water will be treated at Peel Common Waste Water Treatment Works which has an environmental permit limit of 9 milligrams per litre. Assuming the water is treated at 90% of the consent limit this would result in a total discharge of 8.1 milligrams of nitrogen per litre. Natural England's most recent guidance indicates that 2 milligrams of nitrogen per litre can be subtracted to account for baseline nitrogen in groundwater and rivers which means 6.1 milligrams per litre needs to be taken into account in the calculation. This gives a total generation of 336753.60 milligrams of total nitrogen per day or 122.85 kilograms of total nitrogen generated by the development per year.

The second stage of the calculation is to determine the amount total nitrogen currently discharged through existing land uses. 15.90 hectares of land is cropped which outputs 25.4 kilograms of nitrogen per hectare per year (a total of 403.90 kilograms per year). In addition, other areas of habitat within the development totalling 1.9 hectares outputs

5.0 kilograms of nitrogen per year. Therefore, the estimated total nitrogen generated through existing and uses is 413.2 kilograms of total nitrogen per year.

The third stage of the calculation is to determine the nitrogen load from future land use. A total of 5.40 hectares of the site will be developed to provide new urban area. A figure of 14.3 kilograms of nitrogen per hectare is used to calculate leaching from urban space whilst a figure of 5.0 kilograms per hectare is used for open space, of which 12.37 hectares is present within the proposals. Therefore, this would result in an output of 139.07 kilograms of nitrogen in the catchment from leaching. When taken with the waste water figure, the total future output of the site would be 261.92 kilograms of nitrogen per year.

In summary the total output of the site based on current land uses is approximately 413.21 kilograms of nitrogen per year whilst approximate future output as a result of new uses would be approximately 261.92 kilograms of total nitrogen per year. This would result in **a net reduction** of 151.29 kilograms of total nitrogen per year. Given that the net future outputs are less than the current it can be concluded that there will be no net increase in nitrogen as a result of the proposal. A summary of this calculation is provided in **Appendix 5**.

Therefore, it is possible to conclude that there is **no likely significant effect** either alone or in-combination with other plans or projects on Solent and Southampton Water SPA/Ramsar site, Portsmouth Harbour SPA, Solent Maritime SAC and Solent and Dorset Coast SPA and there will be a net betterment in terms of nitrogen discharge as a result of the proposals.

#### **5.5.3 Recreational Activities**

A range of research has been undertaken by the Solent Disturbance and Mitigation Project and Bird Aware Solent which has identified that any residential development within 5.6 kilometres of the Solent SPAs has the potential to result in a likely significant effect on the Solent SPAs either alone or in-combination with other plans or projects (Bird Aware Solent, 2017).

Therefore, in the absence of mitigation there would be **a likely significant effect** either in-combination with other plans or projects on Solent and Southampton Water SPA/Ramsar site, Portsmouth Harbour SPA/Ramsar site, Solent Maritime SAC and Solent and Dorset Coast SPA.

#### **5.5.4 Functionally Linked Land**

In addition to the above risk factors listed on the Natura 2000 data form research has been undertaken by the Solent Waders and Brent Goose strategy which has specifically highlighted a network of sites which are functionally linked to the Solent



SPAs (Whitfield, 2019). Therefore, it is necessary to consider the potential effects on these sites as part of the Habitats Regulations Assessment.

#### Direct Impacts

A total of three seasons of wintering bird surveys were undertaken at the site between 2014 and 2016 (ECOSA, 2015) (ECOSA, 2016). A range of wintering bird surveys were also undertaken by WSP between 2013 and 2015 as part of a wider survey of the Stubbington Bypass proposals. The ECOSA survey work did not identify the presence of any waders within either Strategy Site F17C or F17D. However, subsequent survey visits undertaken as part of the Solent Wader and Brent Goose strategy have recorded the presence of golden plover *Pluvialis apricaria*, lapwing *Vanellus vanellus* and snipe *Gallinago gallinago* in F17C and a single record of lapwing on one occasion in F17D. **Table 3** provides a summary of the known records at the site made between 2013 and 2019.

**Table 10:** Summary of Waders Recorded

Year	Recorder	F17C		F17D	
		Visits	Records	Visits	Records
Pre-2014	Strategy Records	7	-	6	-
2013/2014	ECOSA	3	-	3	-
	WSP	12	Golden Plover 80 Lapwing 1	12	
2014/2015	ECOSA	12	-	12	-
	WSP	12	Lapwing 40 Snipe 1	12	
2015/2016	ECOSA	12	-	12	-
2017/2018	Strategy Records	4	Golden Plover 39 Lapwing 30 Snipe 1	0	-
2018/2019	Strategy Records	2	Lapwing 162 Golden Plover 109	1	Lapwing 16
Total Visits		64		58	

The proposals will result in the loss of Solent Wader and Brent Goose Strategy (SWBGS) Site F17D which is classified as a low use site. The Solent Wader and Brent Goose Strategy defines low use sites as (SWBGS Steering Group, 2018):

*“All Low Use sites have the potential to be used by waders or brent geese. These sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network.”*

Therefore, it is possible to conclude a **likely significant effect** on Southampton and Solent Water SPA/Ramsar site and Portsmouth Harbour SPA/Ramsar site as a result of direct impacts on functionally linked land in-combination with other plans or projects.

#### Indirect Impacts – Recreation Activities

There are a number of SWBGS sites in the surrounds which are used, or have potential to be used, by wildfowl and waders associated with the European sites. Therefore, these sites are considered to be functionally linked to the SPAs themselves. As with the SPAs the wildfowl and waders using these sites are potentially vulnerable to both visual disturbance from walkers and disturbance from dogs. However, given that a number of sites are situated on private land consideration has only been given to those which are publicly accessible. It is also important to note that these sites are not directly comparable to the coastal European sites which are activity promoted for recreational use, and are in themselves “attractions”, but existing agricultural fields which may have rural footpaths across them.

F28A is present to the north-west of the application site. A review of aerial photography and OS mapping did not identify the presence of any publicly accessible footpaths traversing this site. However, Ranvilles Lane does run adjacent to this site, which is a no through lane, which could present a suitable walking opportunity for new residents. A review of aerial photography reveals that the side of Ranvilles Lane which is situated adjacent to F28A is well screened from the potential walking route by an existing tree line. Therefore, there would be no direct visual disturbance from this walking route.

Two public footpath networks are present leading from the application site to the east and west which traverse SWBG strategy sites F17M and F17N to the east and F31 to the west.

The western network will not be directly accessible from the application site and is approximately 0.83 kilometres to the west at its nearest point. In order to access this, residents would need to travel down the existing Oakcroft Lane, which lacks a pedestrian carriageway, and this the usability of this route as an access point.

A review of aerial photography indicates the footpath adjacent to F31 is well demarcated by fence lines and treelines which limits the potential visual disturbance on any birds utilising the application site and particularly restricts the likelihood of dogs accessing F31.

The eastern network will likely be accessible from the road and pedestrian access provided on to Peak Lane. However, the majority of the footpath network which exists within this area is provided on well demarcated vehicle tracks, which in part are buffered by margins, tree line and hedgerows. A single footpath traverses F17N which may

occasionally be used by small number of walkers. However, given that this is already assessed as being a low use site it is not considered that any such disturbance would be significant.

Therefore, given the reasoning set out above and that F17M, F17N and F31 are all low use sites no impacts as a result of the increase in recreational pressure on these sites.

F17B (Low Use Site) and the remainder of F17C are situated to the north of the site with a public footpath running along the boundary of the two SWBGS sites connecting Peak Lane to Ranvilles Lane. It is feasible that this route could be used as part of a circular route from the site with access to the nearest point of the footpath approximately 400 metres from the access point of the development.

Given the above factors it is considered that it is concluded that there will be a **likely significant effect** on the Solent and Southampton Water SPA/Ramsar site and Portsmouth Harbour SPA/Ramsar site in combination with other plans or projects in respect of functionally linked land.

## 5.6 Conclusion

Potential effects as a result of the development either alone or in-combination with other plans and projects have been identified as part of the screening exercise. In accordance with current case law (People Over Wind and Peter Sweetman v Coillte Teoranta - Case C323/17, 2018) it is not possible to consider proposed mitigation measures as part of the screening stage of Habitats Regulation Assessment. Therefore, in conclusion, it is not possible to screen out likely significant effects on Solent and Southampton Water SPA and Ramsar site, Solent Maritime SAC, Portsmouth Harbour SPA/Ramsar site or Solent and Dorset Coast SPA at the screening stage.

## **6.0 APPROPRIATE ASSESSMENT**

### **6.1 Introduction**

The section presents the Appropriate Assessment and sets out relevant mitigation in order to address the likely significant effects identified as part of the screening stage.

### **6.2 Summary of Likely Significant Effects**

In summary, the potential likely significant effects identified as part of the screening process are as follows:

- Loss of SWBGS Site F17D which has the potential to result in an in-combination effect with other future plans or projects on the wider SWBGS site network;
- Increase in recreational pressure on the Solent and Southampton Water SPA/Ramsar site, Portsmouth Harbour SPA/Ramsar site, Solent Maritime SAC and Solent and Dorset Coast SPA either in-combination with other plans or projects;
- Potential for pollution events as a result of the construction and operational phase of the development and effects on Solent and Southampton Water SPA/Ramsar site; and
- Potential for increased disturbance to SWBGS F17B and F17C either alone or in-combination with other plans or projects.

### **6.3 Proposed Mitigation**

#### **6.3.1 *Loss of Functional Land***

The proposals will result in the permanent loss of SWBGS Site F17D. In order to compensate for this loss it is proposed that the area of F17C currently within the red line boundary be subject to enhancement and long-term management to deliver a new bird refuge area totalling approximately 10 hectares. Whilst F17C is already designated as a Secondary Support Area for supporting lapwing, golden plover and snipe this field is currently subject to agricultural management, including ploughing during the overwintering period. Therefore, the suitability of this site to support overwintering waders is currently dependent on the management of the site in any given winter.

It is therefore, proposed to sow the Ecological Enhancement Area with a new grassland seed mix and the creation of new scrapes specifically designed for waders. The proposals for the Ecological Enhancement Area are detailed in the Ecological Management Plan (ECOSA, 2020).

Following the establishment of the Ecological Enhancement Area it is proposed the land will be transferred to Fareham Borough Council for long-term management. A commuted sum is likely to be provided to Fareham Borough Council for the management of the land in perpetuity in accordance with the Solent Wader and Brent Goose Strategy Mitigation Guidelines. The exact sum associated with the delivery of the Ecological Management will be secured as part of the Section 106 agreement attached to any planning consent.

A separate Ecological Management Plan has been prepared to cover this land. This includes:

- Creation of new wader scrapes to be located central to the area, away from the newly proposed Stubbington Bypass and residential development;
- Creation of new areas of open grassland to provide foraging resources for waders including snipe, lapwing and golden plover all of which have been recorded within F17C with 16 lapwing on a single location recorded in F17D;
- Additional screening planting along the southern boundary of the Ecological Enhancement Area to screen views from the road network to the south and east;
- No public access will be allowed to this land in order to ensure that any waders are not subject to regular disturbance from dog walkers.

The Ecological Enhancement Area has been specifically designed in order to increase the suitability of the site for the assemblage of waders which utilise the Solent and Southampton Water SPA. In consultation with Natural England it has been highlighted that golden plover in particular favour more arable farmland in recent years with a study in 2007 highlighting the use of an arable landscape (Gillings, et al., 2007). However, this article also re-iterates that the species is a generalist in terms of foraging habitat and the Hampshire Bird Atlas (Hampshire Ornithological Society, 2015) also refers to the species utilising permanent grassland in southern Hampshire. It is also important to note that arable habitat is prevalent in the area with F17C only accounting for a small proportion of habitat in the wider area where as permanent grassland is rare in the area.

Given that this area of habitat is currently subject to disturbance from the agricultural management regime, which also results in varying foraging resources being available to overwintering waders dependent on yearly management, it is considered that this will deliver a significant enhancement over the baseline situation for a range of overwintering species beyond those which have currently been recorded from the site.

In addition, the proximity of this land to the Solent and Southampton Water SPA has the opportunity for its use to be dramatically increased by waders once delivered and will deliver an enhancement to the Solent Wader and Brent Goose Strategy network.

### 6.3.2 **Pollution to Ground Water – Construction Phase**

In order to mitigate for the potential pollution events during construction a Construction Environmental Management Plan (CEMP) will be implemented as part of the construction process. This will include the following measures:

- Location of site compound, materials and chemicals all of which are to be located away from Crofton Ditch; and
- Pollution prevention measures and waste disposal in order to ensure no potential pollution into Crofton Ditch and thus Titchfield Haven.

It is anticipated that the detail of the CEMP would be secured by Fareham Borough Council as part of a planning condition.

### 6.3.3 **Pollution to Ground Water – Operational Phase**

#### Pollution Events

The proposals include a suitable SuDs drainage strategy which will remove any pollutants from the development prior to re-entering the watercourse. For further information refer to the Flood Risk Assessment and Drainage Strategy associated with the proposals.

### 6.3.4 **Recreational Activities**

The proposals will be required to make contributions towards the Bird Aware Solent Strategy at the time of writing the contributions to the strategy are set out in **Table 11**.

**Table 11:** Bird Aware Solent Strategy Contributions

Property	Contribution	Number	Total
1 Bedroom Dwelling	£337.00	4	£1,348.00
2 Bedroom Dwelling	£487.00	71	£34,577.00
3 Bedroom Dwelling	£637.00	110	£70,070.00
4 Bedroom Dwelling	£749.00	24	£17,976.00
			£123,971.00

These contributions will go towards the wider Solent Bird Aware strategy which includes provisions for rangers, communication, marketing and education initiatives, dog

walking initiatives, codes of conduct development, creation and enhancement of greenspaces, site-specific access management and monitoring. The strategy is designed to address the in-combination effect of recreational pressure in the Solent.

In addition, in order to provide further education and advise to new residents a wildlife awareness leaflet, with specific focus on minimising disturbance to wildlife at coastal areas will be distributed to new residents within the development.

Whilst it is acknowledged that there may be a minor increase in recreational disturbance to the SWBGS Sites F17C and F17D the delivery of the Ecological Enhancement Area (see Paragraph 6.3.1) would create new wader habitat which would mitigate the potential disturbance increase.

## **6.4 In-Combination Effects**

### **6.4.1 *Loss of Functional Habitat***

Following the delivery of the mitigation package outline in this documents and the long term management of the mitigation package there will be no long-term loss in functional habitat and in the long-term the habitat will be enhanced over the current baseline.

### **6.4.2 *Pollution to Ground Water***

Given the mitigation measures set out in Paragraph 6.3.1 and Paragraph 6.3.3, no impacts on ground water will result from the proposed development. Therefore, no in combination effects with other plans or project will result from the development.

### **6.4.3 *Recreational Activities***

The Solent Bird Aware Strategy is intended to provide mitigation for recreational pressure either alone or in combination with other plans or projects. Therefore, no in combination effects with other plans or project will result from the development.

## **6.5 Conclusion**

Following the implementation of the mitigation measures set out in this section and the Appropriate Assessment undertaken, **no adverse effects** on Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent Maritime SAC and Solent and Dorset SPA will result from the proposed development either alone or in-combination with other plans or projects.

## **7.0 CONCLUSION**

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.



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## **Map 1** Site Location



**OAKCROFT LANE, STUBBINGTON,  
HAMPSHIRE**

**SHADOW HABITAT REGULATIONS  
ASSESSMENT**

Map 1 - Site Location Plan

Client:	Persimmon Homes South Coast
Date:	April 2020
Status:	Final

**KEY**

Site Boundary



Scale at A4: 1:10,000

0 100 200 400 Metres

N

**ECOSA**  
Ecological Survey & Assessment  
A Trinity Consultants Company

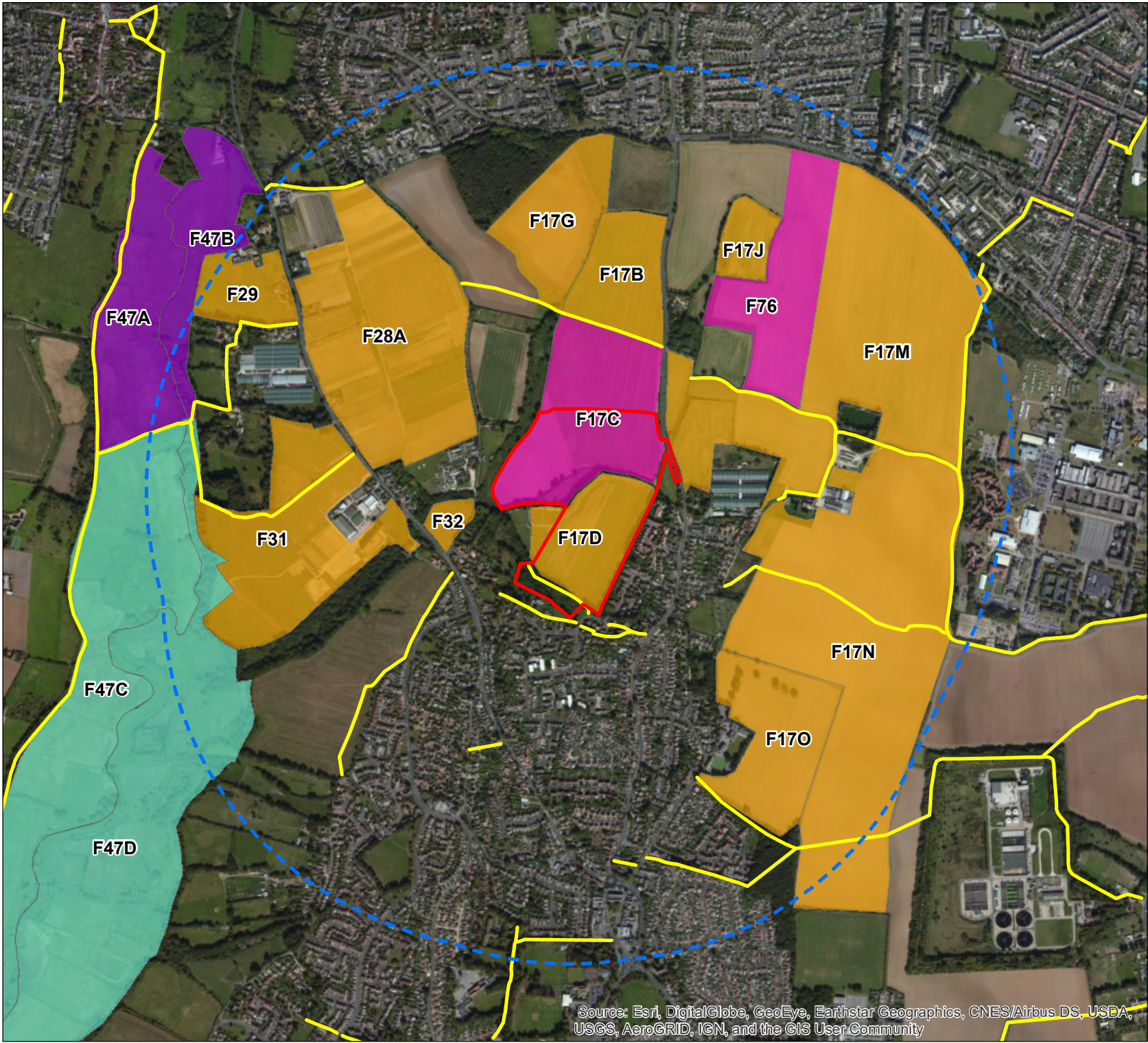
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## **Map 2** Site Location in Relation to European Sites



### **Map 3** Solent Wader and Brent Goose Strategy Sites








**OAKCROFT LANE, STUBBINGTON,  
HAMPSHIRE**

**SHADOW HABITAT REGULATIONS  
ASSESSMENT**





Map 3 - Solent Wader and Brent Goose  
Strategy Sites

Client:	Persimmon Homes South Coast
Date:	April 2020
Status:	Final

**KEY**

-  Site Boundary
-  Solent Wader and Brent Goose  
Strategy Buffer: 1km
-  Hampshire Rights of Way

**Solent Wader and Brent Goose  
Strategy Site Classification**

-  SPA Site
-  Primary Support Area
-  Secondary Support Area
-  Low Use

N.B. Solent Wader and Brent Goose Strategy  
classifications are taken from the Hampshire &  
Isle of Wight Solent Waders and Brent Goose  
Strategy 2019 and Current Use Mapping 2018  
data (<https://solentwbgs.wordpress.com/page-2/>)  
accessed on 1st April 2020.

Scale at A4: 1:15,000



**ECOSA**  
Ecological Survey & Assessment



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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,  
USGS, AeroGRID, IGN, and the GIS User Community



## **Appendix 1**    Site Proposals





F	16.09.20	Planning Officer comments incorporated	br	db
E	22.04.20	Bypass junction amended	br	db
D	25.02.20	see planning cover note	br	db
C	05.11.19	see planning cover note	br	db
B	20.09.19	see planning cover note	br	db
A	22.07.19	see planning cover note dated 23 July	br	db

Rev	Date	Revision Details	Dr	Ch
-----	------	------------------	----	----



Job Title  
Oakcroft Lane, Stubbington

Drawing Title  
Site Layout

Job No 220	Drawing No A-02-015-SL	Rev F
Drawn BR	Checked DB	Date March '19

Scale  
1:1000 @ A1 / 1:2000 @ A3

Status  
PLANNING



## **Appendix 2** Solent and Southampton Water SPA/Ramsar site Citations

# NATURA 2000 – STANDARD DATA FORM

## Special Protection Areas under the EC Birds Directive.

Each Natura 2000 site in the United Kingdom has its own Standard Data Form containing site-specific information. The data form for this site has been generated from the Natura 2000 Database submitted to the European Commission on the following date:

22/12/2015

The information provided here, follows the officially agreed site information format for Natura 2000 sites, as set out in the [Official Journal of the European Union recording the Commission Implementing Decision of 11 July 2011](#) (2011/484/EU).

The Standard Data Forms are generated automatically for all of the UK's Natura 2000 sites using the European Environment Agency's Natura 2000 software. The structure and format of these forms is exactly as produced by the EEA's Natura 2000 software (except for the addition of this coversheet and the end notes). The content matches exactly the data submitted to the European Commission.

Please note that these forms contain a number of codes, all of which are explained either within the data forms themselves or in the end notes.

Further technical documentation may be found here  
[http://bd.eionet.europa.eu/activities/Natura\\_2000/reference\\_portal](http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal)

As part of the December 2015 submission, several sections of the UK's previously published Standard Data Forms have been updated. For details of the approach taken by the UK in this submission please refer to the following document:  
[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

More general information on Special Protection Areas (SPAs) in the United Kingdom is available from the [SPA home page on the JNCC website](#). This webpage also provides links to Standard Data Forms for all SPAs in the UK.

Date form generated by the Joint Nature Conservation Committee  
25 January 2016.



# NATURA 2000 - STANDARD DATA FORM

For Special Protection Areas (SPA),  
Proposed Sites for Community Importance (pSCI),  
Sites of Community Importance (SCI) and  
for Special Areas of Conservation (SAC)

SITE UK9011061  
SITENAME Solent and Southampton Water

## TABLE OF CONTENTS

- [1. SITE IDENTIFICATION](#)
- [2. SITE LOCATION](#)
- [3. ECOLOGICAL INFORMATION](#)
- [4. SITE DESCRIPTION](#)
- [5. SITE PROTECTION STATUS AND RELATION WITH CORINE BIOTOPES](#)
- [6. SITE MANAGEMENT](#)

## 1. SITE IDENTIFICATION

<b>1.1 Type</b> A	<b>1.2 Site code</b> UK9011061	<a href="#">Back to top</a>
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### 1.3 Site name

Solent and Southampton Water

<b>1.4 First Compilation date</b> 1998-10	<b>1.5 Update date</b> 2015-12
--	-----------------------------------

### 1.6 Respondent:

**Name/Organisation:** Joint Nature Conservation Committee  
**Address:** Joint Nature Conservation Committee Monkstone House City Road Peterborough  
PE1 1JY  
**Email:**

### 1.7 Site indication and designation / classification dates

<b>Date site classified as SPA:</b>	1998-10
<b>National legal reference of SPA designation</b>	Regulations 12A and 13-15 of the Conservation Habitats and Species Regulations 2010, ( <a href="http://www.legislation.gov.uk/ukxi/2010/490/contents/made">http://www.legislation.gov.uk/ukxi/2010/490/contents/made</a> ) as amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 ( <a href="http://www.legislation.gov.uk/ukxi/2011/625/contents/made">http://www.legislation.gov.uk/ukxi/2011/625/contents/made</a> ).

## 2. SITE LOCATION

[Back to top](#)

## 2.1 Site-centre location [decimal degrees]:

### Longitude

-1.525833333

### Latitude

50.74027778

## 2.2 Area [ha]:

5401.12

## 2.3 Marine area [%]

59.3

## 2.4 Sitelength [km]:

0.0

## 2.5 Administrative region code and name

### NUTS level 2 code

### Region Name

UKJ3	Hampshire and Isle of Wight
------	-----------------------------

## 2.6 Biogeographical Region(s)

Atlantic (100.0  
%)

## 3. ECOLOGICAL INFORMATION

[Back to top](#)

### 3.2 Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

Species					Population in the site						Site assessment			
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D	A B C		
						Min	Max				Pop.	Con.	Iso.	Glo
B	A052	<a href="#">Anas crecca</a>			w	4400	4400	i		G	B		C	
B	A675	<a href="#">Branta bernicla bernicla</a>			w	7506	7506	i		G	B		C	
B	A137	<a href="#">Charadrius hiaticula</a>			w	552	552	i		G	C		C	
B	A176	<a href="#">Larus melanocephalus</a>			r	2	2	p		G	A		C	
B	A616	<a href="#">Limosa limosa islandica</a>			w	1125	1125	i		G	A		C	
B	A195	<a href="#">Sterna albifrons</a>			r	49	49	p		G	B		C	
B	A192	<a href="#">Sterna dougallii</a>			r	2	2	p		G	B		A	
B	A193	<a href="#">Sterna hirundo</a>			r	267	267	p		G	B		C	
B	A191	<a href="#">Sterna sandvicensis</a>			r	231	231	p		G	C		C	

- **Group:** A = Amphibians, B = Birds, F = Fish, I = Invertebrates, M = Mammals, P = Plants, R = Reptiles
- **S:** in case that the data on species are sensitive and therefore have to be blocked for any public

access enter: yes

- **NP:** in case that a species is no longer present in the site enter: x (optional)
- **Type:** p = permanent, r = reproducing, c = concentration, w = wintering (for plant and non-migratory species use permanent)
- **Unit:** i = individuals, p = pairs or other units according to the Standard list of population units and codes in accordance with Article 12 and 17 reporting (see [reference portal](#))
- **Abundance categories (Cat.):** C = common, R = rare, V = very rare, P = present - to fill if data are deficient (DD) or in addition to population size information
- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation); VP = 'Very poor' (use this category only, if not even a rough estimation of the population size can be made, in this case the fields for population size can remain empty, but the field "Abundance categories" has to be filled in)

### 3.3 Other important species of flora and fauna (optional)

Species					Population in the site			Motivation						
Group	CODE	Scientific Name	S	NP	Size		Unit	Cat.	Species Annex		Other categories			
					Min	Max		C R V P	IV	V	A	B	C	D
B	WATR	<a href="#">Waterfowl assemblage</a>			51361	51361	i						X	

- **Group:** A = Amphibians, B = Birds, F = Fish, Fu = Fungi, I = Invertebrates, L = Lichens, M = Mammals, P = Plants, R = Reptiles
- **CODE:** for Birds, Annex IV and V species the code as provided in the reference portal should be used in addition to the scientific name
- **S:** in case that the data on species are sensitive and therefore have to be blocked for any public access enter: yes
- **NP:** in case that a species is no longer present in the site enter: x (optional)
- **Unit:** i = individuals, p = pairs or other units according to the standard list of population units and codes in accordance with Article 12 and 17 reporting, (see [reference portal](#))
- **Cat.:** Abundance categories: C = common, R = rare, V = very rare, P = present
- **Motivation categories:** IV, V: Annex Species (Habitats Directive), A: National Red List data; B: Endemics; C: International Conventions; D: other reasons

## 4. SITE DESCRIPTION

### 4.1 General site character

[Back to top](#)

Habitat class	% Cover
N02	47.7
N07	3.4
N05	10.2
N16	0.6
N03	18.2
N04	2.8
N10	17.1
Total Habitat Cover	100

### Other Site Characteristics

1 Terrestrial: Soil & Geology: mud,acidic,alluvium,sedimentary,neutral 2 Terrestrial: Geomorphology and landscape: floodplain,coastal,lowland 3 Marine: Geology: sand,gravel,sedimentary,shingle 4 Marine: Geomorphology: open coast (including bay),lagoon,estuary,intertidal rock,enclosed coast (including

embayment), shingle bar, islands, intertidal sediments (including sandflat/mudflat) Ramsar Wetland  
Types: Marine and coastal wetlands

## 4.2 Quality and importance

ARTICLE 4.1 QUALIFICATION (79/409/EEC) During the breeding season the area regularly supports: *Larus melanocephalus* 15.4% of the GB breeding population 5 year peak mean, 1994-1998 *Sterna albifrons* (Eastern Atlantic - breeding) 2% of the GB breeding population 5 year peak mean, 1993-1997 *Sterna dougallii* (Europe - breeding) 3.1% of the GB breeding population 5 year peak mean, 1993-1997 *Sterna hirundo* (Northern/Eastern Europe - breeding) 2.2% of the GB breeding population 5 year peak mean, 1993-1997 *Sterna sandvicensis* (Western Europe/Western Africa) 1.7% of the GB breeding population 5 year peak mean, 1993-1997 ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports: *Anas crecca* (North-western Europe) 1.1% of the population 5 year peak mean, 1992/3-1996/7 *Branta bernicla bernicla* (Western Siberia/Western Europe) 2.5% of the population 5 year peak mean, 1992/3-1996/7 *Charadrius hiaticula* (Europe/Northern Africa - wintering) 1.2% of the population 5 year peak mean, 1992/3-1996/7 *Limosa limosa islandica* (Iceland - breeding) 1.7% of the population 5 year peak mean, 1992/3-1996/7 ARTICLE 4.2 QUALIFICATION (79/409/EEC): AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS Over winter the area regularly supports: 51361 waterfowl (5 year peak mean 1991/92-1995/96) Including: *Branta bernicla bernicla*, *Anas crecca*, *Charadrius hiaticula*, *Limosa limosa islandica*

## 4.3 Threats, pressures and activities with impacts on the site

The most important impacts and activities with high effect on the site

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
H	H02		B
H	F02		I
H	M01		B
H	M02		B
H	G01		I

Positive Impacts			
Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
H	A04		I
H	A02		I
H	D05		I
H	B02		I
H	D05		I
H	A03		I

Rank: H = high, M = medium, L = low

Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification,

T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions

i = inside, o = outside, b = both

## 4.5 Documentation

Conservation Objectives - the Natural England links below provide access to the Conservation Objectives (and other site-related information) for its terrestrial and inshore Natura 2000 sites, including conservation advice packages and supporting documents for European Marine Sites within English waters and for cross-border sites. See also the 'UK Approach' document for more information (link via the JNCC website).

Link(s): <http://publications.naturalengland.org.uk/category/3212324>  
<http://publications.naturalengland.org.uk/category/6490068894089216>

[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

## 5. SITE PROTECTION STATUS (optional)

[Back to top](#)

### 5.1 Designation types at national and regional level:

Code	Cover [%]	Code	Cover [%]	Code	Cover [%]
UK04	100.0	UK01	21.8		



## 6. SITE MANAGEMENT

[Back to top](#)

### 6.1 Body(ies) responsible for the site management:

Organisation:	Natural England
Address:	
Email:	

### 6.2 Management Plan(s):

An actual management plan does exist:

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No, but in preparation
<input checked="" type="checkbox"/>	No

### 6.3 Conservation measures (optional)

For available information, including on Conservation Objectives, see Section 4.5.
---

## EXPLANATION OF CODES USED IN THE NATURA 2000 STANDARD DATA FORMS

The codes in the table below are also explained in the [official European Union guidelines for the Standard Data Form](#). The relevant page is shown in the table below.

### 1.1 Site type

CODE	DESCRIPTION	PAGE NO
A	Designated Special Protection Area	53
B	SAC (includes candidates Special Areas of Conservation, Sites of Community Importance and designated SAC)	53
C	SAC area the same as SPA. Note in the UK Natura 2000 submission this is only used for Gibraltar	53

### 3.1 Habitat representativity

CODE	DESCRIPTION	PAGE NO
A	Excellent	57
B	Good	57
C	Significant	57
D	Non-significant presence	57

### 3.1 Habitat code

CODE	DESCRIPTION	PAGE NO
1110	Sandbanks which are slightly covered by sea water all the time	57
1130	Estuaries	57
1140	Mudflats and sandflats not covered by seawater at low tide	57
1150	Coastal lagoons	57
1160	Large shallow inlets and bays	57
1170	Reefs	57
1180	Submarine structures made by leaking gases	57
1210	Annual vegetation of drift lines	57
1220	Perennial vegetation of stony banks	57
1230	Vegetated sea cliffs of the Atlantic and Baltic Coasts	57
1310	Salicornia and other annuals colonizing mud and sand	57
1320	Spartina swards (Spartinion maritimae)	57
1330	Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	57
1340	Inland salt meadows	57
1420	Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	57
2110	Embryonic shifting dunes	57
2120	Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	57
2130	Fixed coastal dunes with herbaceous vegetation ("grey dunes")	57
2140	Decalcified fixed dunes with Empetrum nigrum	57
2150	Atlantic decalcified fixed dunes (Calluno-Ulicetea)	57
2160	Dunes with Hippophila rhamnoides	57
2170	Dunes with Salix repens ssp. argentea (Salicion arenariae)	57
2190	Humid dune slacks	57
21A0	Machairs (* in Ireland)	57
2250	Coastal dunes with Juniperus spp.	57
2330	Inland dunes with open Corynephorus and Agrostis grasslands	57
3110	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	57
3130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	57
3140	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	57
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	57

CODE	DESCRIPTION	PAGE NO
3160	Natural dystrophic lakes and ponds	57
3170	Mediterranean temporary ponds	57
3180	Turloughs	57
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	57
4010	Northern Atlantic wet heaths with Erica tetralix	57
4020	Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix	57
4030	European dry heaths	57
4040	Dry Atlantic coastal heaths with Erica vagans	57
4060	Alpine and Boreal heaths	57
4080	Sub-Arctic Salix spp. scrub	57
5110	Stable xerothermophilous formations with Buxus sempervirens on rock slopes (Berberidion p.p.)	57
5130	Juniperus communis formations on heaths or calcareous grasslands	57
6130	Calaminarian grasslands of the Violetalia calaminariae	57
6150	Siliceous alpine and boreal grasslands	57
6170	Alpine and subalpine calcareous grasslands	57
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	57
6230	Species-rich Nardus grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)	57
6410	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	57
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	57
6510	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	57
6520	Mountain hay meadows	57
7110	Active raised bogs	57
7120	Degraded raised bogs still capable of natural regeneration	57
7130	Blanket bogs (* if active bog)	57
7140	Transition mires and quaking bogs	57
7150	Depressions on peat substrates of the Rhynchosporion	57
7210	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	57
7220	Petrifying springs with tufa formation (Cratoneurion)	57
7230	Alkaline fens	57
7240	Alpine pioneer formations of the Caricion bicoloris-atrofuscae	57
8110	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	57
8120	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)	57
8210	Calcareous rocky slopes with chasmophytic vegetation	57
8220	Siliceous rocky slopes with chasmophytic vegetation	57
8240	Limestone pavements	57
8310	Caves not open to the public	57
8330	Submerged or partially submerged sea caves	57
9120	Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion roburi-petraeae or Ilici-Fagenion)	57
9130	Asperulo-Fagetum beech forests	57
9160	Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	57
9180	Tilio-Acerion forests of slopes, screes and ravines	57
9190	Old acidophilous oak woods with Quercus robur on sandy plains	57
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	57
91C0	Caledonian forest	57
91D0	Bog woodland	57
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	57
91J0	Taxus baccata woods of the British Isles	57

### 3.1 Relative surface

CODE	DESCRIPTION	PAGE NO
A	15%-100%	58
B	2%-15%	58
C	< 2%	58

### 3.1 Conservation status habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	59
B	Good conservation	59
C	Average or reduced conservation	59

### 3.1 Global grade habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent value	59
B	Good value	59
C	Significant value	59

### 3.2 Population (abbreviated to 'Pop.' in data form)

CODE	DESCRIPTION	PAGE NO
A	15%-100%	62
B	2%-15%	62
C	< 2%	62
D	Non-significant population	62

### 3.2 Conservation status species (abbreviated to 'Con.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	63
B	Good conservation	63
C	Average or reduced conservation	63

### 3.2 Isolation (abbreviated to 'Iso.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Population (almost) Isolated	63
B	Population not-isolated, but on margins of area of distribution	63
C	Population not-isolated within extended distribution range	63

### 3.2 Global Grade (abbreviated to 'Glo.' Or 'G.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent value	63
B	Good value	63
C	Significant value	63

### 3.3 Assemblages types

CODE	DESCRIPTION	PAGE NO
WATR	Non breeding waterfowl assemblage	UK specific code
SBA	Breeding seabird assemblage	UK specific code
BBA	Breeding bird assemblage (applies only to sites classified pre 2000)	UK specific code

#### 4.1 Habitat class code

CODE	DESCRIPTION	PAGE NO
N01	Marine areas, Sea inlets	65
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	65
N03	Salt marshes, Salt pastures, Salt steppes	65
N04	Coastal sand dunes, Sand beaches, Machair	65
N05	Shingle, Sea cliffs, Islets	65
N06	Inland water bodies (Standing water, Running water)	65
N07	Bogs, Marshes, Water fringed vegetation, Fens	65
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	65
N09	Dry grassland, Steppes	65
N10	Humid grassland, Mesophile grassland	65
N11	Alpine and sub-Alpine grassland	65
N14	Improved grassland	65
N15	Other arable land	65
N16	Broad-leaved deciduous woodland	65
N17	Coniferous woodland	65
N19	Mixed woodland	65
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	65
N22	Inland rocks, Screes, Sands, Permanent Snow and ice	65
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	65
N25	Grassland and scrub habitats (general)	65
N26	Woodland habitats (general)	65

#### 4.3 Threats code

CODE	DESCRIPTION	PAGE NO
A01	Cultivation	65
A02	Modification of cultivation practices	65
A03	Mowing / cutting of grassland	65
A04	Grazing	65
A05	Livestock farming and animal breeding (without grazing)	65
A06	Annual and perennial non-timber crops	65
A07	Use of biocides, hormones and chemicals	65
A08	Fertilisation	65
A10	Restructuring agricultural land holding	65
A11	Agriculture activities not referred to above	65
B01	Forest planting on open ground	65
B02	Forest and Plantation management & use	65
B03	Forest exploitation without replanting or natural regrowth	65
B04	Use of biocides, hormones and chemicals (forestry)	65
B06	Grazing in forests/ woodland	65
B07	Forestry activities not referred to above	65
C01	Mining and quarrying	65
C02	Exploration and extraction of oil or gas	65
C03	Renewable abiotic energy use	65
D01	Roads, paths and railroads	65
D02	Utility and service lines	65
D03	Shipping lanes, ports, marine constructions	65
D04	Airports, flightpaths	65
D05	Improved access to site	65
E01	Urbanised areas, human habitation	65
E02	Industrial or commercial areas	65

CODE	DESCRIPTION	PAGE NO
E03	Discharges	65
E04	Structures, buildings in the landscape	65
E06	Other urbanisation, industrial and similar activities	65
F01	Marine and Freshwater Aquaculture	65
F02	Fishing and harvesting aquatic resources	65
F03	Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)	65
F04	Taking / Removal of terrestrial plants, general	65
F05	Illegal taking/ removal of marine fauna	65
F06	Hunting, fishing or collecting activities not referred to above	65
G01	Outdoor sports and leisure activities, recreational activities	65
G02	Sport and leisure structures	65
G03	Interpretative centres	65
G04	Military use and civil unrest	65
G05	Other human intrusions and disturbances	65
H01	Pollution to surface waters (limnic & terrestrial, marine & brackish)	65
H02	Pollution to groundwater (point sources and diffuse sources)	65
H03	Marine water pollution	65
H04	Air pollution, air-borne pollutants	65
H05	Soil pollution and solid waste (excluding discharges)	65
H06	Excess energy	65
H07	Other forms of pollution	65
I01	Invasive non-native species	65
I02	Problematic native species	65
I03	Introduced genetic material, GMO	65
J01	Fire and fire suppression	65
J02	Human induced changes in hydraulic conditions	65
J03	Other ecosystem modifications	65
K01	Abiotic (slow) natural processes	65
K02	Biocenotic evolution, succession	65
K03	Interspecific faunal relations	65
K04	Interspecific floral relations	65
K05	Reduced fecundity/ genetic depression	65
L05	Collapse of terrain, landslide	65
L07	Storm, cyclone	65
L08	Inundation (natural processes)	65
L10	Other natural catastrophes	65
M01	Changes in abiotic conditions	65
M02	Changes in biotic conditions	65
U	Unknown threat or pressure	65
XO	Threats and pressures from outside the Member State	65

### 5.1 Designation type codes

CODE	DESCRIPTION	PAGE NO
UK00	No Protection Status	67
UK01	National Nature Reserve	67
UK02	Marine Nature Reserve	67
UK04	Site of Special Scientific Interest (UK)	67

# Information Sheet on Ramsar Wetlands (RIS)

*Categories approved by Recommendation 4.7 (1990), as amended by Resolution VIII.13 of the 8<sup>th</sup> Conference of the Contracting Parties (2002) and Resolutions IX.1 Annex B, IX.6, IX.21 and IX.22 of the 9<sup>th</sup> Conference of the Contracting Parties (2005).*

## Notes for compilers:

1. The RIS should be completed in accordance with the attached *Explanatory Notes and Guidelines for completing the Information Sheet on Ramsar Wetlands*. Compilers are strongly advised to read this guidance before filling in the RIS.
2. Further information and guidance in support of Ramsar site designations are provided in the *Strategic Framework for the future development of the List of Wetlands of International Importance* (Ramsar Wise Use Handbook 7, 2nd edition, as amended by COP9 Resolution IX.1 Annex B). A 3rd edition of the Handbook, incorporating these amendments, is in preparation and will be available in 2006.
3. Once completed, the RIS (and accompanying map(s)) should be submitted to the Ramsar Secretariat. Compilers should provide an electronic (MS Word) copy of the RIS and, where possible, digital copies of all maps.

---

## 1. Name and address of the compiler of this form:

### Joint Nature Conservation Committee

Monkstone House

City Road

Peterborough

Cambridgeshire PE1 1JY

UK

Telephone/Fax: +44 (0)1733 – 562 626 / +44 (0)1733 – 555 948

Email: [RIS@JNCC.gov.uk](mailto:RIS@JNCC.gov.uk)

FOR OFFICE USE ONLY.

DD MM YY

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Designation date

--	--	--	--	--	--

Site Reference Number

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## 2. Date this sheet was completed/updated:

Designated: 01 October 1998

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## 3. Country:

UK (England)

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## 4. Name of the Ramsar site:

Solent and Southampton Water

---

## 5. Designation of new Ramsar site or update of existing site:

**This RIS is for:** Updated information on an existing Ramsar site

---

## 6. For RIS updates only, changes to the site since its designation or earlier update:

### a) Site boundary and area:

**\*\* Important note:** If the boundary and/or area of the designated site is being restricted/reduced, the Contracting Party should have followed the procedures established by the Conference of the Parties in the Annex to COP9 Resolution IX.6 and provided a report in line with paragraph 28 of that Annex, prior to the submission of an updated RIS.

**b) Describe briefly any major changes to the ecological character of the Ramsar site, including in the application of the Criteria, since the previous RIS for the site:**

**7. Map of site included:**

Refer to Annex III of the *Explanatory Notes and Guidelines*, for detailed guidance on provision of suitable maps, including digital maps.

**a) A map of the site, with clearly delineated boundaries, is included as:**

- i) **hard copy** (required for inclusion of site in the Ramsar List): *yes* ✓ -or- *no* ☐;
- ii) **an electronic format** (e.g. a JPEG or ArcView image) *Yes*
- iii) **a GIS file providing geo-referenced site boundary vectors and attribute tables** *yes* ✓ -or- *no* ☐;

**b) Describe briefly the type of boundary delineation applied:**

e.g. the boundary is the same as an existing protected area (nature reserve, national park etc.), or follows a catchment boundary, or follows a geopolitical boundary such as a local government jurisdiction, follows physical boundaries such as roads, follows the shoreline of a waterbody, etc.

The site boundary is the same as, or falls within, an existing protected area.

For precise boundary details, please refer to paper map provided at designation

**8. Geographical coordinates (latitude/longitude):**

50 44 25 N                      01 31 32 W

**9. General location:**

Include in which part of the country and which large administrative region(s), and the location of the nearest large town.

Nearest town/city: Southampton

Solent and Southampton Water lies on the central south coast of England.

**Administrative region:** City of Portsmouth; City of Southampton; Hampshire; Isle of Wight

**10. Elevation (average and/or max. & min.) (metres):    11. Area (hectares): 5346.44**

Min.        -1  
Max.        9  
Mean        1

**12. General overview of the site:**

Provide a short paragraph giving a summary description of the principal ecological characteristics and importance of the wetland.

The area covered extends from Hurst Spit to Gilkicker Point along the south coast of Hampshire and along the north coast of the Isle of Wight. The site comprises of estuaries and adjacent coastal habitats including intertidal flats, saline lagoons, shingle beaches, saltmarsh, reedbeds, damp woodland, and grazing marsh. The diversity of habitats support internationally important numbers of wintering waterfowl, important breeding gull and tern populations and an important assemblage of rare invertebrates and plants.

**13. Ramsar Criteria:**

Circle or underline each Criterion applied to the designation of the Ramsar site. See Annex II of the *Explanatory Notes and Guidelines* for the Criteria and guidelines for their application (adopted by Resolution VII.11).

**1, 2, 5, 6**

**14. Justification for the application of each Criterion listed in 13 above:**

Provide justification for each Criterion in turn, clearly identifying to which Criterion the justification applies (see Annex II for guidance on acceptable forms of justification).

Ramsar criterion 1

The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline



lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

#### Ramsar criterion 2

The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.

#### Ramsar criterion 5

#### Assemblages of international importance:

##### Species with peak counts in winter:

51343 waterfowl (5 year peak mean 1998/99-2002/2003)

#### Ramsar criterion 6 – species/populations occurring at levels of international importance.

##### Qualifying Species/populations (as identified at designation):

##### Species with peak counts in spring/autumn:

Ringed plover , <i>Charadrius hiaticula</i> , Europe/Northwest Africa	397 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3)
--	--

##### Species with peak counts in winter:

Dark-bellied brent goose, <i>Branta bernicla bernicla</i> ,	6456 individuals, representing an average of 3% of the population (5 year peak mean 1998/9-2002/3)
Eurasian teal , <i>Anas crecca</i> , NW Europe	5514 individuals, representing an average of 1.3% of the population (5 year peak mean 1998/9-2002/3)
Black-tailed godwit , <i>Limosa limosa islandica</i> , Iceland/W Europe	1240 individuals, representing an average of 3.5% of the population (5 year peak mean 1998/9-2002/3)

Contemporary data and information on waterbird trends at this site and their regional (sub-national) and national contexts can be found in the Wetland Bird Survey report, which is updated annually. See [www.bto.org/survey/webs/webs-alerts-index.htm](http://www.bto.org/survey/webs/webs-alerts-index.htm).

Details of bird species occurring at levels of National importance are given in Section 22

#### 15. Biogeography (required when Criteria 1 and/or 3 and /or certain applications of Criterion 2 are applied to the designation):

Name the relevant biogeographic region that includes the Ramsar site, and identify the biogeographic regionalisation system that has been applied.

##### a) biogeographic region:

Atlantic

##### b) biogeographic regionalisation scheme (include reference citation):

Council Directive 92/43/EEC

#### 16. Physical features of the site:

Describe, as appropriate, the geology, geomorphology; origins - natural or artificial; hydrology; soil type; water quality; water depth, water permanence; fluctuations in water level; tidal variations; downstream area; general climate, etc.

Soil & geology	acidic, neutral, shingle, sand, mud, alluvium, sedimentary
Geomorphology and landscape	lowland, island, coastal, floodplain, shingle bar, subtidal sediments (including sandbank/mudbank), intertidal sediments (including sandflat/mudflat), open coast (including bay), enclosed coast (including embayment), estuary, lagoon, intertidal rock
Nutrient status	eutrophic
pH	no information
Salinity	brackish / mixosaline, fresh, saline / euhaline
Soil	mainly mineral
Water permanence	usually permanent
Summary of main climatic features	Annual averages (Everton, 1971–2000) ( <a href="http://www.metoffice.com/climate/uk/averages/19712000/sites/everton.html">www.metoffice.com/climate/uk/averages/19712000/sites/everton.html</a> ) Max. daily temperature: 14.0° C Min. daily temperature: 7.0° C Days of air frost: 32.5 Rainfall: 763.7 mm Hrs. of sunshine: 1750.7

**General description of the Physical Features:**

The Solent and Southampton Water comprises a series of estuaries and harbours with extensive mudflats and saltmarshes together with adjacent coastal habitats including saline lagoons, shingle beaches, reedbeds, damp woodland and grazing marsh.

**17. Physical features of the catchment area:**

Describe the surface area, general geology and geomorphological features, general soil types, general land use, and climate (including climate type).

The Solent encompasses a major estuarine system on the south coast of England with four coastal plain estuaries (Yar, Medina, King's Quay Shore, Hamble) and four bar-built estuaries (Newtown Harbour, Beaulieu, Langstone Harbour, Chichester Harbour). The Solent and its inlets are unique in Britain and Europe for their hydrographic regime of four tides each day, and for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive estuarine flats, often with intertidal areas supporting eelgrass *Zostera* spp. and green algae, sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours.

**18. Hydrological values:**

Describe the functions and values of the wetland in groundwater recharge, flood control, sediment trapping, shoreline stabilization, etc.

Shoreline stabilisation and dissipation of erosive forces, Sediment trapping

**19. Wetland types:**

Marine/coastal wetland

Code	Name	% Area
G	Tidal flats	47.9
H	Salt marshes	18.5
Sp	Saline / brackish marshes: permanent	14.9
E	Sand / shingle shores (including dune systems)	12.1
Tp	Freshwater marshes / pools: permanent	3.7
D	Rocky shores	1.5

J	Coastal brackish / saline lagoons	0.7
Xf	Freshwater, tree-dominated wetlands	0.7

## 20. General ecological features:

Provide further description, as appropriate, of the main habitats, vegetation types, plant and animal communities present in the Ramsar site, and the ecosystem services of the site and the benefits derived from them.

The estuaries and harbours of the Solent are particularly sheltered and form the largest number and tightest cluster of small estuaries anywhere in Great Britain. The Solent and Isle of Wight system is notable for its large range and extent of different habitats.

The intertidal area is predominantly sedimentary in nature with extensive intertidal mud and sandflats within the sheltered harbours and areas of gravel and pebble sediments on more exposed beaches. These conditions combine to favour an abundant benthic fauna and green algae which support high densities of migrant and over-wintering wildfowl and waders. Eelgrass *Zostera* beds occur discontinuously along the north shore of the Isle of Wight and in a few places along the northern shore of The Solent.

The Solent system supports a wide range of saltmarsh communities. Upper saltmarshes are dominated by sea purslane *Atriplex portulacoides*, sea plantain *Plantago maritima*, sea meadow grass *Puccinellia maritima* and sea lavender *Limonium vulgare*; locally thrift *Armeria maritima* and the nationally scarce golden samphire *Inula crithmoides* are abundant. Lower saltmarsh vegetation tends to be dominated by sea purslane, cord grass *Spartina* spp., glasswort *Salicornia* spp. and sea-blite *Suaeda maritima*. Cord-grasses dominate much of the saltmarsh in Southampton Water and in parts of the Solent and it was the original location of the introduction of *Spartina alterniflora* and subsequent hybridisation with the native species.

There are several shingle spits including Hurst spit, Needs Ore Point, Calshot spit and Newtown Harbour spits which support a characteristic shingle flora.

A range of grassland types lie inshore of the intertidal zone including unimproved species-rich neutral and calcareous grasslands, brackish grazing marsh systems and reed dominated freshwater marshes.

The brackish water lagoons associated with grazing marsh systems behind the seawalls, e.g. Keyhaven-Lymington, Gilkicker lagoon, and at Brading Marshes contain internationally important communities of rare and endangered invertebrates and plants.

Ecosystem services

## 21. Noteworthy flora:

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in 12. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc. *Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.*

### Nationally important species occurring on the site.

#### Higher Plants.

*Eleocharis parvula*, *Geranium purpureum forsteri*, *Lotus angustissimus*, *Ludwigia palustris*,  
*Orobancha purpurea*, *Lamprothamnium papulosum*, *Spartina maritima* *Zostera marina*

## 22. Noteworthy fauna:

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in 12. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc., including count data. Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.

### Birds

#### Species currently occurring at levels of national importance:

#### Species regularly supported during the breeding season:

Mediterranean gull , <i>Larus melanocephalus</i> , Europe	11 apparently occupied nests, representing an average of 10.1% of the GB population (Seabird 2000 Census)
Black-headed gull , <i>Larus ridibundus</i> , N & C Europe	6911 apparently occupied nests, representing an average of 5.4% of the GB population (Seabird 2000 Census)
Sandwich tern , <i>Sterna</i> ( <i>Thalasseus</i> ) <i>sandvicensis sandvicensis</i> , W Europe	268 apparently occupied nests, representing an average of 2.5% of the GB population (Seabird 2000 Census)
Roseate tern , <i>Sterna dougallii dougallii</i> , W Europe	1 apparently occupied nests, representing an average of 1.9% of the GB population (Seabird 2000 Census)
Common tern , <i>Sterna hirundo hirundo</i> , N & E Europe	192 apparently occupied nests, representing an average of 1.8% of the GB population (Seabird 2000 Census)
Little tern , <i>Sterna albifrons albifrons</i> , W Europe	22 apparently occupied nests, representing an average of 1.1% of the GB population (Seabird 2000 Census)

#### Species with peak counts in spring/autumn:

Little egret , <i>Egretta garzetta</i> , West Mediterranean	115 individuals, representing an average of 6.9% of the GB population (5 year peak mean 1998/9-2002/3)
Spotted redshank , <i>Tringa erythropus</i> , Europe/W Africa	13 individuals, representing an average of 9.5% of the GB population (5 year peak mean 1998/9-2002/3)
Common greenshank , <i>Tringa nebularia</i> , Europe/W Africa	58 individuals, representing an average of 9.7% of the GB population (5 year peak mean 1998/9-2002/3)

#### Species with peak counts in winter:

Little grebe , <i>Tachybaptus ruficollis ruficollis</i> , Europe to E Urals, NW Africa	105 individuals, representing an average of 1.3% of the GB population (5 year peak mean 1998/9-2002/3)
Slavonian grebe , <i>Podiceps auritus</i> , Northwest Europe	12 individuals, representing an average of 1.6% of the GB population (5 year peak mean 1998/9-2002/3)
Black-necked grebe , <i>Podiceps nigricollis</i> <i>nigricollis</i> , Europe, N Africa	3 individuals, representing an average of 2.5% of the GB population (5 year peak mean 1998/9-2002/3)
Great cormorant , <i>Phalacrocorax carbo carbo</i> , NW Europe	247 individuals, representing an average of 1% of the GB population (5 year peak mean 1998/9-2002/3)

Common shelduck , <i>Tadorna tadorna</i> , NW Europe	964 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3)
Eurasian wigeon , <i>Anas penelope</i> , NW Europe	7907 individuals, representing an average of 1.9% of the GB population (5 year peak mean 1998/9-2002/3)
Northern pintail , <i>Anas acuta</i> , NW Europe	359 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3)
Northern shoveler , <i>Anas clypeata</i> , NW & C Europe	267 individuals, representing an average of 1.8% of the GB population (5 year peak mean 1998/9-2002/3)
Red-breasted merganser , <i>Mergus serrator</i> , NW & C Europe	142 individuals, representing an average of 1.4% of the GB population (5 year peak mean 1998/9-2002/3)
Water rail , <i>Rallus aquaticus</i> , Europe	17 individuals, representing an average of 3.7% of the GB population (5 year peak mean 1998/9-2002/3)
Grey plover , <i>Pluvialis squatarola</i> , E Atlantic/W Africa -wintering	1171 individuals, representing an average of 2.2% of the GB population (5 year peak mean 1998/9-2002/3)
Dunlin , <i>Calidris alpina alpina</i> , W Siberia/W Europe	10417 individuals, representing an average of 1.8% of the GB population (5 year peak mean 1998/9-2002/3)
Eurasian curlew , <i>Numenius arquata arquata</i> , N. a. arquata Europe (breeding)	1766 individuals, representing an average of 1.2% of the GB population (5 year peak mean 1998/9-2002/3)

### Species Information

#### Nationally important species occurring on the site.

#### Invertebrates.

*Allometita pellucida*, *Gammarus insensibilis*, *Nematostella vectensis*, *Arctosa fulvolineata*, *Aulonia albimana*, *Anisodactylus poeciloides*, *Anthonomus rufus*, *Baris analis*, *Berosus spinosus*, *Cantharis fusca*, *Drypta dentata*, *Leptura fulva*, *Meligethes bidentatus*, *Paracymus aeneus*, *Staphylinus caesareus*, *Aphrosylus mitis*, *Atylotus latistriatus*, *Dorycera graminum*, *Haematopoda grandis*, *Hippobosca equina*, *Linnaemya compta*, *Stratiomys longicornis*, *Syntormon mikii*, *Tetanocera freyi*, *Villa circumdata*, *Trachysphaera lobata*, *Paludinella littorina*, *Truncatellina cylindrica*, *Andrena alfenella*, *Acleris lorquiniana*, *Elachista littoricola*, *Melissoblaptes zelleri*, *Platytes alpinella*, *Psamathrocrita argentella*, *Armandia cirrhosa*

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### 23. Social and cultural values:

Describe if the site has any general social and/or cultural values e.g. fisheries production, forestry, religious importance, archaeological sites, social relations with the wetland, etc. Distinguish between historical/archaeological/religious significance and current socio-economic values.

Aesthetic  
 Aquatic vegetation (e.g. reeds, willows, seaweed)  
 Archaeological/historical site  
 Environmental education/ interpretation  
 Fisheries production  
 Livestock grazing  
 Non-consumptive recreation  
 Scientific research

Sport fishing  
 Sport hunting  
 Tourism  
 Traditional cultural  
 Transportation/navigation

**b)** Is the site considered of international importance for holding, in addition to relevant ecological values, examples of significant cultural values, whether material or non-material, linked to its origin, conservation and/or ecological functioning? **No**

If Yes, describe this importance under one or more of the following categories:

- i) sites which provide a model of wetland wise use, demonstrating the application of traditional knowledge and methods of management and use that maintain the ecological character of the wetland:
- ii) sites which have exceptional cultural traditions or records of former civilizations that have influenced the ecological character of the wetland:
- iii) sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples:
- iv) sites where relevant non-material values such as sacred sites are present and their existence is strongly linked with the maintenance of the ecological character of the wetland:

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#### 24. Land tenure/ownership:

Ownership category	On-site	Off-site
Non-governmental organisation (NGO)	+	+
Local authority, municipality etc.	+	+
National/Crown Estate	+	+
Private	+	+
Public/communal	+	+
Other	+	+

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#### 25. Current land (including water) use:

Activity	On-site	Off-site
Nature conservation	+	
Tourism	+	
Recreation	+	
Current scientific research	+	
Collection of non-timber natural products: (unspecified)	+	
Commercial forestry		+
Cutting/coppicing for firewood/fuel	+	
Fishing: (unspecified)	+	
Fishing: commercial	+	
Fishing: recreational/sport	+	
Marine/saltwater aquaculture	+	
Gathering of shellfish	+	
Bait collection	+	

Arable agriculture (unspecified)		+
Permanent arable agriculture		+
Permanent pastoral agriculture	+	
Hay meadows	+	
Hunting: recreational/sport	+	
Industry		+
Sewage treatment/disposal	+	
Harbour/port	+	
Flood control	+	
Irrigation (incl. agricultural water supply)		+
Mineral exploration (excl. hydrocarbons)		+
Oil/gas exploration		+
Oil/gas production		+
Transport route		+
Domestic water supply		+
Urban development		+
Non-urbanised settlements		+
Military activities	+	+

**26. Factors (past, present or potential) adversely affecting the site's ecological character, including changes in land (including water) use and development projects:**

*Explanation of reporting category:*

1. Those factors that are still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful.
2. Those factors that are not currently being managed, or where the regulatory regime appears to have been ineffective so far.

NA = Not Applicable because no factors have been reported.

Adverse Factor Category	Reporting Category	Description of the problem (Newly reported Factors only)	On-Site	Off-Site	Major Impact?
Erosion	2		+		+

For category 2 factors only.

What measures have been taken / are planned / regulatory processes invoked, to mitigate the effect of these factors? Erosion - Coastal Defence Strategies, regulation of private coastal defences, shoreline management plans, ChAMPs are in place or are being developed.

Is the site subject to adverse ecological change? YES

**27. Conservation measures taken:**

List national category and legal status of protected areas, including boundary relationships with the Ramsar site; management practices; whether an officially approved management plan exists and whether it is being implemented.

Conservation measure	On-site	Off-site
Site/ Area of Special Scientific Interest (SSSI/ASSI)	+	
National Nature Reserve (NNR)	+	+
Special Protection Area (SPA)	+	
Land owned by a non-governmental organisation for nature conservation	+	+
Management agreement	+	+
Special Area of Conservation (SAC)	+	
Management plan in preparation	+	

**b) Describe any other current management practices:**

The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency. Details of the precise management practises are given in these documents.

**28. Conservation measures proposed but not yet implemented:**

e.g. management plan in preparation; official proposal as a legally protected area, etc.

No information available

**29. Current scientific research and facilities:**

e.g. details of current research projects, including biodiversity monitoring; existence of a field research station, etc.

**Contemporary.**

Numbers of migratory and wintering waterfowl are monitored annually as part of the national Wetland Birds Survey (WeBS) organised by the British Trust for Ornithology, Wildfowl & Wetlands Trust, the Royal Society for the Protection of Birds and the Joint Nature Conservation Committee. Bird Ringing by Solent Shorebirds Study Group.

**Environment.**

Coastal Sediment (SCOPAC)

Water Quality (EA/Southern Water)

Various research and educational establishments carry out ongoing research into a number of different aspects of the environment.

**Flora.**

Saltmarsh Monitoring (EN project).

*Spartina* survey (EN project).

**Completed.****Flora.**

Sand dune and saltmarsh NVC survey.

Habitats.

Habitat surveys (various local individual surveys).

Species surveys (various local individual surveys).

**30. Current communications, education and public awareness (CEPA) activities related to or benefiting the site:**

e.g. visitor centre, observation hides and nature trails, information booklets, facilities for school visits, etc.

Various educational programmes exist within the voluntary conservation organisations, research institutes, education centres and also Local Authorities e.g. Newtown National Nature Reserve managed by National Trust, Medina Valley Centre, and Southampton Oceanography Centre.



There are a number of interpretation facilities present and proposed in the area e.g. National Nature Reserve & Local Nature Reserve and proposed centre of coastal management on Isle of Wight.

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### 31. Current recreation and tourism:

State if the wetland is used for recreation/tourism; indicate type(s) and their frequency/intensity.

#### Activities, Facilities provided and Seasonality.

Almost all the estuaries in the Ramsar site are used extensively for a wide range of leisure and recreational activities, particularly water-based recreation.

Land based recreation:

Walking including dog-walking is popular along large stretches of the coast and estuaries. The presence of country parks, NNR and LNRs on the coast also attract large numbers of people to certain locations.

Bait-digging and collection of shellfish occurs in a number of locations. Birdwatching is also a popular activity with a number of favoured locations with easy access. Some golf courses are also present.

Water-based recreation:

The Solent is an internationally important centre for yachting, dinghy sailing and power-boating and nationally important for canoeing, and water-skiing. A small amount of hovercraft racing sometimes occurs.

Wildfowling and egg collection:

Private, syndicate and club wildfowling operate on the marshes. Small-scale egg-collecting also occurs. Bait-digging and angling also occur.

Air Recreation:

There is a proposed microlighting centre within the area.

The high degree of recreation in the Solent is accompanied by a high degree of supporting developments e.g. marinas, boatyards, clubs, holiday centres occur throughout the area.

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### 32. Jurisdiction:

Include territorial, e.g. state/region, and functional/sectoral, e.g. Dept. of Agriculture/Dept. of Environment, etc.

Head, Natura 2000 and Ramsar Team, Department for Environment, Food and Rural Affairs, European Wildlife Division, Zone 1/07, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB

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### 33. Management authority:

Provide the name and address of the local office(s) of the agency(ies) or organisation(s) directly responsible for managing the wetland. Wherever possible provide also the title and/or name of the person or persons in this office with responsibility for the wetland.

Site Designations Manager, English Nature, Sites and Surveillance Team, Northminster House, Northminster Road, Peterborough, PE1 1UA, UK

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### 34. Bibliographical references:

Scientific/technical references only. If biogeographic regionalisation scheme applied (see 15 above), list full reference citation for the scheme.

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Please return to: **Ramsar Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland**  
Telephone: +41 22 999 0170 • Fax: +41 22 999 0169 • email: [ramsar@ramsar.org](mailto:ramsar@ramsar.org)

### **Appendix 3**    Portsmouth Harbour SPA/Ramsar site Citations

# NATURA 2000 – STANDARD DATA FORM

## Special Protection Areas under the EC Birds Directive.

Each Natura 2000 site in the United Kingdom has its own Standard Data Form containing site-specific information. The data form for this site has been generated from the Natura 2000 Database submitted to the European Commission on the following date:

22/12/2015

The information provided here, follows the officially agreed site information format for Natura 2000 sites, as set out in the [Official Journal of the European Union recording the Commission Implementing Decision of 11 July 2011](#) (2011/484/EU).

The Standard Data Forms are generated automatically for all of the UK's Natura 2000 sites using the European Environment Agency's Natura 2000 software. The structure and format of these forms is exactly as produced by the EEA's Natura 2000 software (except for the addition of this coversheet and the end notes). The content matches exactly the data submitted to the European Commission.

Please note that these forms contain a number of codes, all of which are explained either within the data forms themselves or in the end notes.

Further technical documentation may be found here  
[http://bd.eionet.europa.eu/activities/Natura\\_2000/reference\\_portal](http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal)

As part of the December 2015 submission, several sections of the UK's previously published Standard Data Forms have been updated. For details of the approach taken by the UK in this submission please refer to the following document:  
[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

More general information on Special Protection Areas (SPAs) in the United Kingdom is available from the [SPA home page on the JNCC website](#). This webpage also provides links to Standard Data Forms for all SPAs in the UK.

Date form generated by the Joint Nature Conservation Committee  
25 January 2016.



# NATURA 2000 - STANDARD DATA FORM

For Special Protection Areas (SPA),  
Proposed Sites for Community Importance (pSCI),  
Sites of Community Importance (SCI) and  
for Special Areas of Conservation (SAC)

SITE UK9011051  
SITENAME Portsmouth Harbour

## TABLE OF CONTENTS

- [1. SITE IDENTIFICATION](#)
- [2. SITE LOCATION](#)
- [3. ECOLOGICAL INFORMATION](#)
- [4. SITE DESCRIPTION](#)
- [5. SITE PROTECTION STATUS AND RELATION WITH CORINE BIOTOPES](#)
- [6. SITE MANAGEMENT](#)

## 1. SITE IDENTIFICATION

<b>1.1 Type</b> A	<b>1.2 Site code</b> UK9011051	<a href="#">Back to top</a>
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### 1.3 Site name

Portsmouth Harbour
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<b>1.4 First Compilation date</b> 1995-02	<b>1.5 Update date</b> 2015-12
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### 1.6 Respondent:

<b>Name/Organisation:</b> Joint Nature Conservation Committee
<b>Address:</b> Joint Nature Conservation Committee Monkstone House City Road Peterborough PE1 1JY
<b>Email:</b>

### 1.7 Site indication and designation / classification dates

<b>Date site classified as SPA:</b>	1995-02
<b>National legal reference of SPA designation</b>	Regulations 12A and 13-15 of the Conservation Habitats and Species Regulations 2010, ( <a href="http://www.legislation.gov.uk/ukxi/2010/490/contents/made">http://www.legislation.gov.uk/ukxi/2010/490/contents/made</a> ) as amended by The Conservation of Habitats and Species (Amendment) Regulations 2011 ( <a href="http://www.legislation.gov.uk/ukxi/2011/625/contents/made">http://www.legislation.gov.uk/ukxi/2011/625/contents/made</a> ).

## 2. SITE LOCATION

[Back to top](#)

## 2.1 Site-centre location [decimal degrees]:

### Longitude

-1.125555556

### Latitude

50.82805556

## 2.2 Area [ha]:

1249.6

## 2.3 Marine area [%]

98.4

## 2.4 Sitelength [km]:

0.0

## 2.5 Administrative region code and name

### NUTS level 2 code

### Region Name

UKJ3	Hampshire and Isle of Wight
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## 2.6 Biogeographical Region(s)

Atlantic (100.0  
%)

## 3. ECOLOGICAL INFORMATION

[Back to top](#)

### 3.2 Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

Species					Population in the site						Site assessment			
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D	A B C		
						Min	Max				Pop.	Con.	Iso.	Glo.
B	A675	<a href="#">Branta bernicla bernicla</a>			w	2847	2847	i		G	B		C	
B	A672	<a href="#">Calidris alpina alpina</a>			w	5123	5123	i		G	C		C	
B	A616	<a href="#">Limosa limosa islandica</a>			w	31	31	i		G	C		C	
B	A069	<a href="#">Mergus serrator</a>			w	87	87	i		G	C		C	

- **Group:** A = Amphibians, B = Birds, F = Fish, I = Invertebrates, M = Mammals, P = Plants, R = Reptiles
- **S:** in case that the data on species are sensitive and therefore have to be blocked for any public access enter: yes
- **NP:** in case that a species is no longer present in the site enter: x (optional)
- **Type:** p = permanent, r = reproducing, c = concentration, w = wintering (for plant and non-migratory species use permanent)
- **Unit:** i = individuals, p = pairs or other units according to the Standard list of population units and codes in accordance with Article 12 and 17 reporting (see [reference portal](#))
- **Abundance categories (Cat.):** C = common, R = rare, V = very rare, P = present - to fill if data are

deficient (DD) or in addition to population size information

- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation); VP = 'Very poor' (use this category only, if not even a rough estimation of the population size can be made, in this case the fields for population size can remain empty, but the field "Abundance categories" has to be filled in)

## 4. SITE DESCRIPTION

### 4.1 General site character

[Back to top](#)

Habitat class	% Cover
N02	85.0
N03	14.0
N10	1.0
<b>Total Habitat Cover</b>	<b>100</b>

#### Other Site Characteristics

1 Terrestrial: Soil & Geology: nutrient-rich,mud,neutral,sedimentary,alluvium,acidic 2 Terrestrial: Geomorphology and landscape: lowland,coastal 3 Marine: Geology: sedimentary,mud,gravel 4 Marine: Geomorphology: estuary,enclosed coast (including embayment),intertidal sediments (including sandflat/mudflat),islands,subtidal sediments (including sandbank/mudbank),lagoon

### 4.2 Quality and importance

ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports: Branta bernicla bernicla (Western Siberia/Western Europe) 0.9% of the population 5 year peak mean 1991/92-1995/96 Calidris alpina alpina (Northern Siberia/Europe/Western Africa) 1% of the population in Great Britain 5 year peak mean 1991/92-1995/96 Limosa limosa islandica (Iceland - breeding) 0.4% of the population in Great Britain 5 year peak mean 1991/92-1995/96 Mergus serrator (North-western/Central Europe) 0.9% of the population in Great Britain 5 year peak mean 1991/92-1995/96

### 4.3 Threats, pressures and activities with impacts on the site

The most important impacts and activities with high effect on the site

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
H	H02		B
H	M02		B
H	M01		B
H	G01		I
H	F02		I

Rank: H = high, M = medium, L = low

Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification,

T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions

i = inside, o = outside, b = both

Positive Impacts			
Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]

### 4.5 Documentation

Conservation Objectives - the Natural England links below provide access to the Conservation Objectives (and other site-related information) for its terrestrial and inshore Natura 2000 sites, including conservation advice packages and supporting documents for European Marine Sites within English waters and for cross-border sites. See also the 'UK Approach' document for more information (link via the JNCC website).



Link(s): <http://publications.naturalengland.org.uk/category/6490068894089216>

<http://publications.naturalengland.org.uk/category/3212324>

[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

## 5. SITE PROTECTION STATUS (optional)

[Back to top](#)

### 5.1 Designation types at national and regional level:

Code	Cover [%]	Code	Cover [%]	Code	Cover [%]
UK04	100.0				

## 6. SITE MANAGEMENT

[Back to top](#)

### 6.1 Body(ies) responsible for the site management:

Organisation:	Natural England
Address:	
Email:	

### 6.2 Management Plan(s):

An actual management plan does exist:

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No, but in preparation
<input checked="" type="checkbox"/>	No

### 6.3 Conservation measures (optional)

For available information, including on Conservation Objectives, see Section 4.5.

## EXPLANATION OF CODES USED IN THE NATURA 2000 STANDARD DATA FORMS

The codes in the table below are also explained in the [official European Union guidelines for the Standard Data Form](#). The relevant page is shown in the table below.

### 1.1 Site type

CODE	DESCRIPTION	PAGE NO
A	Designated Special Protection Area	53
B	SAC (includes candidates Special Areas of Conservation, Sites of Community Importance and designated SAC)	53
C	SAC area the same as SPA. Note in the UK Natura 2000 submission this is only used for Gibraltar	53

### 3.1 Habitat representativity

CODE	DESCRIPTION	PAGE NO
A	Excellent	57
B	Good	57
C	Significant	57
D	Non-significant presence	57

### 3.1 Habitat code

CODE	DESCRIPTION	PAGE NO
1110	Sandbanks which are slightly covered by sea water all the time	57
1130	Estuaries	57
1140	Mudflats and sandflats not covered by seawater at low tide	57
1150	Coastal lagoons	57
1160	Large shallow inlets and bays	57
1170	Reefs	57
1180	Submarine structures made by leaking gases	57
1210	Annual vegetation of drift lines	57
1220	Perennial vegetation of stony banks	57
1230	Vegetated sea cliffs of the Atlantic and Baltic Coasts	57
1310	Salicornia and other annuals colonizing mud and sand	57
1320	Spartina swards (Spartinion maritimae)	57
1330	Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	57
1340	Inland salt meadows	57
1420	Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	57
2110	Embryonic shifting dunes	57
2120	Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	57
2130	Fixed coastal dunes with herbaceous vegetation ("grey dunes")	57
2140	Decalcified fixed dunes with Empetrum nigrum	57
2150	Atlantic decalcified fixed dunes (Calluno-Ulicetea)	57
2160	Dunes with Hippophila rhamnoides	57
2170	Dunes with Salix repens ssp. argentea (Salicion arenariae)	57
2190	Humid dune slacks	57
21A0	Machairs (* in Ireland)	57
2250	Coastal dunes with Juniperus spp.	57
2330	Inland dunes with open Corynephorus and Agrostis grasslands	57
3110	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	57
3130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	57
3140	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	57
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	57

CODE	DESCRIPTION	PAGE NO
3160	Natural dystrophic lakes and ponds	57
3170	Mediterranean temporary ponds	57
3180	Turloughs	57
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	57
4010	Northern Atlantic wet heaths with Erica tetralix	57
4020	Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix	57
4030	European dry heaths	57
4040	Dry Atlantic coastal heaths with Erica vagans	57
4060	Alpine and Boreal heaths	57
4080	Sub-Arctic Salix spp. scrub	57
5110	Stable xerothermophilous formations with Buxus sempervirens on rock slopes (Berberidion p.p.)	57
5130	Juniperus communis formations on heaths or calcareous grasslands	57
6130	Calaminarian grasslands of the Violetalia calaminariae	57
6150	Siliceous alpine and boreal grasslands	57
6170	Alpine and subalpine calcareous grasslands	57
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	57
6230	Species-rich Nardus grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)	57
6410	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	57
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	57
6510	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	57
6520	Mountain hay meadows	57
7110	Active raised bogs	57
7120	Degraded raised bogs still capable of natural regeneration	57
7130	Blanket bogs (* if active bog)	57
7140	Transition mires and quaking bogs	57
7150	Depressions on peat substrates of the Rhynchosporion	57
7210	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	57
7220	Petrifying springs with tufa formation (Cratoneurion)	57
7230	Alkaline fens	57
7240	Alpine pioneer formations of the Caricion bicoloris-atrofuscae	57
8110	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	57
8120	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietalia rotundifoliae)	57
8210	Calcareous rocky slopes with chasmophytic vegetation	57
8220	Siliceous rocky slopes with chasmophytic vegetation	57
8240	Limestone pavements	57
8310	Caves not open to the public	57
8330	Submerged or partially submerged sea caves	57
9120	Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robur-petraeae or Ilici-Fagenion)	57
9130	Asperulo-Fagetum beech forests	57
9160	Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	57
9180	Tilio-Acerion forests of slopes, screes and ravines	57
9190	Old acidophilous oak woods with Quercus robur on sandy plains	57
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	57
91C0	Caledonian forest	57
91D0	Bog woodland	57
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	57
91J0	Taxus baccata woods of the British Isles	57

### 3.1 Relative surface

CODE	DESCRIPTION	PAGE NO
A	15%-100%	58
B	2%-15%	58
C	< 2%	58

### 3.1 Conservation status habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	59
B	Good conservation	59
C	Average or reduced conservation	59

### 3.1 Global grade habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent value	59
B	Good value	59
C	Significant value	59

### 3.2 Population (abbreviated to 'Pop.' in data form)

CODE	DESCRIPTION	PAGE NO
A	15%-100%	62
B	2%-15%	62
C	< 2%	62
D	Non-significant population	62

### 3.2 Conservation status species (abbreviated to 'Con.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	63
B	Good conservation	63
C	Average or reduced conservation	63

### 3.2 Isolation (abbreviated to 'Iso.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Population (almost) Isolated	63
B	Population not-isolated, but on margins of area of distribution	63
C	Population not-isolated within extended distribution range	63

### 3.2 Global Grade (abbreviated to 'Glo.' Or 'G.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent value	63
B	Good value	63
C	Significant value	63

### 3.3 Assemblages types

CODE	DESCRIPTION	PAGE NO
WATR	Non breeding waterfowl assemblage	UK specific code
SBA	Breeding seabird assemblage	UK specific code
BBA	Breeding bird assemblage (applies only to sites classified pre 2000)	UK specific code

#### 4.1 Habitat class code

CODE	DESCRIPTION	PAGE NO
N01	Marine areas, Sea inlets	65
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	65
N03	Salt marshes, Salt pastures, Salt steppes	65
N04	Coastal sand dunes, Sand beaches, Machair	65
N05	Shingle, Sea cliffs, Islets	65
N06	Inland water bodies (Standing water, Running water)	65
N07	Bogs, Marshes, Water fringed vegetation, Fens	65
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	65
N09	Dry grassland, Steppes	65
N10	Humid grassland, Mesophile grassland	65
N11	Alpine and sub-Alpine grassland	65
N14	Improved grassland	65
N15	Other arable land	65
N16	Broad-leaved deciduous woodland	65
N17	Coniferous woodland	65
N19	Mixed woodland	65
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	65
N22	Inland rocks, Screes, Sands, Permanent Snow and ice	65
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	65
N25	Grassland and scrub habitats (general)	65
N26	Woodland habitats (general)	65

#### 4.3 Threats code

CODE	DESCRIPTION	PAGE NO
A01	Cultivation	65
A02	Modification of cultivation practices	65
A03	Mowing / cutting of grassland	65
A04	Grazing	65
A05	Livestock farming and animal breeding (without grazing)	65
A06	Annual and perennial non-timber crops	65
A07	Use of biocides, hormones and chemicals	65
A08	Fertilisation	65
A10	Restructuring agricultural land holding	65
A11	Agriculture activities not referred to above	65
B01	Forest planting on open ground	65
B02	Forest and Plantation management & use	65
B03	Forest exploitation without replanting or natural regrowth	65
B04	Use of biocides, hormones and chemicals (forestry)	65
B06	Grazing in forests/ woodland	65
B07	Forestry activities not referred to above	65
C01	Mining and quarrying	65
C02	Exploration and extraction of oil or gas	65
C03	Renewable abiotic energy use	65
D01	Roads, paths and railroads	65
D02	Utility and service lines	65
D03	Shipping lanes, ports, marine constructions	65
D04	Airports, flightpaths	65
D05	Improved access to site	65
E01	Urbanised areas, human habitation	65
E02	Industrial or commercial areas	65

CODE	DESCRIPTION	PAGE NO
E03	Discharges	65
E04	Structures, buildings in the landscape	65
E06	Other urbanisation, industrial and similar activities	65
F01	Marine and Freshwater Aquaculture	65
F02	Fishing and harvesting aquatic resources	65
F03	Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)	65
F04	Taking / Removal of terrestrial plants, general	65
F05	Illegal taking/ removal of marine fauna	65
F06	Hunting, fishing or collecting activities not referred to above	65
G01	Outdoor sports and leisure activities, recreational activities	65
G02	Sport and leisure structures	65
G03	Interpretative centres	65
G04	Military use and civil unrest	65
G05	Other human intrusions and disturbances	65
H01	Pollution to surface waters (limnic & terrestrial, marine & brackish)	65
H02	Pollution to groundwater (point sources and diffuse sources)	65
H03	Marine water pollution	65
H04	Air pollution, air-borne pollutants	65
H05	Soil pollution and solid waste (excluding discharges)	65
H06	Excess energy	65
H07	Other forms of pollution	65
I01	Invasive non-native species	65
I02	Problematic native species	65
I03	Introduced genetic material, GMO	65
J01	Fire and fire suppression	65
J02	Human induced changes in hydraulic conditions	65
J03	Other ecosystem modifications	65
K01	Abiotic (slow) natural processes	65
K02	Biocenotic evolution, succession	65
K03	Interspecific faunal relations	65
K04	Interspecific floral relations	65
K05	Reduced fecundity/ genetic depression	65
L05	Collapse of terrain, landslide	65
L07	Storm, cyclone	65
L08	Inundation (natural processes)	65
L10	Other natural catastrophes	65
M01	Changes in abiotic conditions	65
M02	Changes in biotic conditions	65
U	Unknown threat or pressure	65
XO	Threats and pressures from outside the Member State	65

### 5.1 Designation type codes

CODE	DESCRIPTION	PAGE NO
UK00	No Protection Status	67
UK01	National Nature Reserve	67
UK02	Marine Nature Reserve	67
UK04	Site of Special Scientific Interest (UK)	67

# Information Sheet on Ramsar Wetlands (RIS)

*Categories approved by Recommendation 4.7 (1990), as amended by Resolution VIII.13 of the 8<sup>th</sup> Conference of the Contracting Parties (2002) and Resolutions IX.1 Annex B, IX.6, IX.21 and IX.22 of the 9<sup>th</sup> Conference of the Contracting Parties (2005).*

## Notes for compilers:

1. The RIS should be completed in accordance with the attached *Explanatory Notes and Guidelines for completing the Information Sheet on Ramsar Wetlands*. Compilers are strongly advised to read this guidance before filling in the RIS.
2. Further information and guidance in support of Ramsar site designations are provided in the *Strategic Framework for the future development of the List of Wetlands of International Importance* (Ramsar Wise Use Handbook 7, 2nd edition, as amended by COP9 Resolution IX.1 Annex B). A 3rd edition of the Handbook, incorporating these amendments, is in preparation and will be available in 2006.
3. Once completed, the RIS (and accompanying map(s)) should be submitted to the Ramsar Secretariat. Compilers should provide an electronic (MS Word) copy of the RIS and, where possible, digital copies of all maps.

---

## 1. Name and address of the compiler of this form:

### Joint Nature Conservation Committee

Monkstone House

City Road

Peterborough

Cambridgeshire PE1 1JY

UK

Telephone/Fax: +44 (0)1733 – 562 626 / +44 (0)1733 – 555 948

Email: [RIS@JNCC.gov.uk](mailto:RIS@JNCC.gov.uk)

FOR OFFICE USE ONLY.

DD MM YY

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Designation date

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Site Reference Number

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## 2. Date this sheet was completed/updated:

Designated: 28 February 1995

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## 3. Country:

UK (England)

---

## 4. Name of the Ramsar site:

Portsmouth Harbour

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## 5. Designation of new Ramsar site or update of existing site:

**This RIS is for:** Updated information on an existing Ramsar site

---

## 6. **For RIS updates only**, changes to the site since its designation or earlier update:

### a) Site boundary and area:

**\*\* Important note:** If the boundary and/or area of the designated site is being restricted/reduced, the Contracting Party should have followed the procedures established by the Conference of the Parties in the Annex to COP9 Resolution IX.6 and provided a report in line with paragraph 28 of that Annex, prior to the submission of an updated RIS.

**b) Describe briefly any major changes to the ecological character of the Ramsar site, including in the application of the Criteria, since the previous RIS for the site:**

**7. Map of site included:**

Refer to Annex III of the *Explanatory Notes and Guidelines*, for detailed guidance on provision of suitable maps, including digital maps.

**a) A map of the site, with clearly delineated boundaries, is included as:**

- i) **hard copy** (required for inclusion of site in the Ramsar List): *yes* ✓ -or- *no* ☐;
- ii) **an electronic format** (e.g. a JPEG or ArcView image) *Yes*
- iii) **a GIS file providing geo-referenced site boundary vectors and attribute tables** *yes* ✓ -or- *no* ☐;

**b) Describe briefly the type of boundary delineation applied:**

e.g. the boundary is the same as an existing protected area (nature reserve, national park etc.), or follows a catchment boundary, or follows a geopolitical boundary such as a local government jurisdiction, follows physical boundaries such as roads, follows the shoreline of a waterbody, etc.

The site boundary is the same as, or falls within, an existing protected area.

For precise boundary details, please refer to paper map provided at designation

**8. Geographical coordinates (latitude/longitude):**

50 49 41 N                      01 07 32 W

**9. General location:**

Include in which part of the country and which large administrative region(s), and the location of the nearest large town.

Nearest town/city: Portsmouth

Portsmouth Harbour lies on the central south coast of mainland England, to the west of Portsmouth City.

**Administrative region:** Hampshire

**10. Elevation** (average and/or max. & min.) (metres):    **11. Area** (hectares): 1248.77

Min.	-1
Max.	1
Mean	0

**12. General overview of the site:**

Provide a short paragraph giving a summary description of the principal ecological characteristics and importance of the wetland.

Portsmouth Harbour is a large industrialised estuary and includes one of the four largest expanses of mudflats and tidal creeks on the south coast of Britain. The mudflats support large beds of narrow-leaved and dwarf eelgrass, extensive green alga and sea lettuce. The harbour has only a narrow connection to the sea via the Solent, and receives comparatively little freshwater, thus giving it an unusual hydrology. The site supports internationally important numbers of wintering dark-bellied brent geese and nationally important numbers of grey plover, dunlin and black-tailed godwit.

**13. Ramsar Criteria:**

Circle or underline each Criterion applied to the designation of the Ramsar site. See Annex II of the *Explanatory Notes and Guidelines* for the Criteria and guidelines for their application (adopted by Resolution VII.11).

**3, 6**

**14. Justification for the application of each Criterion listed in 13 above:**

Provide justification for each Criterion in turn, clearly identifying to which Criterion the justification applies (see Annex II for guidance on acceptable forms of justification).

Ramsar criterion 3

The intertidal mudflat areas possess extensive beds of eelgrass *Zostera angustifolia* and *Zostera noltei* which support the grazing dark-bellied brent geese populations. The mud-snail *Hydrobia ulvae* is



found at extremely high densities, which helps to support the wading bird interest of the site. Common cord-grass *Spartina anglica* dominates large areas of the saltmarsh and there are also extensive areas of green algae *Enteromorpha* spp. and sea lettuce *Ulva lactuca*. More locally the saltmarsh is dominated by sea purslane *Halimione portulacoides* which gradates to more varied communities at the higher shore levels. The site also includes a number of saline lagoons hosting nationally important species.

**Ramsar criterion 6 – species/populations occurring at levels of international importance.**

**Qualifying Species/populations (as identified at designation):**

**Species with peak counts in winter:**

Dark-bellied brent goose, *Branta bernicla* 2105 individuals, representing an average of 2.1% of the GB population (5 year peak mean 1998/9-2002/3)

Contemporary data and information on waterbird trends at this site and their regional (sub-national) and national contexts can be found in the Wetland Bird Survey report, which is updated annually. See [www.bto.org/survey/webs/webs-alerts-index.htm](http://www.bto.org/survey/webs/webs-alerts-index.htm). See Sections 21/22 for details of noteworthy species

**15. Biogeography** (required when Criteria 1 and/or 3 and /or certain applications of Criterion 2 are applied to the designation):

Name the relevant biogeographic region that includes the Ramsar site, and identify the biogeographic regionalisation system that has been applied.

**a) biogeographic region:**

Atlantic

**b) biogeographic regionalisation scheme** (include reference citation):

Council Directive 92/43/EEC

**16. Physical features of the site:**

Describe, as appropriate, the geology, geomorphology; origins - natural or artificial; hydrology; soil type; water quality; water depth, water permanence; fluctuations in water level; tidal variations; downstream area; general climate, etc.

Soil & geology	acidic, neutral, mud, alluvium, nutrient-rich, sedimentary, gravel
Geomorphology and landscape	lowland, island, coastal, subtidal sediments (including sandbank/mudbank), intertidal sediments (including sandflat/mudflat), enclosed coast (including embayment), estuary, islands, lagoon
Nutrient status	eutrophic, mesotrophic
pH	circumneutral
Salinity	saline / euhaline
Soil	mainly mineral
Water permanence	usually permanent

Summary of main climatic features	Annual averages (Bognor Regis, 1971–2000) ( <a href="http://www.metoffice.com/climate/uk/averages/19712000/sites/bognor_regis.html">www.metoffice.com/climate/uk/averages/19712000/sites/bognor_regis.html</a> ) Max. daily temperature: 13.7° C Min. daily temperature: 7.7° C Days of air frost: 24.0 Rainfall: 717.4 mm Hrs. of sunshine: 1902.9
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**General description of the Physical Features:**

Portsmouth Harbour is a large industrialised estuary and includes one of the four largest expanses of mudflats and tidal creeks on the south coast of Britain. Portsmouth Harbour has only a narrow connection to the sea via the Solent, and receives comparatively little fresh water, thus giving it an unusual hydrology.

**17. Physical features of the catchment area:**

Describe the surface area, general geology and geomorphological features, general soil types, general land use, and climate (including climate type).

Portsmouth Harbour is a large industrialised estuary and includes one of the four largest expanses of mudflats and tidal creeks on the south coast of Britain. Portsmouth Harbour has only a narrow connection to the sea via the Solent, and receives comparatively little fresh water, thus giving it an unusual hydrology.

**18. Hydrological values:**

Describe the functions and values of the wetland in groundwater recharge, flood control, sediment trapping, shoreline stabilization, etc.

Shoreline stabilisation and dissipation of erosive forces

**19. Wetland types:**

Marine/coastal wetland

Code	Name	% Area
G	Tidal flats	59.3
F	Estuarine waters	21.2
H	Salt marshes	14
B	Marine beds (e.g. sea grass beds)	4.8
Other	Other	0.3
J	Coastal brackish / saline lagoons	0.3
E	Sand / shingle shores (including dune systems)	0.08

**20. General ecological features:**

Provide further description, as appropriate, of the main habitats, vegetation types, plant and animal communities present in the Ramsar site, and the ecosystem services of the site and the benefits derived from them.

Portsmouth Harbour comprises a large, sheltered estuarine basins supporting extensive intertidal mudflats with *Zostera* beds and significant areas of mainly *Spartina* saltmarsh. The site also includes small, isolated shingle islands supporting scrub and broad-leaved woodland and two saline lagoon habitats. The site supports important overwintering populations of migratory waterfowl. A number of off-site areas of grassland are particularly important feeding sites for overwintering dark-bellied brent geese and as roosting areas for waders.

Ecosystem services

**21. Noteworthy flora:**

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in 12. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc. *Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.*

**Nationally important species occurring on the site.****Higher Plants.**

*Zostera noltei*, *Zostera angustifolia*, *Zostera marina*, *Inula crithmoides*

---

**22. Noteworthy fauna:**

Provide additional information on particular species and why they are noteworthy (expanding as necessary on information provided in 12. Justification for the application of the Criteria) indicating, e.g. which species/communities are unique, rare, endangered or biogeographically important, etc., including count data. *Do not include here taxonomic lists of species present – these may be supplied as supplementary information to the RIS.*

**Birds****Species currently occurring at levels of national importance:****Species with peak counts in spring/autumn:**

Little egret , <i>Egretta garzetta</i> , West Mediterranean	47 individuals, representing an average of 2.8% of the GB population (5 year peak mean 1998/9-2002/3)
Black-tailed godwit , <i>Limosa limosa islandica</i> , Iceland/W Europe	343 individuals, representing an average of 2.2% of the GB population (5 year peak mean 1998/9-2002/3)

**Species Information**

Nationally important species occurring on the site:

Lagoon sand shrimp *Gammarus insensibilis* (nationally scarce)

Starlet sea anemone *Nematostella vectensis* (RDB vulnerable)

---

**23. Social and cultural values:**

Describe if the site has any general social and/or cultural values e.g. fisheries production, forestry, religious importance, archaeological sites, social relations with the wetland, etc. Distinguish between historical/archaeological/religious significance and current socio-economic values.

Aesthetic  
 Archaeological/historical site  
 Environmental education/ interpretation  
 Fisheries production  
 Non-consumptive recreation  
 Scientific research  
 Sport fishing  
 Subsistence fishing  
 Tourism  
 Traditional cultural  
 Transportation/navigation

**b)** Is the site considered of international importance for holding, in addition to relevant ecological values, examples of significant cultural values, whether material or non-material, linked to its origin, conservation and/or ecological functioning? No

If Yes, describe this importance under one or more of the following categories:

- i) sites which provide a model of wetland wise use, demonstrating the application of traditional knowledge and methods of management and use that maintain the ecological character of the wetland:

- ii) sites which have exceptional cultural traditions or records of former civilizations that have influenced the ecological character of the wetland:
- iii) sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples:
- iv) sites where relevant non-material values such as sacred sites are present and their existence is strongly linked with the maintenance of the ecological character of the wetland:

**24. Land tenure/ownership:**

Ownership category	On-site	Off-site
Non-governmental organisation (NGO)	+	+
Local authority, municipality etc.	+	+
National/Crown Estate	+	
Private	+	+
Public/communal		+
Other	+	+

**25. Current land (including water) use:**

Activity	On-site	Off-site
Nature conservation	+	+
Tourism	+	+
Recreation	+	+
Current scientific research	+	
Fishing: (unspecified)	+	+
Fishing: commercial	+	+
Fishing: recreational/sport	+	+
Gathering of shellfish	+	
Bait collection	+	
Industry	+	+
Sewage treatment/disposal	+	+
Harbour/port	+	+
Flood control	+	
Mineral exploration (excl. hydrocarbons)		+
Oil/gas exploration		+
Transport route	+	+
Urban development	+	+
Military activities	+	+

## 26. Factors (past, present or potential) adversely affecting the site's ecological character, including changes in land (including water) use and development projects:

*Explanation of reporting category:*

1. Those factors that are still operating, but it is unclear if they are under control, as there is a lag in showing the management or regulatory regime to be successful.
2. Those factors that are not currently being managed, or where the regulatory regime appears to have been ineffective so far.

NA = Not Applicable because no factors have been reported.

Adverse Factor Category	Reporting Category	Description of the problem (Newly reported Factors only)	On-Site	Off-Site	Major Impact?
Eutrophication	1		+		+
Unspecified development: urban use	1	Disturbance and land-take pressures (on and off-site) from urban and industrial development.	+	+	
Coastal engineering, e.g. construction of sea defences for coastal protection	2	Coastal squeeze arising from coastal defences	+		+

For category 2 factors only.

What measures have been taken / are planned / regulatory processes invoked, to mitigate the effect of these factors?  
Coastal engineering, e.g. construction of sea defences for coastal protection - Shoreline management plan should identify areas to offset losses from coastal squeeze when in place.

Is the site subject to adverse ecological change? YES

## 27. Conservation measures taken:

List national category and legal status of protected areas, including boundary relationships with the Ramsar site; management practices; whether an officially approved management plan exists and whether it is being implemented.

Conservation measure	On-site	Off-site
Site/ Area of Special Scientific Interest (SSSI/ASSI)	+	
Special Protection Area (SPA)	+	
Land owned by a non-governmental organisation for nature conservation	+	+
Management agreement	+	
Site management statement/plan implemented	+	

**b)** Describe any other current management practices:

The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency. Details of the precise management practises are given in these documents.

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**28. Conservation measures proposed but not yet implemented:**

e.g. management plan in preparation; official proposal as a legally protected area, etc.

No information available

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**29. Current scientific research and facilities:**

e.g. details of current research projects, including biodiversity monitoring; existence of a field research station, etc.

**Contemporary.**

**Fauna.**

Numbers of migratory and wintering wildfowl and waders are monitored annually as part of the national Wetland Birds Survey (WeBS) organised by the British Trust for Ornithology, Wildfowl & Wetlands Trust, the Royal Society for the Protection of Birds and the Joint Nature Conservation Committee.

Bird Ringing by Solent Shorebirds Study Group.

**Environment.**

Coastal Sediment (SCOPAC)

Various research and educational establishments carry out ongoing research into a number of different aspects of the environment.

Proposed:

Intertidal Habitat Monitoring (EN/EA project)I

**Completed.**

**Fauna.**

Benthic surveys of Haslar, Forton & Tipner Lakes

Lagoon survey - Cockle Pond, Alver Lake

Site-specific Environmental Assessments eg Priddys Hard, Cold Harbour, Tipner, Continental Ferry Port.

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**30. Current communications, education and public awareness (CEPA) activities related to or benefiting the site:**

e.g. visitor centre, observation hides and nature trails, information booklets, facilities for school visits, etc.

Little at present, however there is scope for interpretation through implementation of the Harbour Plan, and Gosport and Portsmouth Millennium projects.

---

**31. Current recreation and tourism:**

State if the wetland is used for recreation/tourism; indicate type(s) and their frequency/intensity.

**Activities, Facilities provided and Seasonality.**

Land-based recreation:

Walking including dog-walking - All year.

Bait-digging - All year - mainly winter

Birdwatching - Autumn-Spring.

Water-based recreation:

Sailing, power-boating, windsurfing, canoeing - Mainly Spring-Autumn

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**32. Jurisdiction:**

Include territorial, e.g. state/region, and functional/sectoral, e.g. Dept. of Agriculture/Dept. of Environment, etc.

Head, Natura 2000 and Ramsar Team, Department for Environment, Food and Rural Affairs,

European Wildlife Division, Zone 1/07, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB

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### 33. Management authority:

Provide the name and address of the local office(s) of the agency(ies) or organisation(s) directly responsible for managing the wetland. Wherever possible provide also the title and/or name of the person or persons in this office with responsibility for the wetland.

Site Designations Manager, English Nature, Sites and Surveillance Team, Northminster House,  
Northminster Road, Peterborough, PE1 1UA, UK

### 34. Bibliographical references:

Scientific/technical references only. If biogeographic regionalisation scheme applied (see 15 above), list full reference citation for the scheme.

#### Site-relevant references

- Barne, JH, Robson, CF, Kaznowska, SS, Doody, JP & Davidson, NC (eds.) (1998) *Coasts and seas of the United Kingdom. Region 9 Southern England: Hayling Island to Lyme Regis*. Joint Nature Conservation Committee, Peterborough. (Coastal Directories Series.)
- Buck, AL (ed.) (1997) *An inventory of UK estuaries. Volume 6. Southern England*. Joint Nature Conservation Committee, Peterborough
- Burd, F (1989) *The saltmarsh survey of Great Britain. An inventory of British saltmarshes*. Nature Conservancy Council, Peterborough (Research & Survey in Nature Conservation, No. 17)
- Clark, M & Gurnell, A (1987) *The Solent estuary: environmental background*. Southampton University, GeoData Unit, Southampton
- Covey, R (1998) Chapter 7. Eastern Channel (Folkestone to Durlston Head) (MNCR Sector 7). In: *Benthic marine ecosystems of Great Britain and the north-east Atlantic*, ed. by K. Hiscock, 199-218. Joint Nature Conservation Committee, Peterborough. (Coasts and Seas of the United Kingdom. MNCR series)
- Cranswick, PA, Waters, RJ, Musgrove, AJ & Pollitt, MS (1997) *The Wetland Bird Survey 1995-96: wildfowl and wader counts*. British Trust for Ornithology, Wildfowl and Wetlands Trust, Royal Society for the Protection of Birds & Joint Nature Conservation Committee, Slimbridge
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- Musgrove, AJ, Pollitt, MS, Hall, C, Hearn, RD, Holloway, SJ, Marshall, PE, Robinson, JA & Cranswick, PA (2001) *The Wetland Bird Survey 1999-2000: wildfowl and wader counts*. British Trust for Ornithology, Wildfowl and Wetlands Trust, Royal Society for the Protection of Birds & Joint Nature Conservation Committee, Slimbridge.  
[www.wwt.org.uk/publications/default.asp?PubID=14](http://www.wwt.org.uk/publications/default.asp?PubID=14)
- Nicholas Pearson Associates (1996) *Portsmouth Harbour Plan Review: draft for working group. July 1996*. Centre for Coastal Zone Management, University of Portsmouth
- Sneddon, P & Randall, RE (1994) *Coastal vegetated shingle structures of Great Britain: Appendix 3. Shingle sites in England*. Joint Nature Conservation Committee, Peterborough
- Stroud, DA, Chambers, D, Cook, S, Buxton, N, Fraser, B, Clement, P, Lewis, P, McLean, I, Baker, H & Whitehead, S (eds.) (2001) *The UK SPA network: its scope and content*. Joint Nature Conservation Committee, Peterborough (3 vols.)  
[www.jncc.gov.uk/UKSPA/default.htm](http://www.jncc.gov.uk/UKSPA/default.htm)
- Tubbs, C (1991) *The Solent: a changing wildlife heritage*. Hampshire and Isle of Wight Wildlife Trust, Romsey

Please return to: **Ramsar Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland**  
Telephone: +41 22 999 0170 • Fax: +41 22 999 0169 • email: [ramsar@ramsar.org](mailto:ramsar@ramsar.org)

## **Appendix 4**    Solent Maritime SAC Citation



# **NATURA 2000 – STANDARD DATA FORM**

## **Special Areas of Conservation under the EC Habitats Directive (includes candidate SACs, Sites of Community Importance and designated SACs).**

Each Natura 2000 site in the United Kingdom has its own Standard Data Form containing site-specific information. The data form for this site has been generated from the Natura 2000 Database submitted to the European Commission on the following date:

22/12/2015

The information provided here, follows the officially agreed site information format for Natura 2000 sites, as set out in the [Official Journal of the European Union recording the Commission Implementing Decision of 11 July 2011](#) (2011/484/EU).

The Standard Data Forms are generated automatically for all of the UK's Natura 2000 sites using the European Environment Agency's Natura 2000 software. The structure and format of these forms is exactly as produced by the EEA's Natura 2000 software (except for the addition of this coversheet and the end notes). The content matches exactly the data submitted to the European Commission.

Please note that these forms contain a number of codes, all of which are explained either within the data forms themselves or in the end notes.

Further technical documentation may be found here  
[http://bd.eionet.europa.eu/activities/Natura\\_2000/reference\\_portal](http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal)

As part of the December 2015 submission, several sections of the UK's previously published Standard Data Forms have been updated. For details of the approach taken by the UK in this submission please refer to the following document:  
[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

More general information on Special Areas of Conservation (SACs) in the United Kingdom is available from the [SAC home page on the JNCC website](#). This webpage also provides links to Standard Data Forms for all SACs in the UK.

Date form generated by the Joint Nature Conservation Committee  
25 January 2016.



# NATURA 2000 - STANDARD DATA FORM

For Special Protection Areas (SPA),  
Proposed Sites for Community Importance (pSCI),  
Sites of Community Importance (SCI) and  
for Special Areas of Conservation (SAC)

SITE UK0030059  
SITENAME Solent Maritime

## TABLE OF CONTENTS

- [1. SITE IDENTIFICATION](#)
- [2. SITE LOCATION](#)
- [3. ECOLOGICAL INFORMATION](#)
- [4. SITE DESCRIPTION](#)
- [5. SITE PROTECTION STATUS AND RELATION WITH CORINE BIOTOPES](#)
- [6. SITE MANAGEMENT](#)

## 1. SITE IDENTIFICATION

<b>1.1 Type</b> B	<b>1.2 Site code</b> UK0030059	<a href="#">Back to top</a>
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### 1.3 Site name

Solent Maritime
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<b>1.4 First Compilation date</b> 1998-10	<b>1.5 Update date</b> 2015-12
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### 1.6 Respondent:

<b>Name/Organisation:</b> Joint Nature Conservation Committee
<b>Address:</b> Joint Nature Conservation Committee Monkstone House City Road Peterborough PE1 1JY
<b>Email:</b>

<b>Date site proposed as SCI:</b>	1998-10
<b>Date site confirmed as SCI:</b>	2004-12
<b>Date site designated as SAC:</b>	2005-04
<b>National legal reference of SAC designation:</b>	Regulations 11 and 13-15 of the Conservation of Habitats and Species Regulations 2010 ( <a href="http://www.legislation.gov.uk/uksi/2010/490/contents/made">http://www.legislation.gov.uk/uksi/2010/490/contents/made</a> ).

## 2. SITE LOCATION

[Back to top](#)



		94.44		P	A	A	C	A
1330		2023.76		M	B	B	B	B
2120		112.43		M	C	B	B	C
2130	X	112.43		M	D			

- **PF:** for the habitat types that can have a non-priority as well as a priority form (6210, 7130, 9430) enter "X" in the column PF to indicate the priority form.
- **NP:** in case that a habitat type no longer exists in the site enter: x (optional)
- **Cover:** decimal values can be entered
- **Caves:** for habitat types 8310, 8330 (caves) enter the number of caves if estimated surface is not available.
- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation)

### 3.2 Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

Species					Population in the site						Site assessment			
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D	A B C		
						Min	Max				Pop.	Con.	Iso.	Glo.
M	1355	<a href="#">Lutra lutra</a>			p				P	DD	D			
M	1365	<a href="#">Phoca vitulina</a>			p				P	DD	D			
I	1016	<a href="#">Vertigo moulinsiana</a>			p				R	DD	B	B	B	C

- **Group:** A = Amphibians, B = Birds, F = Fish, I = Invertebrates, M = Mammals, P = Plants, R = Reptiles
- **S:** in case that the data on species are sensitive and therefore have to be blocked for any public access enter: yes
- **NP:** in case that a species is no longer present in the site enter: x (optional)
- **Type:** p = permanent, r = reproducing, c = concentration, w = wintering (for plant and non-migratory species use permanent)
- **Unit:** i = individuals, p = pairs or other units according to the Standard list of population units and codes in accordance with Article 12 and 17 reporting (see [reference portal](#))
- **Abundance categories (Cat.):** C = common, R = rare, V = very rare, P = present - to fill if data are deficient (DD) or in addition to population size information
- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation); VP = 'Very poor' (use this category only, if not even a rough estimation of the population size can be made, in this case the fields for population size can remain empty, but the field "Abundance categories" has to be filled in)

## 4. SITE DESCRIPTION

### 4.1 General site character

[Back to top](#)

Habitat class	% Cover
N02	59.0
N03	23.0
N16	0.5

N01	14.0
N05	3.0
N04	0.5
<b>Total Habitat Cover</b>	<b>100</b>

#### Other Site Characteristics

1 Terrestrial: Soil & Geology: shingle, sedimentary, sand, alluvium, mud, neutral, nutrient-rich, clay 2 Terrestrial: Geomorphology and landscape: island, lowland, coastal 3 Marine: Geology: sand, clay, sedimentary, gravel, mud, limestone/chalk, shingle, sandstone/mudstone 4 Marine: Geomorphology: open coast (including bay), estuary, enclosed coast (including embayment), shingle bar, subtidal sediments (including sandbank/mudbank), intertidal sediments (including sandflat/mudflat), islands, lagoon

#### 4.2 Quality and importance

Sandbanks which are slightly covered by sea water all the time for which the area is considered to support a significant presence. Estuaries for which this is considered to be one of the best areas in the United Kingdom. Mudflats and sandflats not covered by seawater at low tide for which the area is considered to support a significant presence. Coastal lagoons for which the area is considered to support a significant presence. Annual vegetation of drift lines for which the area is considered to support a significant presence. which is considered to be rare as its total extent in the United Kingdom is estimated to be less than 100 hectares. Perennial vegetation of stony banks for which the area is considered to support a significant presence. Salicornia and other annuals colonising mud and sand for which the area is considered to support a significant presence. Spartina swards (*Spartina maritima*) for which this is one of only two known outstanding localities in the United Kingdom. which is considered to be rare as its total extent in the United Kingdom is estimated to be less than 100 hectares. Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) for which this is considered to be one of the best areas in the United Kingdom. Shifting dunes along the shoreline with *Ammophila arenaria* (?white dunes?) for which the area is considered to support a significant presence. *Vertigo moulinsiana* for which the area is considered to support a significant presence.

#### 4.3 Threats, pressures and activities with impacts on the site

The most important impacts and activities with high effect on the site

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
H	H02		B
H	M01		B
H	F02		I
H	M02		B
H	G01		I

Positive Impacts			
Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
H	A04		I
H	A02		I
H	D05		I
H	A03		I
H	B02		I
H	D05		I

Rank: H = high, M = medium, L = low

Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification,

T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions

i = inside, o = outside, b = both

#### 4.5 Documentation

Conservation Objectives - the Natural England links below provide access to the Conservation Objectives (and other site-related information) for its terrestrial and inshore Natura 2000 sites, including conservation advice packages and supporting documents for European Marine Sites within English waters and for cross-border sites. See also the 'UK Approach' document for more information (link via the JNCC website).

Link(s): <http://publications.naturalengland.org.uk/category/6490068894089216>

<http://publications.naturalengland.org.uk/category/3212324>

[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

## 5. SITE PROTECTION STATUS (optional)

[Back to top](#)

### 5.1 Designation types at national and regional level:

Code	Cover [%]	Code	Cover [%]	Code	Cover [%]
UK04	71.4	UK00	28.6	UK01	4.5

## 6. SITE MANAGEMENT

[Back to top](#)

### 6.1 Body(ies) responsible for the site management:

Organisation:	Natural England
Address:	
Email:	

### 6.2 Management Plan(s):

An actual management plan does exist:

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No, but in preparation
<input checked="" type="checkbox"/>	No

### 6.3 Conservation measures (optional)

For available information, including on Conservation Objectives, see Section 4.5.

## EXPLANATION OF CODES USED IN THE NATURA 2000 STANDARD DATA FORMS

The codes in the table below are also explained in the [official European Union guidelines for the Standard Data Form](#). The relevant page is shown in the table below.

### 1.1 Site type

CODE	DESCRIPTION	PAGE NO
A	Designated Special Protection Area	53
B	SAC (includes candidates Special Areas of Conservation, Sites of Community Importance and designated SAC)	53
C	SAC area the same as SPA. Note in the UK Natura 2000 submission this is only used for Gibraltar	53

### 3.1 Habitat representativity

CODE	DESCRIPTION	PAGE NO
A	Excellent	57
B	Good	57
C	Significant	57
D	Non-significant presence	57

### 3.1 Habitat code

CODE	DESCRIPTION	PAGE NO
1110	Sandbanks which are slightly covered by sea water all the time	57
1130	Estuaries	57
1140	Mudflats and sandflats not covered by seawater at low tide	57
1150	Coastal lagoons	57
1160	Large shallow inlets and bays	57
1170	Reefs	57
1180	Submarine structures made by leaking gases	57
1210	Annual vegetation of drift lines	57
1220	Perennial vegetation of stony banks	57
1230	Vegetated sea cliffs of the Atlantic and Baltic Coasts	57
1310	Salicornia and other annuals colonizing mud and sand	57
1320	Spartina swards (Spartinion maritimae)	57
1330	Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	57
1340	Inland salt meadows	57
1420	Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	57
2110	Embryonic shifting dunes	57
2120	Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	57
2130	Fixed coastal dunes with herbaceous vegetation ("grey dunes")	57
2140	Decalcified fixed dunes with Empetrum nigrum	57
2150	Atlantic decalcified fixed dunes (Calluno-Ulicetea)	57
2160	Dunes with Hippophila rhamnoides	57
2170	Dunes with Salix repens ssp. argentea (Salicion arenariae)	57
2190	Humid dune slacks	57
21A0	Machairs (* in Ireland)	57
2250	Coastal dunes with Juniperus spp.	57
2330	Inland dunes with open Corynephorus and Agrostis grasslands	57
3110	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	57
3130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	57
3140	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	57
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	57

CODE	DESCRIPTION	PAGE NO
3160	Natural dystrophic lakes and ponds	57
3170	Mediterranean temporary ponds	57
3180	Turloughs	57
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	57
4010	Northern Atlantic wet heaths with Erica tetralix	57
4020	Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix	57
4030	European dry heaths	57
4040	Dry Atlantic coastal heaths with Erica vagans	57
4060	Alpine and Boreal heaths	57
4080	Sub-Arctic Salix spp. scrub	57
5110	Stable xerothermophilous formations with Buxus sempervirens on rock slopes (Berberidion p.p.)	57
5130	Juniperus communis formations on heaths or calcareous grasslands	57
6130	Calaminarian grasslands of the Violetalia calaminariae	57
6150	Siliceous alpine and boreal grasslands	57
6170	Alpine and subalpine calcareous grasslands	57
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	57
6230	Species-rich Nardus grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)	57
6410	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	57
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	57
6510	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	57
6520	Mountain hay meadows	57
7110	Active raised bogs	57
7120	Degraded raised bogs still capable of natural regeneration	57
7130	Blanket bogs (* if active bog)	57
7140	Transition mires and quaking bogs	57
7150	Depressions on peat substrates of the Rhynchosporion	57
7210	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	57
7220	Petrifying springs with tufa formation (Cratoneurion)	57
7230	Alkaline fens	57
7240	Alpine pioneer formations of the Caricion bicoloris-atrofuscae	57
8110	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	57
8120	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)	57
8210	Calcareous rocky slopes with chasmophytic vegetation	57
8220	Siliceous rocky slopes with chasmophytic vegetation	57
8240	Limestone pavements	57
8310	Caves not open to the public	57
8330	Submerged or partially submerged sea caves	57
9120	Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion roburi-petraeae or Ilici-Fagenion)	57
9130	Asperulo-Fagetum beech forests	57
9160	Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	57
9180	Tilio-Acerion forests of slopes, screes and ravines	57
9190	Old acidophilous oak woods with Quercus robur on sandy plains	57
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	57
91C0	Caledonian forest	57
91D0	Bog woodland	57
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	57
91J0	Taxus baccata woods of the British Isles	57



### 3.1 Relative surface

CODE	DESCRIPTION	PAGE NO
A	15%-100%	58
B	2%-15%	58
C	< 2%	58

### 3.1 Conservation status habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	59
B	Good conservation	59
C	Average or reduced conservation	59

### 3.1 Global grade habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent value	59
B	Good value	59
C	Significant value	59

### 3.2 Population (abbreviated to 'Pop.' in data form)

CODE	DESCRIPTION	PAGE NO
A	15%-100%	62
B	2%-15%	62
C	< 2%	62
D	Non-significant population	62

### 3.2 Conservation status species (abbreviated to 'Con.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	63
B	Good conservation	63
C	Average or reduced conservation	63

### 3.2 Isolation (abbreviated to 'Iso.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Population (almost) Isolated	63
B	Population not-isolated, but on margins of area of distribution	63
C	Population not-isolated within extended distribution range	63

### 3.2 Global Grade (abbreviated to 'Glo.' Or 'G.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent value	63
B	Good value	63
C	Significant value	63

### 3.3 Assemblages types

CODE	DESCRIPTION	PAGE NO
WATR	Non breeding waterfowl assemblage	UK specific code
SBA	Breeding seabird assemblage	UK specific code
BBA	Breeding bird assemblage (applies only to sites classified pre 2000)	UK specific code

#### 4.1 Habitat class code

CODE	DESCRIPTION	PAGE NO
N01	Marine areas, Sea inlets	65
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	65
N03	Salt marshes, Salt pastures, Salt steppes	65
N04	Coastal sand dunes, Sand beaches, Machair	65
N05	Shingle, Sea cliffs, Islets	65
N06	Inland water bodies (Standing water, Running water)	65
N07	Bogs, Marshes, Water fringed vegetation, Fens	65
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	65
N09	Dry grassland, Steppes	65
N10	Humid grassland, Mesophile grassland	65
N11	Alpine and sub-Alpine grassland	65
N14	Improved grassland	65
N15	Other arable land	65
N16	Broad-leaved deciduous woodland	65
N17	Coniferous woodland	65
N19	Mixed woodland	65
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	65
N22	Inland rocks, Screes, Sands, Permanent Snow and ice	65
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	65
N25	Grassland and scrub habitats (general)	65
N26	Woodland habitats (general)	65

#### 4.3 Threats code

CODE	DESCRIPTION	PAGE NO
A01	Cultivation	65
A02	Modification of cultivation practices	65
A03	Mowing / cutting of grassland	65
A04	Grazing	65
A05	Livestock farming and animal breeding (without grazing)	65
A06	Annual and perennial non-timber crops	65
A07	Use of biocides, hormones and chemicals	65
A08	Fertilisation	65
A10	Restructuring agricultural land holding	65
A11	Agriculture activities not referred to above	65
B01	Forest planting on open ground	65
B02	Forest and Plantation management & use	65
B03	Forest exploitation without replanting or natural regrowth	65
B04	Use of biocides, hormones and chemicals (forestry)	65
B06	Grazing in forests/ woodland	65
B07	Forestry activities not referred to above	65
C01	Mining and quarrying	65
C02	Exploration and extraction of oil or gas	65
C03	Renewable abiotic energy use	65
D01	Roads, paths and railroads	65
D02	Utility and service lines	65
D03	Shipping lanes, ports, marine constructions	65
D04	Airports, flightpaths	65
D05	Improved access to site	65
E01	Urbanised areas, human habitation	65
E02	Industrial or commercial areas	65

CODE	DESCRIPTION	PAGE NO
E03	Discharges	65
E04	Structures, buildings in the landscape	65
E06	Other urbanisation, industrial and similar activities	65
F01	Marine and Freshwater Aquaculture	65
F02	Fishing and harvesting aquatic resources	65
F03	Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)	65
F04	Taking / Removal of terrestrial plants, general	65
F05	Illegal taking/ removal of marine fauna	65
F06	Hunting, fishing or collecting activities not referred to above	65
G01	Outdoor sports and leisure activities, recreational activities	65
G02	Sport and leisure structures	65
G03	Interpretative centres	65
G04	Military use and civil unrest	65
G05	Other human intrusions and disturbances	65
H01	Pollution to surface waters (limnic & terrestrial, marine & brackish)	65
H02	Pollution to groundwater (point sources and diffuse sources)	65
H03	Marine water pollution	65
H04	Air pollution, air-borne pollutants	65
H05	Soil pollution and solid waste (excluding discharges)	65
H06	Excess energy	65
H07	Other forms of pollution	65
I01	Invasive non-native species	65
I02	Problematic native species	65
I03	Introduced genetic material, GMO	65
J01	Fire and fire suppression	65
J02	Human induced changes in hydraulic conditions	65
J03	Other ecosystem modifications	65
K01	Abiotic (slow) natural processes	65
K02	Biocenotic evolution, succession	65
K03	Interspecific faunal relations	65
K04	Interspecific floral relations	65
K05	Reduced fecundity/ genetic depression	65
L05	Collapse of terrain, landslide	65
L07	Storm, cyclone	65
L08	Inundation (natural processes)	65
L10	Other natural catastrophes	65
M01	Changes in abiotic conditions	65
M02	Changes in biotic conditions	65
U	Unknown threat or pressure	65
XO	Threats and pressures from outside the Member State	65

### 5.1 Designation type codes

CODE	DESCRIPTION	PAGE NO
UK00	No Protection Status	67
UK01	National Nature Reserve	67
UK02	Marine Nature Reserve	67
UK04	Site of Special Scientific Interest (UK)	67

## **Appendix 5**     Nitrogen Neutrality Calculation

Stage 1 - Nitrogen Load from Wastewater		
New Residents (A)	501.60	People
Waste Waste Generation (B = A x 110 litres/day)	55176.00	l/day
WWTW Environmental Permit Limit (C)	9.00	mg/l TN
Total Nitrogen (TN) Discharged After Treatment (D = B x (C x 90% -2 mg))	336573.60	mg/TN/day
Total (E = D / 1000000 x 365 days)	122.85	kg/TN/year

Stage 2 - Nitrogen Load from Current Land Use				
Land to be Developed (F)				17.8 ha
Existing Uses (G = kg/ha * ha)	General Cropping	25.4 kg/ha/year	15.9 ha	403.9 kg/ha/year
	Open Space	5.0 kg/ha/year	1.9 ha	9.4 kg/ha/year
Total (H = SUM G)				413.2 kg/TN/year

Stage 3 - Nitrogen Load from Future Land Use		
New Urban Area (I)	5.40	ha
Leaching from Urban Area (J = I x 14.3 kg/ha)	77.22	kg/TN/year
New Open Space (K)	12.37	ha
Leaching from Open Space (L = K x 5.0 kg/ha)	61.85	kg/TN/year
New Community Food Growing Provision (M)	0.00	ha
Leaching from Community Food Frowing Provision (N = M x 26.9 kg/ha)	0.00	kg/TN/year
Total (O = J + L + N)	139.07	kg/TN/year

Budget		
Stage 1 - Nitrogen Load from Waterwater (E)	122.85	kg/TN/year
Stage 2 - Nitrogen Load from Current Land Use (H)	413.21	kg/TN/year
Stage 3 - Nitrogen Load from Future Land Use (O)	139.07	kg/TN/year
Total Future (P = E + O)	261.92	kg/TN/year
Total Change (P - H)	-151.29	kg/TN/year
20% Buffer on Total Change ((P-H) x 20%)	0.00	kg/TN/year
<b>Total Including Buffer (P - H + 20% Buffer)</b>	<b>-151.29</b>	<b>kg/TN/year</b>

**PROPOSED RESIDENTIAL DEVELOPMENT  
OAKCROFT LANE  
STUBBINGTON**

**FLOOD RISK ASSESSMENT &  
DEVELOPMENT DRAINAGE STRATEGY**



Date: 12 March 2019  
Ref: AMc/19/0161/5909  
Rev: B



## DOCUMENT CONTROL RECORD

Revision	Date	Description	Prepared	Approved
A	27.03.19	Updated following Client comments	AMc	
B	15.05.20	Updated following layout amendments and reduction in plot numbers	AMc	



## CONTENTS

	Page
1 Executive Summary.....	1
2 Introduction.....	2
3 The Development Site.....	3
4 Flood Risk Assessment.....	6
5 Existing and Proposed Surface Water Runoff.....	12
6 Surface Water Drainage Strategy.....	13
7 Foul Water Drainage Strategy.....	18

## APPENDICES

Appendix A - Site Layout

Appendix B - Topographical Survey

Appendix C - EA Flood Maps

Appendix D – Greenfield Runoff Assessment

Appendix E - Foul & Surface Drainage Strategy Layout

Appendix F – Preliminary Drainage Calculations

Appendix G - SuDS Management & Maintenance Plan

## REFERENCES

Environment Agency Flood Map Information © and database right [www.environment\\_agency.gov.uk](http://www.environment_agency.gov.uk)

Technical Guidance to the National Planning Policy Framework - NPPF (2012)

Department for Communities and Local Government ISBN: 978-1-4098-3410-6

Contains British Geological Survey materials © NERC (2014)



## 1 Executive Summary

SITE INFORMATION	CLIENT	Persimmon Homes Ltd
	SITE NAME	Land off Oakcroft Lane, Stubbington
	SITE LOCATION	Oakcroft Lane, Stubbington PO14 3EZ SU 55419 04333
	SITE AREA	7.75 ha
	CURRENT LAND USE	Greenfield – Arable / agricultural grassland
	PROPOSED LAND USE	209 No. Residential Dwellings
	SITE GEOLOGY	River Terrace Deposits overlying Sand, silts and Clay
	SOIL INFILTRATION RATE	Low permeability found
	GROUNDWATER LEVELS	Groundwater levels varied between 0.75 – 3.0m deep below ground level
	GROUNDWATER SPZ / AQUIFER	Not in Source Protection Zone
FLOOD RISK	GROUND CONTAMINATION	TBC – None anticipated
	ENVIRONMENT AGENCY FLOOD ZONE	Flood Zone 1 - Lowest Risk < 0.1% (<1:1000) Residential area
	FLUVIAL (RIVERS & WATERCOURSES)	Not a risk. Development lies outside of Flood Zone 3
	PLUVIAL (SURFACE WATER)	Minor risk which can be mitigated
	GROUNDWATER	Not a risk
	EXISTING/PROPOSED SEWERS & MAINS	Not a risk
	ARTIFICIAL	Not a risk
	TIDAL	Not a risk
FOUL & SURFACE	PROPOSED SURFACE WATER STRATEGY	Onsite cellular tank & attenuation basin with outfall to watercourse.
	PROPOSED SUDS TYPE	Permeable block paving (sealed system) Open attenuation basin
	EXISTING SW PEAK FLOW RATE	Greenfield QBar - 24.0 l/s
	PROPOSED SW PEAK FLOW RATE	1:100y +40%cc - 24.0 l/s
	FOUL WATER STRATEGY	Gravity to Southern Water Foul Sewer
	EXISTING FW PEAK FLOW RATE	N/A
	PROPOSED FW PEAK FLOW RATE	9.68 l/s (SFA 4000 l/unit/d) for 209 Units
MISC	FURTHER INVESTIGATIONS	

## 2 Introduction

### 2.1 Scope

Persimmon Homes Ltd South Coast is seeking planning permission for residential development on land south of Oakcroft Lane and north of Stubbington, Hampshire.

The proposed development comprises of the construction of circa 209 no residential dwellings and associated infrastructure works. Refer to Appendix A for a development layout.

- 2.2 MJA Consulting has been appointed to undertake a Flood Risk Assessment and Development Drainage Strategy to determine the potential flood risks associated with the site and to provide a suitable strategy for the disposal of surface and foul water from the proposed development.

### 2.3 Report Structure

The National Planning Policy Framework (NPPF) and the Flood Risk and Coastal Planning Practice Guidance (PPG) is the current guidance on development and flood risk in England and Wales.

The Flood Risk technical guidance for the National Planning Policy Framework requires a Flood Risk Assessment (FRA) to be carried out on sites over 1ha to consider all potential forms of flooding including that from river, sea, estuarial, land drainage, groundwater, overland flow, surface water run-off, sewer systems, and artificial water bodies (lakes, reservoirs, canals etc.) to both the development site and to offsite parties and land.

- 2.4 This report will take the structure of a 'Flood Risk Assessment' in accordance with the National Planning Policy Framework, the Flood Risk and Coastal Planning Practice Guidance, Environment Agency's Flood Risk Assessment Guidance and CIRIA Report 624 'Development and Flood Risk.

- 2.5 The objectives of this report are:

- To confirm whether the proposed site is affected by current or anticipated future flooding from all sources for the lifetime of the development.
- To confirm that this development will not increase the risk of flooding to any offsite properties and land or increase the population within a floodplain.
- To undertake calculations to establish the foul and surface water runoff rates from the existing site and to assess the potential foul and surface water runoff from the proposed development.
- To detail a suitable strategy for the management of foul and surface water generated from the proposed development allowing for future climate change and in accordance with the LPA policies relevant to the management of flood risk.
- To satisfy the approving planning authority that the most sustainable foul and surface water drainage solutions have been considered, in line with Environment Agency guidance, The Building Regulations (Document H 2002) and government legislation such as the Flood and Water Management Act 2010 (Defra) and The National Planning Policy Framework (NPPF & PPG).

### 3 The Development Site

Figure 1: Site Location



Image courtesy of: @2018 Microsoft Corporation Image courtesy of Ordnance Survey

Figure 2: Development site boundary



Image courtesy of: Imagery @ 2018 Google Map Data

### 3.1 Site Location and Description

The application site is located to the south of Oakcroft Lane towards the northern extent of the village of Stubbington. Development area is bounded by  
The site is currently accessed from Oakcroft Lane and is bounded by mature trees, vegetation and hedgerow with existing residential development to the eastern boundary.

### 3.2 Topography

A topographical survey of the site undertaken by Encompass Surveys in November 2017 indicates the site generally falls in a southerly direction with levels ranging from 11.90m to 8.45m AOD (metres above Ordnance Datum).  
Refer to Appendix B for a topographical survey of the existing site.

### 3.3 Geology

The British Geological Survey (BGS) indicates that the site is underlain by the following geological sequence:

Drift: River Terrace Deposits of Sand, Silt and Clay  
Solid: Wittering Formation Sand, silt and Clay

A geological investigation was undertaken at the site by Enzygo Ltd in February 2018. The site investigation works were undertaken between 16th and 24th October 2017 and comprised window sampler holes and trial pits.

The investigations undertaken identify the following strata:

Strata	Summary Description	Thickness (m)
Topsoil	Grass over soft brown clay and clayey flint gravel with roots.	0.1 to 0.5
River Terrace Deposits	Medium dense brown sandy and clayey flint gravel varying to firm gravelly clay	0.4 to >3.0
Wittering Formation	Firm, becoming stiff with depth orange brown sandy clay and clayey sand	>3.9
Groundwater	Not Encountered (at time of investigation)	

### 3.4 Groundwater

Groundwater was not encountered during the site investigation. The depth to groundwater measured from installations during monitoring visits, depths varied between 0.75m and 3.08m.

It is likely that groundwater within standpipes is due to slow ingress of water perched within sand and silt layers within the soils.



### **3.5 Hydrogeology**

The Environment Agency has classified the site as not located within a Groundwater Source Protection Zone for groundwater abstractions.

The site is not located on or near to a SSSI.

The site lies within the catchment of the River Meon with a tributary lying to the south of the site.

Environment Agency records show that the south-western corner of the site is located within a Flood Zone 3; however, this lies outside of the developable area and relates to the existing watercourse.

### **3.6 Hydrology and Existing Site Drainage Characteristics**

The site mainly comprises of grass covered fields; as such rainfall that lands on this site infiltrates directly at source and into the underlying unsaturated layer of topsoils and River Terrace Deposits naturally draining to the watercourse to the south.

There are no formal foul or surface water drainage infrastructure serving the existing site. The surrounding housing developments are served by separate foul & surface water systems.

- 3.7 Due to the topography of the site which falls from the northern boundary in a southerly direction, the natural greenfield drainage pathway is towards the existing field drainage ditch located on the southern boundary of the site.

This field drainage ditch which runs parallel with the southern boundary of the site and outfalls to the River Meon.

### **3.8 Soil Permeability**

Infiltration testing in accordance with BRE Digest 365 was carried out by Enzygo during the ground investigations, it was identified that the permeability of the sub strata wasn't suitable for infiltration.

Due to the presence of groundwater at a high level the use of shallow type infiltration drainage would also be precluded.

## 4 Flood Risk Assessment

- 4.1 A Flood Risk Assessment requires that an evaluation of all potential forms of flood risk to the site are considered.

In accordance with the Environment Agency's Flood Risk Assessment Guidance, NPPF, PPG and CIRIA Report 624, sources of flooding to be assessed include tidal, fluvial (rivers, streams and watercourses), pluvial (overland rainfall runoff), groundwater, artificial sources (canals and reservoirs) and existing / proposed sewerage and water mains infrastructure.

### 4.2 History of Flooding

During the data collection process, it is important to consider the information which already exists for the site location with respect to flood risk.

The primary sources of data for flood risk and recorded incidents of flooding for this site have been the Gosport Borough Council Strategic Flood Risk Assessment (SFRA) Level 1 & 2 (2014) along with *PUSH (Partnership for Urban South Hampshire)*. The Borough Council also prepared the SFRA reports with the support of officers from the Environment Agency and the Eastern Solent Coastal Partnership.

- 4.3 Within the SFRA studies, consultation was carried out with all relevant authorities and organisations including the Environment Agency, Southern Water, Gosport Borough Council, Stubbington Parish Council and local community stakeholders to identify known or perceived problem areas with respect to flooding.

- 4.4 Within the context of the proposed development, there have been no recorded issues of flooding from all potential sources including:

- Pluvial (Surface Water)
- Tidal
- Fluvial (Main rivers and Ordinary watercourses) & Tidal
- Groundwater
- Existing sewers and potable water main infrastructure
- Artificial infrastructure (ponds, sewerage treatment plants, canals etc.).

Although the proposed residential element of the site is not located within an area at risk from flooding, the new development as a whole must also not create or exacerbate the level of flood risk elsewhere.

### 4.5 Surface Water

The Environment Agency's 'uFMfSW' (updated Flood Map for Surface Water) (Figure 3) is a theoretical assessment of potential overland flow paths, ground levels and drainage systems using information from Gosport Borough Council as the LLFA and the Environment Agency to highlight areas that may be susceptible to surface water flooding.

- 4.6 This map indicates that the existing site has a ‘very low’ (less than a 1:1000 or 0.1%) risk of flooding from surface water runoff. There are minor areas identified towards the south of the site which relate to the existing watercourse and are outside of the residential areas of the proposed site.

The Surface Water Flood Risk map confirms that no additional incidents of flooding from surface water runoff have been recorded within the site boundary. Since the SFRA reports was published, no further evidence of additional surface water flooding at the site has been identified.

**Figure 3: Extract from Environment Agency Surface Water Flood Map**



Contains Environment Agency information © Environment Agency 2018

**Key:**

- High (Greater than 1:30(3.3%) chance of flooding)
- Medium (Between 1:100(1%) and 1:30(3.3%) chance of flooding)
- Low (Between 1:1000 (0.1%) and 1:100 (1%) chance of flooding)

## 4.7 Fluvial

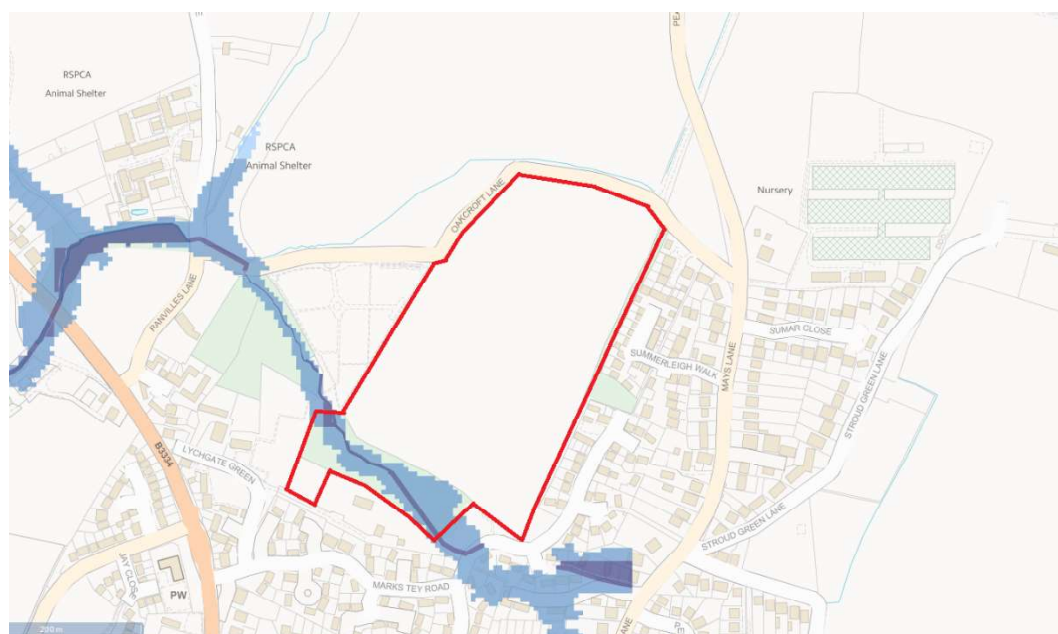
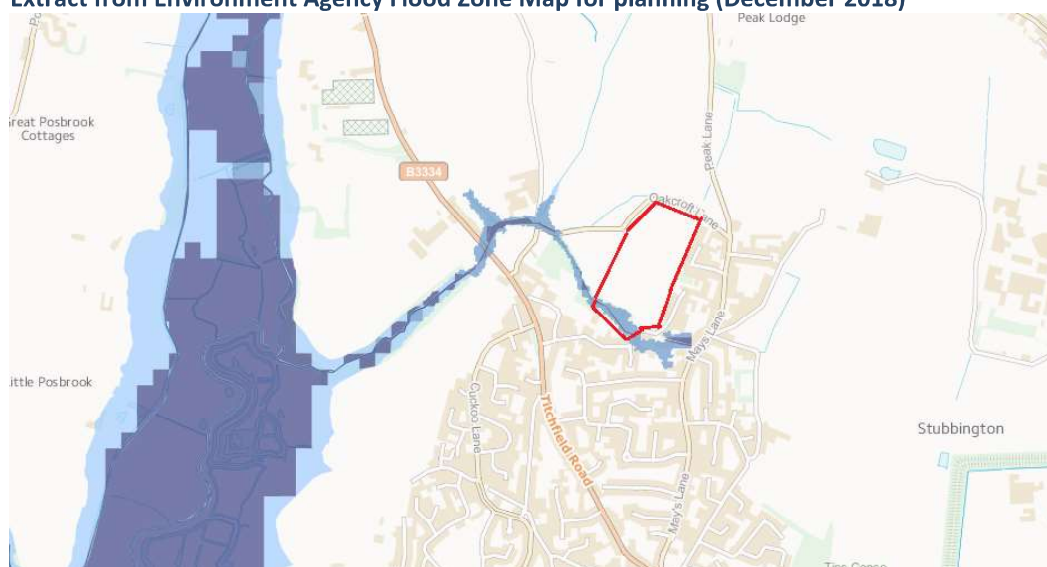
Fluvial flood risk within the Stubbington Area is concentrated along the River Meon and tributary lying to the south of the site.

The Environment Agency is the principal flood risk management operating authority in England. The information provided by them is based on JFlow modelling and not a detailed specific river model; floodplain extent and level information has been provided as outlined within the appendices.

- 4.8 As indicated by the latest Environment Agency 'Flood Zone Maps', the majority of the site and proposed residential area is located within the lowest risk category - Flood Zone 1. 'Flood Zone 1' is land assessed as having a less than 1 in 1000 (<0.1%) annual probability of flooding from a main river in each year and is not within an area of recorded river flooding.
- 4.9 The nearest risk of fluvial flooding (Flood Zone 2 & 3) to the site is located within the southern boundary along the watercourse corridor and area of land to the south of the watercourse which is associated with the River Meon.

**Figure 5: Fluvial Flood Zone Map**

**Extract from Environment Agency Flood Zone Map for planning (December 2018)**



Contains Environment Agency information © Environment Agency 2018





Main Rivers

**Dark Blue** ■: (Flood Zone 3)

Shows the area that could be affected by flooding, either from rivers or the sea, if there were no flood defences. This area could be flooded: from the sea by a flood that has a 0.5% (1 in 200) or greater chance of happening each year, or from a river by a flood that has a 1% (1 in 100) or greater chance of happening each year.

**Light Blue** ■: (Flood Zone 2)

Shows the additional extent of an extreme flood from rivers or the sea.

These outlying areas are likely to be affected by a major flood, with up to a 0.1% (1 in 1000) chance of occurring each year.

These two colours show the extent of the natural floodplain if there were no flood defences or certain other manmade structures and channel improvements.

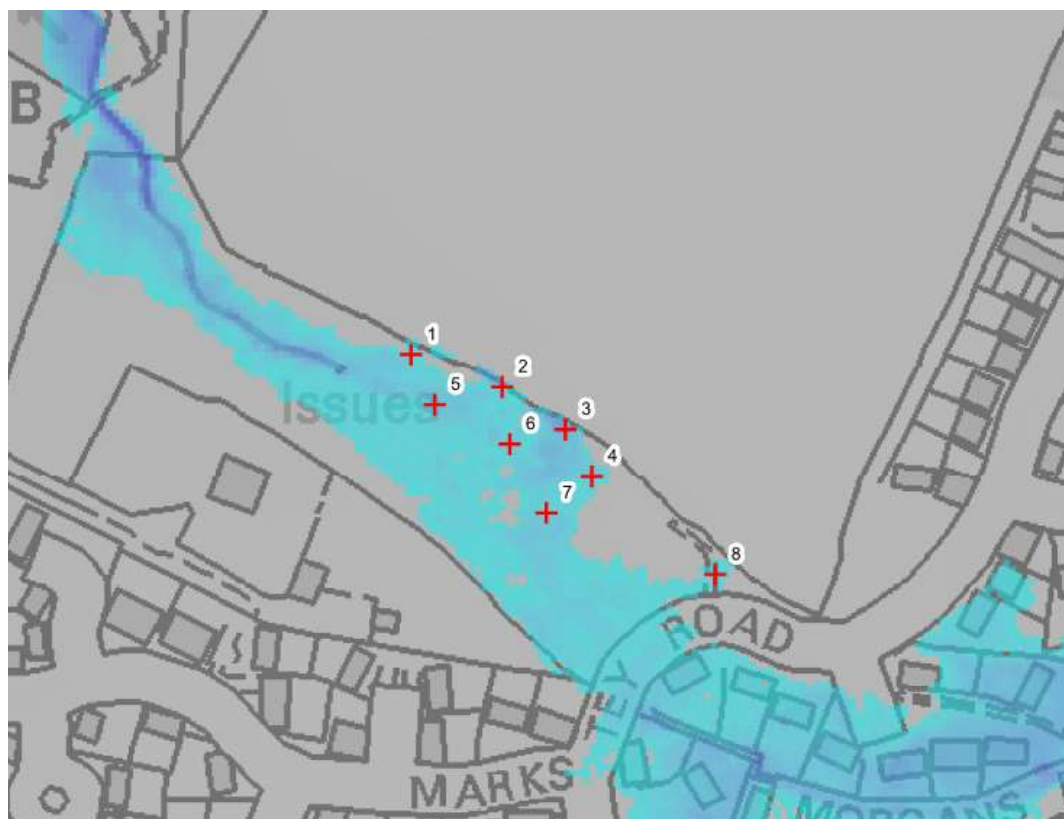
**Clear** ■: (Flood Zone 1)

Shows the area where flooding from rivers and the sea is very unlikely.

There is less than a 0.1% (1 in 1000) chance of flooding occurring each year.

- 4.10 The Environment Agency has provided modelled flood levels for the Main River on the southern end of the which include various scenarios including allowances for future climate change for the floodplain. Included within the information provided was details of local flood defences.

The modelled flood data provided for the site is as follows:



Extract from Environment Agency floodplain information

Point	1% Annual Probability 1 in 100 Year (Flood Zone 3)	1% Annual Probability 1 in 100 + Climate Change 35%	1% Annual Probability 1 in 100 + Climate Change 45%	1% Annual Probability 1 in 100 + Climate Change 105%	0.1% Annual Probability 1 in 1000 Year (Flood Zone 2)	Ground Level
1	7.43	7.44	7.44	7.48	7.45	7.38
2	8.04	8.05	8.05	8.07	8.06	7.79
3	8.25	8.28	8.28	8.30	8.29	7.79
4	8.19	8.22	8.23	8.26	8.24	8.06
5	7.66	7.69	7.70	7.75	7.73	7.44
6	8.03	8.04	8.05	8.05	8.04	7.91
7	8.22	8.23	8.24	8.27	8.25	8.12
8	No Data	No Data	No Data	8.54	8.52	8.51

Extract from Environment Agency floodplain information

The above modelled floods levels have been added to the development topographical survey via our ground modelling software. By interpolating the location of the levels shown on your plan and transferring that point onto the topographic survey, confirming ground levels are correct we've then replicated the floodplain including the 100 yr + CC, 105% event.

The modelled flood including climate change do not affect the development area. The floodplain is as shown within the area of land south of the site.

- 4.11 It is demonstrated that the development site lies wholly within Flood Zone 1 and has safe and dry access and egress at the site is achievable to a publicly accessible location outside the 1:100 year (plus climate change) flood event extent, in accordance with DEFRA Report FD2320/TR2 - 'Flood Risk Assessment Guidance for New Developments'.

#### 4.12 Tidal

The development area and its local river networks do not encounter a risk from tidal flooding as confirmed by the SFRA and the Environment Agency.

#### 4.13 Artificial Sources

With reference to the SFRA/PFRA there have been no recorded incidents of flooding to the site or surrounding areas from artificial sources.

#### 4.14 Planning Policy

In accordance with the Flood Risk and Coastal Planning Practice Guidance (PPG); *Table 3 - Flood risk vulnerability and flood zone 'compatibility'*; (Figure 4) all development classed is considered appropriate within Zone 1.

Figure 4 - DGLC Flood risk and coastal change Table 3: flood risk vulnerability and flood zone 'compatibility'  
DGLC Flood risk and coastal change

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

#### 4.15 Sequential Test

The NPPF guidance states that planning authorities should complete a risk based 'Sequential Test' at all stages of the planning process, to steer new development to areas with the lowest probability of flooding. Under the requirements of the 'Sequential Test' and as the proposed development is already located within Flood Zone 1 (lowest risk), there are no more suitable, developable and deliverable alternative sites, better located from a flood risk perspective which could accommodate the proposed development.

## 5 Existing and Proposed Site Runoff

- 5.1 This section calculates the estimated peak rate of surface water runoff from the existing site area. These discharge figures are then used to establish the post-development constraints to inform the preliminary design of the surface water drainage strategy.
- 5.2 An assessment of the estimated Greenfield runoff rate from the has been carried out using the Institute of Hydrology Report 124 (QBar) methodology.

Site Area 7.75 Hectares

1 Year	20.29 l/s
30 Year	54.91 l/s
100 Year	76.15 l/s
QBar	23.87 l/s

Detailed Micro Drainage & HR Wallingford Greenfield Runoff Assessment provided in appendices

- 5.3 As a result of this development, the peak rate and volume of surface water that could potentially runoff the proposed site if not effectively managed, will be greater than in its current state.

To mitigate this increase in runoff volume and provide a level of betterment in the peak rate of runoff, it is proposed that the surface water runoff from the redevelopment for all storm senereo up to the 100 year + 40% climate change rainfall event, will be restricted to the maximum rate of **QBar 24.0 l/s** equivalent to the greenfield runoff rate for the site.

## 6 Surface Water Drainage Strategy

- 6.1 The National Planning Policy Framework (NPPF) requires that developments do not exacerbate flood risks both to the development site and to offsite parties and land, which means there is a need to control surface water drainage and overland runoff to ensure there are no increases in peak rates and volumes of runoff as a result of the development.
- 6.2 The NPPF, Environment Agency guidance and government legislation such as the Flood and Water Management Act (Defra 2010) states that this should be achieved by requiring surface water drainage strategies for major developments to be in accordance with the ideals of ‘sustainable development’ via the provision of Sustainable Drainage Systems (SuDS).
- 6.3 SuDS are more sustainable than conventional drainage methods because they can mitigate many of the adverse effects of urban stormwater runoff on the environment, mimicking the natural Greenfield runoff regime.

This can be achieved through reducing runoff rates and volumes to sewer networks and watercourses, reducing the risk of downstream flooding.

Where appropriate SuDS can reduce pollutant concentrations in stormwater, protecting the quality of the receiving water body.

- 6.4 The Building Regulations Document H (2015) and The SuDS Manual CIRIA 753 (2015) details the appropriate hierarchy of potential methods for disposing of surface water from a development:
1. Discharge into the ground via a soakaway or some other adequate infiltration system, or where that is not practicable;
  2. Discharge to a surface water body such as a watercourse, or where that is not practicable;
  3. Discharge to a surface water sewer, practicable;
  4. Discharge to a combined sewer.
- 6.5 The ground investigation has highlighted that due to presence of high groundwater infiltration will not be a feasible as a method to dispose of the surface water runoff generated from the proposed development.
- 6.6 Overland flow from the current site discharges naturally to the adjacent watercourse. Therefore the controlled surface water runoff from the development will follow this and discharge to the watercourse. The remaining surface water discharge options on the hierarchy have been discounted.
- 6.7 Surface water runoff from the site will be fully managed via Sustainable Drainage Systems (SuDS). The SuDS selection process for this site has involved the evaluation of a range of information to enable the feasibility of each SuDS technique to be assessed.

## 6.8 SUDS Techniques:

SUDS Type	Description	Site Suitability Y/N	Comments
<b>Green Roofs</b>	Green roofs consist of a multi-layered system that covers the roof of a building with vegetated cover over a drainage layer. They are designed to intercept and retain rainfall, reducing the volume of runoff and attenuating peak flows	N	Not appropriate for pitched roofs on residential dwellings and high maintenance costs. Have potential suitability for commercial buildings or retail areas.
<b>Rainwater Harvesting</b>	Re-using rainwater for non-potable uses such as irrigation and toilet flushing	N	Rainwater harvesting cannot be relied upon to guarantee a reduction in volume of runoff. These systems also have a high maintenance cost Have potential suitability for commercial buildings or retail areas
<b>Soakaways</b>	Soakaways provide stormwater attenuation and groundwater recharge	N	Impearmeeable sub strata prevents the use of this type of SUDs feature.
<b>Filter Strips / Trenches</b>	Filter strips are vegetated strips of land designed to accept runoff as overland flow from impermeable surfaces. Usually located adjacent to parking areas or roads.	Y  Non infiltrating	Impermeable soils prevent infiltration therefore suitable as conveyance systems only.
<b>Permeable Paving</b>	Pervious pavements provide a suitable surface for rainfall to infiltrate through to the underlying layers. Water is temporarily stored before infiltrating to ground. This system is also used as a conveyance method to the drainage system.	Y  Non infiltrating	Suitable for use on private drives and parking areas with a connection to the piped drainage system. Permeable type paving is not currently considered acceptable for adoption by West Sussex Highway Authority
<b>Bio Retention</b>	Bio retention areas are shallow landscaped depressions which are typically under-drained and rely on engineered soils, vegetation and infiltration to remove pollution. These systems manage and treat runoff from frequent rainfall events	Y  Non infiltrating	For attenuation only due to infiltration as a method of disposal not being suitable.
<b>Swales</b>	Swales are linear grassed or vegetated channels with flat bases that collect, treat, store and convey water.	Y  Non infiltrating	Impermeable soils prevent infiltration however these are suitable for conveyance structures taking runoff to attenuation basins
<b>Attenuation Pond / Basins</b>	Attenuation basins are landscaped features used to store and treat runoff. Wet ponds have a constant body of water with runoff being additional. Dry ponds are empty during periods of dry weather.	Y	Suitable for attenuation

- 6.9 SuDS attenuation will provide the required storage volume to manage the 1:100year (1% AEP) storm event, plus an extra allowance of 40% for the predicted potential increase in peak rainfall up to 2115, with a peak discharge rate restricted to a maximum of **24.0 l/s (QBar)** via a flow control device, prior to discharging offsite into the adjacent watercourse.
- 6.10 Based on the planning layout the impermeable site area equates to 3450m<sup>2</sup>, this includes an additional 10% of impermeable area to the plot drainage calculations to allow for any urban creep.  
The approximate volume required to store the 1:100y+40% rainfall event, discharging at a maximum rate of 24.0 l/s is approximately 2,250m<sup>3</sup>.

To balance the volume of attenuation the storage will be split between an on-site attenuation tank reducing flows to the downstream network along with the main attenuation basin. The attenuation basin volumes and depths are as follows:

Attenuation Basin.

Storm Return Period	Critical Event	Water Depth m	Attenuation Volume m <sup>3</sup>	Discharge rate l/sec
1 yr	240 min Winter	0.521m	274m <sup>3</sup>	24.0 l/sec
10 yr	480 min Winter	0.749m	625m <sup>3</sup>	24.0 l/sec
30 yr	600 min Winter	0.898m	885m <sup>3</sup>	24.0 l/sec
100 yr + 40%	1440 min Winter	1.358m	1830m <sup>3</sup>	24.0 l/sec

- 6.11 The surface water drainage strategy for the development is described below:

#### Roof Runoff:-

Roof runoff will be collected by a conventional system of guttering and downpipes discharging to the gravity storm drain, where possible it will be discharged into the driveway stone sub base via cellular diffuser cells.

#### Private Drives & Parking Courts:-

All private drives and parking courts will either drain via a traditional gully system outfalling to a stone sub base prior to outfalling to a the main storm drain or via a permeable block paved system with a stone sub-base to provide some attenuation and an improvement in water quality.

The stone sub-base of the permeable block paving is to be lined with an impermeable membrane to prevent the ingress of groundwater.

#### Development Roads:-

Runoff from the highway areas will drain via deep trapped road gullies connecting directly to either the main piped storm drain.

#### Attenuation Tank:-

The attenuation tank has been designed to provide temporary storage to the development runoff, located within an area of open space it will restrict flows to the downstream network reducing the impact on the main end attenuation basin.



### Attenuation Basin:-

The attenuation basins has been designed to provide final element of water cleansing together with the main storage to allow storm water to be temporarily stored within the basin before discharging into the existing watercourse at a controlled rate (Greenfield QBar). The basin will include a permanently wet pond to allow for water based planting.

- 6.12 The main attenuation pond has been designed to manage the 1 in 100 year return storm plus an extra allowance of 40% for the potential predicted increase in peak rainfall up to 2115. The attenuation basin also includes sufficient volume for the required 10% urban creep.

The proposed surface water drainage strategy offers a sustainable, safe and robust system which will afford complete flood risk protection to residents within the new development.

### 6.13 Pollution Prevention

In terms of water quality, the proposed surface system offers a suitable level of mitigation in accordance with the Environment Agency pollution prevention guidance GP3, CIRIA C697 and DEFRA guidance.

- 6.14 The process of sedimentation is the principle pollution removal mechanism in SuDS as pollution in surface water runoff is generally attached to sediment particles. By reducing flow velocities and capturing sediments, a significant reduction in pollutant loads can be achieved.

- 6.15 For 'low risk' residential developments where the receiving waterbody is considered non-sensitive, the minimum treatment process is achieved via the permeable block paving and stone sub base within the private access roads, parking areas and driveways. The permeable paving will provide a high level of treatment through capture of silts, filtration of hydrocarbons and other pollutants through the pavers, filter membrane and media sub-base prior to discharging through the flow control chamber and into the existing watercourse.

### 6.16 Water Quality Risk Management:

The water quality proposals have been assessed using the simple index within the Ciria SuDS Manual C753.

#### Pollution hazard indices:

Land Use	Pollution hazard level	Total suspended solids (TSS)	Metals	Hydrocarbons
Residential roofs	Very low	0.2	0.2	0.05
Individual driveways, low traffic roads and non-residential car parking.	Low	0.5	0.4	0.4



#### SUDs Mitigation Indices:

Type of SUDs component	Mitigation indices		
	TSS	Metals	Hydrocarbons
Permeable pavement	0.7	0.6	0.7
Attenuation Basin	0.5	0.5	0.6

The maximum pollution hazard is low. The driveway permeable paving & attenuation provides suitable water quality provisions for this element.

The proposed SUDs treatment on the development site is considered suitable in accordance with Ciria SuDS Manual C753.

#### 6.17 Overland Flood Flow / Exceedance

The proposed SuDS features within the development are designed to manage the 1 in 100 year return storm (1% chance of occurrence each year) plus an extra allowance of 40% for the potential increase in peak rainfall predicted up to 2115.

An 'exceedance' or 'extreme' event refers to a storm in excess of this design level.

- 6.18 The occurrence of an extreme rainfall event exceeding the design storm of the drainage network or failure / blockages of the 'Flow Control' chamber has been considered. Any flood water that occurs as a result of surcharging of manholes within the upstream piped system will be contained within the road limits by raised kerb edges and driveway entrance levels, where it will be temporarily stored until capacity returns within the drainage system.
- To mitigate the residual risk of overland flooding the design levels of hard paved and landscaped areas as part of the proposed design of the development will aim to contain and safely direct any flood flows to areas of the site as to cause minimum flood risk and disruption to properties and residents.

#### 6.19 SuDS Management and Maintenance

It is envisaged that a management company funded by all residents will be given ownership of the shared areas of permeable block paving, filter trench, flow control chambers, outfall headwall and package pumping station /rising main and upstream piped system.

The management company will be entrusted with a robust inspection, de-silting and maintenance programme to ensure the optimum operation of the surface water drainage system is continually maintained in perpetuity.

- 6.20 Any residual risk of overland flooding to properties is to be mitigated by the provision of raised property slab levels a minimum of 150mm above surrounding ground level.
- 6.21 The described protection measures ensure that properties both within the proposed development and any offsite parties and land will not be affected by overland runoff in the event of a reasonably extreme rainfall event exceeding the design storm or a failure or a blockage of the SuDS structures within the system.

## **7 Foul water drainage strategy**

- 7.1 The foul water generated from each property will drain via gravity through the private house drainage before discharging to a new sewer network located typically within the development road system.

The main gravity development sewer will then convey flows to the DN300 public foul sewer located within the scrub land to the south of the site, the proposed connection manhole is located within the development area as shown on the drainage strategy.

- 7.2 The predicted peak foul sewer discharge from the site to the existing foul sewer based on the Sewers for Adoption 7th figure (4000 l/dwelling/day) for 209 units will be 9.67 l/s.
- 7.3 The foul sewers within the development will be offered for adoption to Southern Water.
- 7.4 Under the current Water Authority legislation Southern Water will ensure that capacity is made available for the new development flows; any required sewer modelling work and upgrades will be paid for via the development infrastructure charge. As part of the design process Southern Water will be consulted to confirm that there is adequate capacity within the receiving foul sewer and the downstream catchment to accommodate the proposed foul flows from the development.

This will ensure that the proposed development has a ‘no detriment’ impact on the local foul sewer system and does not create an increase in flood risk.

# Oakcroft Lane Stubbington Hampshire

*Written Scheme of Investigation for  
an Archaeological Evaluation*



*for:*  
Persimmon Homes (South Coast)

CA Project: AN0223

September 2020



# Oakcroft Lane Stubbington Hampshire

## *Written Scheme of Investigation for an Archaeological Evaluation*

CA Project: AN0223

Document Control Grid						
Revision	Date	Author	Checked by	Status	Reasons for revision	Approved by
A	18/09/20	Ray Kennedy	Richard Greateorex	Internal review	General Edit	Richard Greateorex

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Gloucester	Milton Keynes	Andover	Farnham	Suffolk

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## CONTENTS

1.	INTRODUCTION.....	2
2.	ARCHAEOLOGICAL BACKGROUND.....	3
3.	AIMS AND OBJECTIVES.....	5
4.	METHODOLOGY.....	5
5.	PROGRAMME.....	8
6.	PROJECT STAFF.....	8
7.	POST-EXCAVATION, REPORTING AND ARCHIVING.....	9
	<i>Reporting.....</i>	<i>9</i>
	<i>Archive deposition.....</i>	<i>11</i>
8.	HEALTH, SAFETY AND ENVIRONMENT.....	13
9.	INSURANCES.....	13
10.	MONITORING.....	13
11.	QUALITY ASSURANCE.....	13
12.	PUBLIC ENGAGEMENT, PARTICIPATION AND BENEFIT.....	14
13.	STAFF TRAINING AND CPD.....	14
14.	REFERENCES.....	14
	APPENDIX A: COTSWOLD ARCHAEOLOGY SPECIALISTS.....	16

Figure 1: Site Location and Trench Plan

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## 1. INTRODUCTION

- 1.1. This document is a Written Scheme of Investigation (WSI) by Cotswold Archaeology (CA) for an archaeological evaluation of land at Oakcroft Lane, Stubbington, Hampshire centred on National Grid Reference 455396 104467 (see Figure 1). This WSI has been prepared for Persimmon Homes (South Coast).
- 1.2. The evaluation results will inform a planning application for residential development Residential Development Land east of Crofton Cemetery and west of Peak Lane,, which has been made to Fareham Borough Council (planning ref: P/20/0522/FP).
- 1.3. This WSI will be submitted to David Hopkins, County Archaeologist at Hampshire County Council the archaeological advisor to FBC for review.
- 1.4. This WSI has been guided in its composition by *Standard and guidance for archaeological field evaluation* (ClfA 2014; updated June 2020), *Management of Research Projects in the Historic Environment (MoRPHE) PPN 3: Archaeological Excavation* (Historic England 2015) and *Management of Research Projects in the Historic Environment: The MoRPHE Project Managers' Guide* (Historic England 2015).

### The site

- 1.5. The residential development is within the land south of Oakcroft Lane with a public open space within the land to the north. The site is bordered by modern residential development on the east and south side, with Crofton cemetery to the west with Oakcroft Lane demarcating the northern boundary. The Site is located at c. 10m above Ordnance Datum (aOD).
- 1.6. The underlying geology of the majority of the Site comprises bedrock of Wittering Formation (mix of sand, silt and clay). The north-eastern extent of the Site comprises Whitecliff Sand Member. There are also patches of superficial River Terrace deposits (mix of sand, silt and clay) across the Site (British Geological Survey 2020).
- 1.7. The soilscape within the Site is mapped as loamy soils with a naturally high groundwater. Draining into local groundwater, these soils are suitable for arable and root cropping (Cranfield Soil and Agrifood Institute 2018).



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## 2. ARCHAEOLOGICAL BACKGROUND

### Prehistoric and Romano-British

- 2.1. Although there are no prehistoric or Roman sites or findspots within the Site, there is evidence for human activity dating from the prehistoric period onwards in the wider landscape. The river terrace gravel deposits, recorded throughout the Fareham area (Wessex Archaeology 2012), were favourable for early prehistoric activity and a number of worked flints have been recorded in the wider environs of the Site as stray finds.
- 2.2. The closest recorded worked flint is a Bronze Age hammer, recorded c. 830m north-west of the Site. Additional stray finds recovered from the wider surroundings of the Site include Bronze Age metalwork, spearheads and palstaves, recorded in the Titchfield area, c. 1.3km north-west of the Site (Hopkins 2004a). Another Bronze Age axehead is recorded c. 1.6km south-west of the Site. These finds are centred along the River Meon, which corresponds with the river terrace deposits. As stated, there are similar river terrace deposits recorded within the Site which are also associated with the River Meon tributaries.
- 2.3. Evidence of late prehistoric settlement is recorded in the wider environs of the Site. This evidence includes Late Bronze Age and Iron Age enclosures in Hook, c. 4km to the west of the Site (Wessex Archaeology 2012) and an Iron Age settlement to the east of Fareham, c. 4.6km north-east of the Site (Hopkins 2004b).
- 2.4. Although there is no evidence of Roman activity in the Site or the study area, there is evidence for Roman activity in Fareham. The Iron Age settlement identified north-east of the Site also contained Roman features (Hopkins 2004b) and a ditch containing building material was excavated during construction works in High Street, c. 3.1km to the north-east of the Site (Hopkins 2004b).

### Early medieval and medieval

- 2.5. Historically the Site was situated within Titchfield Parish. In the early medieval period, Titchfield was a large royal manor, and although it is first mentioned in the late 10th century it is likely that the church was founded in the 7th or 8th century AD (Hopkins 2004b). The origins of Stubbington is unclear, however, the place-name indicates that it may have initially been a farm set within a clearing (Hampshire County Council nd.). It is recorded in the 1086 Domesday Book as Stubitone which

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is a variation on the Old English phrase meaning ‘farm at the stubbing’ or cleared land characterised by stumps (Coates 1989). Titchfield is recorded as the centre of a hundred in the Domesday Survey (1086) (Wessex Archaeology 2012). The survey records two manors in the vicinity of the Site: Crofton, recorded as Croftone and Stubbington (Stubitone). Crofton manor (c. 710m west of the Site), no longer extant, was a settlement of a medium size and was held at the time of Survey by Count Alan of Brittany, who replaced the pre-Conquest (1066) owner, Wulfard. Associated with Crofton Manor is the Grade II\* Old Crofton Church just to the west of the Site.

2.6. There is currently no evidence to indicate substantial settlement activity east of the church (i.e. extending into the Site), with the church most probably located in a reasonably central location in order to serve the surrounding farmsteads. However, the potential for the presence of associated activity within the surroundings of the church, which could extend into the Site, cannot be entirely ruled out.

2.7. Stubbington was a small village, c. 825m south of the Site, comprising only nine households and formed part of Earl Godwin’s estate before the Conquest and is recorded to have been held by Hugh of Port in 1086. Stubbington is recorded as a separate settlement from the 1086 Domesday book until 1428, when it is noted as being under the lordship of the Abbey of Titchfield. It is assumed that from 1428 onwards it was incorporated within Titchfield. Additionally, there is documentary evidence for two farmsteads dating from the medieval period within the study area:

- Hollam Hill Farm c. 950m north-west and first recorded in 1246;
- Newlands Farm, c. 560m east of the Site and first recorded in 1315.

2.8. There are no known medieval archaeological remains recorded within the Site. The Site appears to have been located on the periphery of known settlements during the medieval period and is likely to have comprised agricultural land throughout this period. Additional evidence of medieval agricultural activity within the environs of the Site comprises a mill recorded c. 830m west of the Site.

### **Post-medieval and modern**

2.9. The available data indicates that activity within the environs of the Site during the post-medieval period was concentrated at Fareham and Titchfield. Fareham is



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recorded as acting as a centre for brick making, in the post-medieval period, with several large brick-works and pottery works established around the town (Hopkins 2004b). Extraction pits and associated features indicating such activity have been identified through aerial photography surveys, with the closest pits recorded c. 350m west of the Site. The aerial photography survey also recorded a series of former field boundaries within the environs of the Site which have been dated to the post-medieval period and indicate the continued focus of agricultural practice within the area (Wessex Archaeology 2011).

### 3. AIMS AND OBJECTIVES

- 3.1. The general objective of the evaluation is to provide further information on the likely archaeological resource within the site, including its presence/absence, character, extent, date and state of preservation. This information will enable Fareham Borough Council to identify and assess the particular significance of any archaeological heritage assets within the site, consider the impact of the proposed development upon that significance and, if appropriate, develop strategies to avoid or minimise conflict between heritage asset conservation and the development proposal, in line with the *National Planning Policy Framework* (MHCLG 2019). A further objective of the project is to compile a stable, ordered, accessible project archive (see Section 7).
- 3.2. If significant archaeological remains are identified, reference will be made to the appropriate research framework, with reference, i.e. Solent-Thames Archaeological Research Framework (Chapters published 2006-2009) [further details of the regional research frameworks available can be found at [http://www.algao.org.uk/england/research\\_frameworks](http://www.algao.org.uk/england/research_frameworks)], so that the remains can, if possible, be placed within their local and regional context.

### 4. METHODOLOGY

- 4.1. The evaluation will comprise the excavation of 58 trenches (locations shown on the attached plan):
- 58no 30m x 1.8m trenches;
- 4.2. The trenches have been located to provide a representative sample of the the site.

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- 4.3. Trenches will be set out on OS National Grid co-ordinates using Leica GPS. They will be scanned for live services by trained CA staff using CAT and genny equipment, in accordance with the *CA Safe System of Work for avoiding underground services*. The positions of the trenches may be adjusted on site to account for services or other constraints, with the approval of David Hopkins.
- 4.4. Overburden will be stripped from the trenches by a mechanical excavator fitted with a toothless grading bucket. All machining will be conducted under archaeological supervision and will cease when the first significant archaeological horizon or natural substrate is revealed (whichever is encountered first). Topsoil and subsoil will be stored separately adjacent to each trench.
- 4.5. Following machining, any archaeological features present will be investigated, planned and recorded in accordance with *CA Technical Manual 1: Fieldwork Recording Manual*. Each context will be recorded on a pro-forma context sheet by written and measured description. Hand-drawn sections of excavated archaeological features will be prepared (scale 1:10 or 1:20, as appropriate). Features/deposits will be recorded in plan using Leica GPS or Total Station (as appropriate), in accordance with *CA Technical Manual 4: Survey Manual*. Photographs (digital colour) will be taken as appropriate.
- 4.6. Sample excavation of archaeological deposits will be sufficient to achieve the aims and objectives identified in Section 3 (above). At the evaluation stage, there is no requirement to sample all archaeological features encountered. Excavation (where undertaken) will not compromise the integrity of the archaeological record and will be carried out in such a way as to allow for the subsequent protection of remains, either for conservation or to allow more detailed investigations to be conducted at a later date.
- 4.7. Upon completion of the evaluation, all trenches will be backfilled by a mechanical excavator.

#### Artefacts

- 4.8. Artefacts will be recovered and retained for processing and analysis in accordance with *CA Technical Manual 3: Treatment of Finds Immediately after Excavation*. Artefacts will be collected and bagged by context. Artefacts from topsoil, subsoil and unstratified contexts will normally be noted but not retained unless they are of

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intrinsic interest. All artefacts from stratified excavated contexts will be collected, except for large assemblages of post-medieval or modern material. Such material may be noted and not retained or, if appropriate, a representative sample may be collected and retained.

#### Environmental remains

- 4.9. The selection, collection and processing of environmental samples will follow the guidelines outlined in *Environmental Archaeology: A guide to the Theory and Practice of Methods, from Sampling and Recovery to Post-excavation* (English Heritage 2011) and *CA Technical Manual 2: The Taking and Processing of Environmental and Other Samples from Archaeological Sites*.
- 4.10. Due care will be taken to identify deposits which may have environmental potential and, where appropriate, a programme of environmental sampling will be initiated. The sampling strategy will be adapted for the specific circumstances of the site, in close consultation with the CA Environmental Officer and David Hopkins, but will follow the general selection parameters set out in the following paragraphs.
- 4.11. Secure, phased deposits, especially those related to settlement activity and/or structures, will be considered for sampling for the recovery of charred plant remains, charcoal and mineralised remains. Any cremation-related deposits (where excavated; see *Human remains*, below) will be sampled appropriately for the recovery of cremated human bone and charred remains. If any evidence of *in situ* metal working is found, suitable samples will be taken for the recovery of slag and hammerscale.
- 4.12. Where sealed waterlogged deposits are encountered, samples will be considered for the recovery of waterlogged remains (including insects, molluscs and pollen) and any charred remains. The taking of sequences of samples for the recovery of molluscs and/or waterlogged remains will be considered through any suitable deposits, such as deep enclosure ditches, barrow ditches, palaeochannels, or buried soils. Monolith samples may also be taken from suitable deposits as appropriate to allow soil and sediment description/interpretation, as well as sub-sampling for pollen and other micro/macrofossils such as diatoms, foraminifera and ostracods.

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4.13. The need for more specialist samples (such as OSL, archaeomagnetic dating and dendrochronology) will be evaluated on site. If required, any such samples will be taken in consultation with the relevant specialists.

4.14. Sample processing will be carried out in conjunction with the relevant specialists. Flotation or wet sieve samples will be processed to 0.25mm. More specialist samples, such as those for pollen, will be prepared by the relevant specialists.

#### **Treasure**

4.15. Upon discovery of treasure, CA will notify client and Curator immediately. CA will comply fully with the provisions of the Treasure Act 1996 and the Code of Practice referred to therein. Findings will be reported to the Coroner within 14 days.

#### **Human remains**

4.16. Any human remains (skeletal or cremated) will be treated with due decency and respect at all times.

4.17. Small slots will be hand-excavated across any suspected burial features (inhumations or cremated bone deposits) in order to confirm the presence and condition of any human bone. Once confirmed as human, the buried remains will not normally be disturbed through any further investigation at the evaluation stage, and will be left *in situ* where possible.

4.18. Where further disturbance is unavoidable, or where full exhumation of the remains is deemed necessary, exhumation will be conducted following the provisions of the Coroner's Unit in the Ministry of Justice. All excavation of human remains and associated post-excavation processes will be in accordance with the standards set out in *Updated Guidelines to the Standards for Recording Human Remains* (ClfA 2017).

### **5. PROGRAMME**

5.1. It is anticipated that the project fieldwork will require 8 days. It is anticipated that analysis of the results and subsequent reporting will take up to a further 3-4 weeks.

### **6. PROJECT STAFF**

6.1. This project will be under the management of Ray Kennedy, ACIfA, Project Manager, CA. The Project Manager will direct the overall conduct of the evaluation

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during the period of fieldwork. Day-to-day responsibility will, however, rest with the Project Leader, who will be on-site throughout the project.

6.2. The field team will consist of a maximum of 6 staff (1 Project Officer, 5 Archaeologists).

6.3. Specialists who may be invited to advise and report on specific aspects of the project as necessary are:

- **Ceramics:** Ed McSloy MCIfA (CA)
- **Metalwork:** Ed McSloy MCIfA (CA)
- **Flint:** Jacky Sommerville PCIfA (CA)
- **Animal bone:** Andy Clarke BA (Hons) MA (CA)/Matty Holmes BSc MSc ACIfA (freelance)
- **Human bone:** Sharon Clough MCIfA (CA)
- **Environmental remains:** Sarah Wyles MCIfA (CA)
- **Conservation:** Pieta Greeves BSc MSc ACR (Drakon Heritage and Conservation)
- **Geoarchaeology:** Dr Keith Wilkinson (ARCA)

6.4. Depending on the nature of the deposits and artefacts encountered, it may be necessary to consult other specialists not listed here. A full list of specialists currently used by CA is given as Appendix A.

## 7. POST-EXCAVATION, REPORTING AND ARCHIVING

### *Reporting*

7.1. An illustrated typescript report will be compiled on the evaluation results. This report will include:

- an abstract preceding the main body of the report, containing the essential elements of the results;
- a summary of the project's background;
- a description and illustration of the site location;
- a methodology of the works undertaken;
- integration of, or cross-reference to, appropriate cartographic and documentary evidence and the results of other research undertaken, where relevant to the interpretation of the evaluation results;

- 
- a description of the evaluation results;
  - an interpretation of the evaluation results, including a consideration of the results within their wider local/regional context;
  - a site location plan at an appropriate scale on an Ordnance Survey (or equivalent) base-map;
  - a plan showing the locations of the trenches in relation to the site boundaries;
  - plans of each trench, or part of trench, in which archaeological features were recorded. These plans will be at an appropriate scale to allow the nature of the features to be shown and understood. Plans will show the orientation of trenches in relation to north. Section drawing locations will also be shown on these plans. Archaeologically sterile areas will not normally be illustrated;
  - appropriate section drawings of trenches and archaeological features. These drawings will include OD heights and will be at scales appropriate to the stratigraphic detail being represented. Drawings will show orientation in relation to north/south/east/west;
  - photographs showing significant archaeological features and deposits that are referred to in the text. All photographs will contain appropriate scales, the size of which will be noted in the photograph captions;
  - summary tables of the recorded contexts and recovered artefacts;
  - a summary of the contents of the project archive and details of its location;
  - specialist assessment or analysis reports (where undertaken). Specialist artefact and palaeoenvironmental assessments will take into account the wider local/regional contexts and will include:
    - specialist aims and objectives;
    - processing methodologies (where relevant);
    - any known biases in recovery, or problems of contamination/residuality;
    - quantities of material; types of material present; distribution of material;
    - for environmental material, a statement on abundance, diversity and preservation;
    - a summary and discussion of the results, to include significance in a local and regional context.

- 
- 7.2. The draft evaluation report will be distributed to client and Curator for review prior to finalisation. All copies of the report (draft and final) will be issued in pdf format.

#### **Academic and public dissemination**

- 7.3. It is anticipated that a short note on the evaluation results will be produced for inclusion within an appropriate local archaeological journal, Proceedings of the Hampshire Field Club and Archaeological Society.
- 7.4. Subject to any contractual constraints, a summary of information from the project will be entered onto the OASIS online database of archaeological projects in Britain. This will include a digital (pdf) copy of the final report, which will also appear on the Archaeology Data Service (ADS) website once the OASIS record has been verified.
- 7.5. A digital (pdf) copy of the final report will also be made available for public viewing via CA's *Archaeological Reports Online* web page (<http://reports.cotswoldarchaeology.co.uk>).

#### **Archive deposition**

- 7.6. All artefacts and environmental samples will be processed, assessed, conserved and packaged in accordance with CA technical manuals and the Hampshire Cultural Trust guidelines.
- 7.7. An ordered, indexed, and internally consistent site archive will be prepared in accordance with *Standard and guidance for the creation, compilation, transfer and deposition of archaeological archives* (ClfA 2014; updated June 2020), *Archaeological Archives: A Guide to Best Practice in Creation, Compilation, Transfer and Curation* (Archaeological Archives Forum 2007) and *Standard and Guide to Best Practice for Archaeological Archiving in Europe: EAC Guidelines 1* (Europae Archaeologia Consilium 2019), as well as the relevant Hampshire Cultural Trust guidelines.
- 7.8. Depending on the nature and scope of any subsequent programme of archaeological mitigation works at the site, the evaluation archive may be combined with that for any subsequent works and deposited as a single archive. Confirmation of this will be included in any forthcoming WSI.

- 
- 7.9. CA will make arrangements with Hampshire Cultural Trust for the deposition of the site archive and, subject to agreement with the legal landowner(s), the artefact collection.

#### *Selection strategy*

- 7.10. As noted in para. 4.8, artefacts from topsoil, subsoil and unstratified contexts will normally be noted but not retained unless they are of intrinsic interest. All artefacts from stratified excavated contexts will be collected, except for large assemblages of post-medieval or modern material. Such material may be noted and not retained or, if appropriate, a representative sample may be collected and retained.
- 7.11. The site-selected material archive returned to the CA offices will be reviewed following analysis. Stakeholders will make selection decisions based on CA Finds Manager/Officer reports and selection recommendations. The selection will take place during archive compilation. After discussion with the relevant museum Curator and the CA Finds Managers/Officers, it is possible that no material postdating AD 1800 will be retained for inclusion in the preserved archive.

#### **Digital archive**

- 7.12. A digital archive will be deposited with the Archaeology Data Service (ADS). This archive will be compiled in accordance with the *ADS Guidelines for Depositors*.

#### *Data management*

- 7.13. All born-digital and digitally-transferred project data created during fieldwork and post-excavation (other than duplicated files) will be stored by CA. Upon project completion and deposition, the data will be transferred to a secure external server. Data will be selected for inclusion in the final digital archive, as detailed below. It is proposed that data selection will occur following completion of post-excavation work.
- 7.14. Selected digital files will be transferred to Hampshire Cultural Trust with the documentary and material archive and to the ADS, in line with the relevant guidance and standards for both organisations. In adherence to CA's *Guidelines for essential archive tasks and the preparation of archives* (2017), it is proposed that the selected files will include final versions only. Digital photographs will be selected



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for inclusion in the archive in line with CA's *Guidelines for essential archive tasks and the preparation of archives* (2017) and *Digital Image Capture and File Storage: Guidelines for Best Practice* (Historic England 2015). Data produced by external specialists or sub-contractors will be granted under license to CA to allow inclusion in the digital archive as required.

## **8. HEALTH, SAFETY AND ENVIRONMENT**

- 8.1. CA will conduct all works in accordance with the Health and Safety at Work Act 1974 and all subsequent health and safety legislation, as well as the CA Health and Safety and Environmental policies and the CA Safety, Health and Environmental Management System (SHE). Any client/developer/Principal Contractor policies and/or procedures will also be followed. A site-specific Construction Phase Plan (form SHE 017) will be formulated prior to commencement of fieldwork.

## **9. INSURANCES**

- 9.1. CA holds Public Liability Insurance to a limit of £10,000,000 and Professional Indemnity Insurance to a limit of £10,000,000.

## **10. MONITORING**

- 10.1. Notification of the start of site works will be made to David Hopkins so that there will be opportunities to visit the evaluation and check on the quality and progress of the work.

## **11. QUALITY ASSURANCE**

- 11.1. CA is a Registered Organisation (RO) with the Chartered Institute for Archaeologists (RO Ref. No. 8). As a RO, CA endorses the Code of Conduct (CIfA 2019) and the *Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment* (CIfA 2014). All CA Project Managers hold Member status within the CIfA.
- 11.2. CA operates an internal quality assurance system as follows: projects are overseen by a Project Manager, who is responsible for the quality of the project. The Project Manager reports to the Chief Executive, who bears ultimate responsibility for the conduct of all CA operations. Matters of policy and corporate strategy are

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determined by the Board of Directors and, in cases of dispute, recourse may be made to the Chairman of the Board.

## **12. PUBLIC ENGAGEMENT, PARTICIPATION AND BENEFIT**

- 12.1. It is not anticipated that this evaluation will afford opportunities for public engagement or participation during the course of the fieldwork. However, the evaluation results will be made publicly available on the ADS and CA websites, as set out in Section 6.

## **13. STAFF TRAINING AND CPD**

- 13.1. CA has a fully documented mandatory performance management system for all staff. This system reviews personal performance, identifies areas for improvement, sets targets and ensures the provision of appropriate training within CA's adopted training policy. In addition, CA has developed an award-winning career development programme for its staff. This ensures a consistent and high-quality approach to the development of appropriate skills.
- 13.2. As part of CA's requirement for continuing professional development, all members of staff are required to maintain a personal development plan and an associated log; these are reviewed within the performance management system.

## **14. REFERENCES**

- British Geological Survey 2020 *Geology of Britain Viewer*  
<http://www.bgs.ac.uk/discoveringGeology/geologyOfBritain/viewer.html>  
Accessed 18 September 2020
- Cotswold Archaeology, 2020, Oakcroft Lane, Stubbington, Hampshire:  
Archaeological Desk based Assessment
- Hopkins, D. 2004a *Extensive Urban Survey – Hampshire and the Isle of Wight: Titchfield Archaeological Assessment*, Hampshire County Council
- Hopkins, D. 2004b *Extensive Urban Survey – Hampshire and the Isle of Wight: Fareham Archaeological Assessment*, Hampshire County Council
- Ministry of Housing, Communities and Local Government 2019 *National Planning Policy Framework (NPPF)*; published February 2019

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Page, W. 1908 Parishes: Titchfield in *A History of the County of Hampshire: Volume 3*

Wessex Archaeology 2011 *South East Rapid Coastal Assessment Survey (SE RCZAS): Phase 1: National Mapping Programme Report* Unpublished document ref: 71330.01

Wessex Archaeology 2012 *Newlands Farm, Fareham, Hampshire: Archaeological Desk-Based Assessment* Unpublished report ref: 86880.01

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## APPENDIX A: COTSWOLD ARCHAEOLOGY SPECIALISTS

### ***Ceramics***

Neolithic/Bronze Age	Ed McSloy BA MCIFA (CA) Emily Edwards (freelance) Dr Elaine Morris BA PhD FSA MCIFA (University of Southampton) Anna Doherty MA (Archaeology South-East) Sarah Percival MA MCIFA (freelance) Steve Benfield BA (CA)
Iron Age/Roman	Ed McSloy BA MCIFA (CA) Kayt Marter Brown BA MSc MCIFA (freelance) Steve Benfield BA (CA)
(Samian)	Gwladys Montell MA PhD (freelance) Steve Benfield BA (CA)
(Amphorae stamps)	Dr David Williams PhD FSA (freelance)
Anglo-Saxon	Paul Blinkhorn BTech (freelance) Dr Jane Timby BA PhD FSA MCIFA (freelance) Sue Anderson, M Phil, MCIFA, FSA (freelance)
Medieval/post-medieval	Ed McSloy BA MCIFA (CA) Kayt Marter Brown BA MSc MCIFA (freelance) Stephanie Ratkai BA (freelance) Paul Blinkhorn BTech (freelance) John Allan BA MPhil FSA (freelance) Richenda Goffin BA MCIFA (CA) Sue Anderson M Phil, MCIFA, FSA (freelance)
South-West	Henrietta Quinnell BA FSA MCIFA (University of Exeter)
Clay tobacco pipe	Reg Jackson MLitt MCIFA (freelance) Marek Lewcun (freelance) Kieron Heard (freelance) Richenda Goffin BA MCIFA (CA)
Ceramic building material	Ed McSloy MCIFA (CA) Dr Peter Warry PhD (freelance) Sue Anderson M Phil, MCIFA, FSA (freelance) Richenda Goffin (Roman painted wall plaster) CBM, BA MCIFA (CA) Steve Benfield BA (CA)

### ***Other finds***

Small finds	Ed McSloy BA MCIFA (CA) Richenda Goffin, (non-metalwork) BA MCIFA (CA) Steve Benfield CA Dr I Riddler (freelance) Dr Alison Sheridan, National Museum of Scotland
Metal artefacts	Ed McSloy BA MCIFA (CA) Dr Jörn Schuster MA DPhil FSA MCIFA (freelance) Dr Hilary Cool BA PhD FSA (freelance) Dr I Riddler (freelance)
Lithics	Ed McSloy BA MCIFA (CA) Jacky Sommerville BSc MA PCIFA (CA) Michael Green (CA) Sarah Bates BA (freelance)
(Palaeolithic)	Dr Francis Wenban-Smith BA MA PhD (University of Southampton)
Worked stone	Dr Ruth Shaffrey BA PhD MCIFA (freelance)

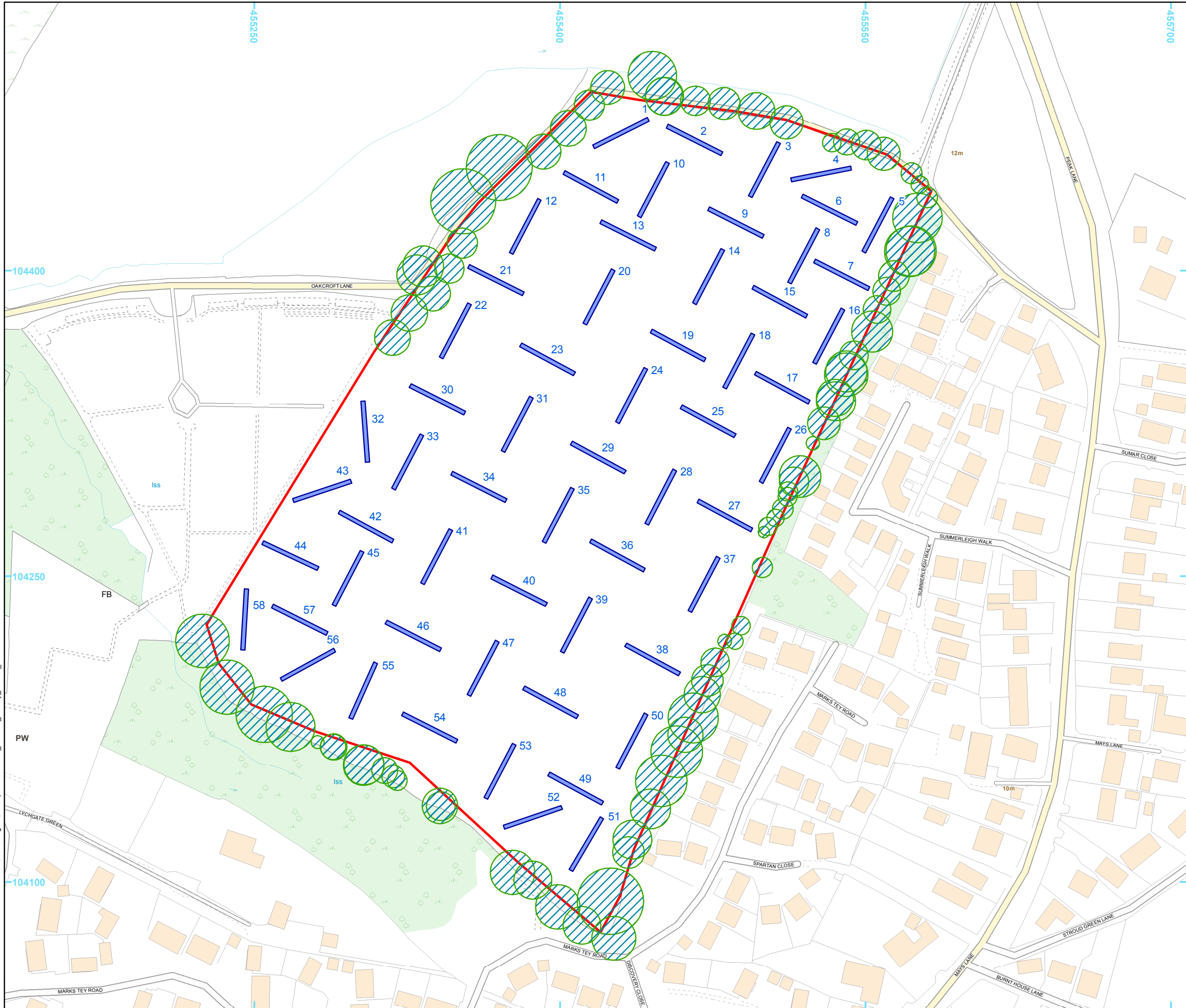
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Inscriptions	Dr Kevin Hayward FSA BSc MSc PhD PCIFA (freelance) Dr Roger Tomlin MA DPhil, FSA (Oxford)
Glass	Ed McSloy MCIFA (CA) Dr Hilary Cool BA PhD FSA (freelance) Dr David Dungworth BA PhD (freelance; English Heritage) Dr Sarah Paynter (Historic England) Dr Rachel Tyson (freelance) Dr Hugh Wilmott (University of Sheffield)
Coins	Ed McSloy BA MCIFA (CA) Dr Ruth Beveridge (CA) Dr Peter Guest BA PhD FSA (Cardiff University) Dr Richard Reece BSc PhD FSA (freelance) Jude Plouviez (freelance) Dr Andrew Brown (British Museum) Dr Richard Kelleher (Fitzwilliam Museum) Dr Philip de Jersey (Ashmolean Museum)
Leather	Quita Mould MA FSA (freelance)
Textiles	Penelope Walton Rogers FSA Dip Acc. (freelance) Dr Sue Harrington (freelance)
Iron slag/metal technology	Dr Tim Young MA PhD (Cardiff University) Dr David Starley BSc PhD Lynne Keys (freelance)
Worked wood	Michael Bamforth BSc MCIFA (freelance)
<b><i>Biological remains</i></b>	
Animal bone	Dr Philip Armitage MSc PhD MCIFA (freelance) Dr Matilda Holmes BSc MSc ACIFA (freelance) Julie Curl (freelance) Lorrain Higbee (Wessex Archaeology)
Human bone	Sharon Clough BA MSc MCIFA (CA) Sue Anderson M Phil, MCIFA, FSA (freelance)
Environmental sampling	Sarah Wyles BA MCIFA (CA) Sarah Cobain BSc MSc ACIFA (CA) Dr Keith Wilkinson BSc PhD MCIFA (ARCA) Anna West BSc (CA) Val Fryer (freelance)
Pollen	Dr Michael Grant BSc MSc PhD (University of Southampton) Dr Rob Batchelor BSc MSc PhD MCIFA (QUEST, University of Reading)
Diatoms	Dr Tom Hill BSc PhD CPLHE (Natural History Museum) Dr Nigel Cameron BSc MSc PhD (University College London)
Charred plant remains	Sarah Wyles BA MCIFA (CA) Sarah Cobain BSc MSc ACIFA (CA)
Wood/charcoal	Sarah Cobain BSc MSc ACIFA(CA) Dana Challinor MA (freelance) Dr Esther Cameron (freelance)
Insects	Enid Allison BSc D.Phil (Canterbury Archaeological Trust) Dr David Smith MA PhD (University of Birmingham)
Mollusca	Sarah Wyles BA MCIFA (CA) Dr Keith Wilkinson BSc PhD MCIFA (ARCA)

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	Dr Mike Allen (Allen Environmental Archaeology)
Ostracods and Foraminifera	Dr John Whittaker BSc PhD (freelance)
Fish bones	Dr Philip Armitage MSc PhD MCIFA (freelance)
<b>Geoarchaeology</b>	Dr Keith Wilkinson BSc PhD MCIFA (ARCA)
Soil micromorphology	Dr Richard Macphail BSc MSc PhD (University College London) Dr Mike Allen (Allen Environmental Archaeology)
<b>Scientific dating</b>	
Dendrochronology	Robert Howard BA (NTRDL Nottingham)
Radiocarbon dating	SUERC (East Kilbride, Scotland) Beta Analytic (Florida, USA)
Bayesian chronological modelling	Dr Derek Hamilton (SUERC) Professor John Hines (Cardiff University)
Archaeomagnetic dating	Dr Cathy Batt BSc PhD (University of Bradford)
TL/OSL Dating	Dr Phil Toms BSc PhD (University of Gloucestershire)
<b>Conservation</b>	Karen Barker BSc (freelance) Pieta Greaves BSc MSc ACR (Drakon Heritage and Conservation) Julia Park-Newman (Conservation Services, freelance)

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**Legend**

- ▬ Site boundary
- ▬ Proposed evaluation trench

0 50m

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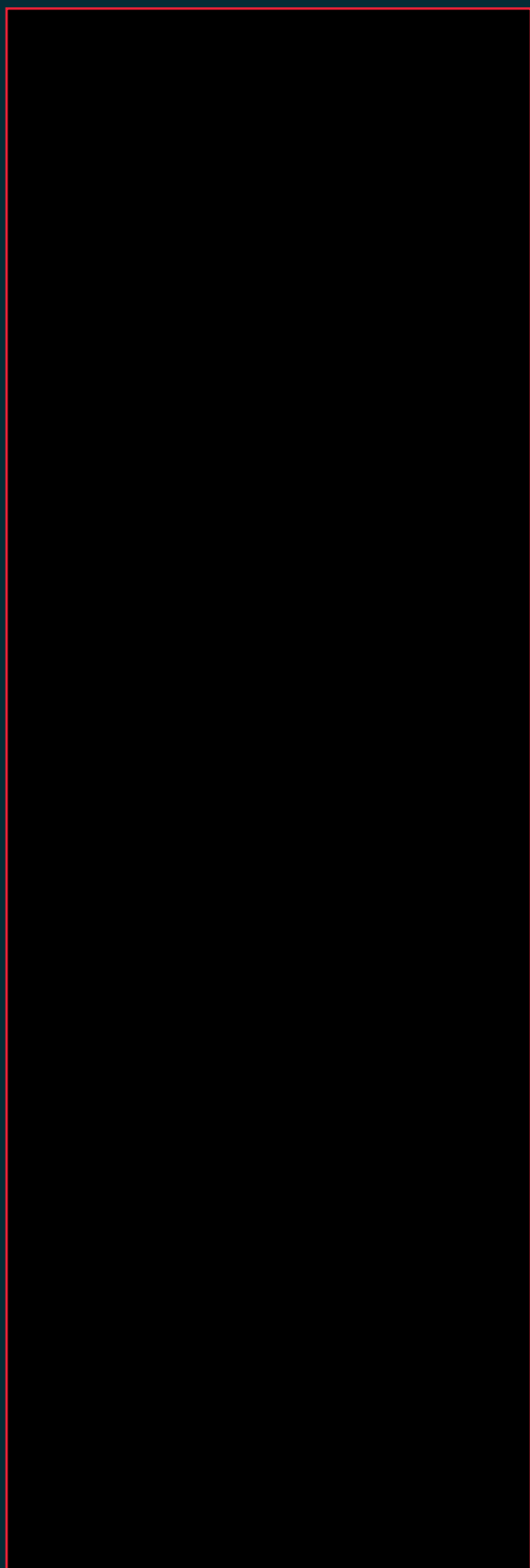
**Cotswold Archaeology**

Andover 01264 347630  
Cirencester 01285 771022  
Exeter 01392 826185  
Milton Keynes 01908 564660  
Suffolk 01449 900120  
www.cotswoldarchaeology.co.uk  
enquiries@cotswoldarchaeology.co.uk

**PROJECT TITLE**  
Oakcroft Lane  
Stubbington, Hampshire

**FIGURE TITLE**  
**Trench location plan  
showing proposed development**

DRAWN BY	KW	PROJECT NO	AN0223	FIGURE NO.
CHECKED BY	RK	DATE	21/09/2020	1
APPROVED BY	RK	SCALE@A3	1:1,750	





# Oakcroft Lane Stubbington Hampshire

## *Archaeological Desk-Based Assessment*



*Report prepared for:*  
Persimmon Homes (South Coast)

CA Project: 770821

CA Report: 18465

March 2019



# Oakcroft Lane Stubbington Hampshire

## *Archaeological Desk-Based Assessment*

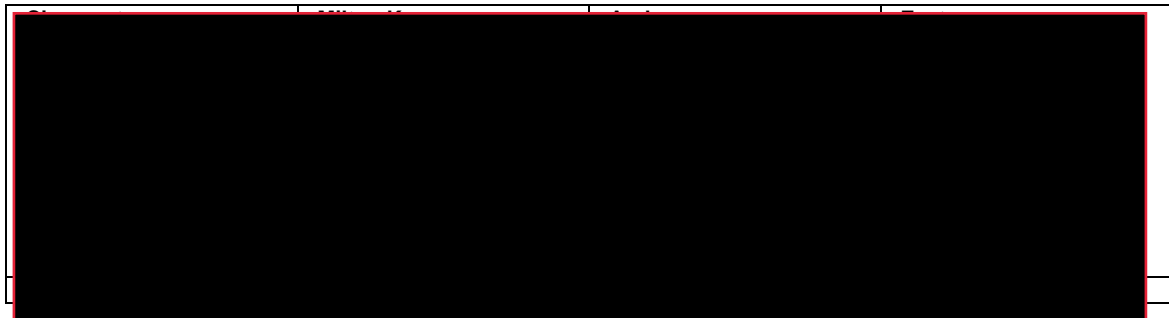
CA Project: 770821

CA Report: 18465

prepared by	Kimberley Dowding, Assistant Heritage Consultant
date	March 2019
checked by	Julia Sulikowska, Senior Heritage Consultant
date	March 2019
approved by	Nathan Blick, Senior Heritage Consultant
signed	
date	March 2019
issue	1

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## CONTENTS

1.	INTRODUCTION.....	4
2.	METHODOLOGY .....	8
3.	ARCHAEOLOGICAL AND HISTORICAL BACKGROUND .....	13
4.	ARCHAEOLOGICAL SIGNIFICANCE & POTENTIAL EFFECTS .....	22
5.	CONCLUSIONS .....	25
6.	REFERENCES.....	26

## ILLUSTRATIONS

- Fig. 1 Site location plan
- Fig. 2 Previous archaeological investigations and designated heritage assets
- Fig. 3 Known heritage assets
- Fig. 4 Manorial map of Titchfield parish dated 1753
- Fig. 5 Titchfield tithe map dated 1837-38
- Fig. 6 Ordnance Survey map dated 1870

## PHOTOGRAPHS

- Photo 1 General view of the south part of the Site as seen from the southern border
- Photo 2 General view of the north part of the Site as seen from the south-east corner
- Photo 3 Hedgerow across the western section of the south border

## SUMMARY

**Project Name:** Oakcroft Lane  
**Location:** Stubbington, Hampshire  
**NGR:** SU 55396 04467

Cotswold Archaeology was commissioned in September 2018 by Persimmon Homes (South Coast) to undertake an Archaeological Desk-Based Assessment to support a planning application for a residential development on land off Oakcroft Lane, Stubbington, Hampshire.

The Site has been recorded as agricultural land from at least the 18th century, and any potential archaeological remains most likely relate to the former field boundaries and its historic agricultural use. However, given the known prehistoric remains in the wider landscape and presence of river terrace deposits within the Site, there is some potential for surviving archaeological remains of prehistoric date to occur within the Site.

If currently unrecorded archaeological remains are present within the Site, the proposed development could disturb any such remains. It is considered that any such impacts can be appropriately addressed through a programme of works agreed with the archaeological advisor to the Local Planning Authority. Such works would be undertaken in accordance with local and national policies relating to the protection of the historic environment.

## 1. INTRODUCTION

- 1.1. In September 2018, Cotswold Archaeology (CA) was commissioned by Persimmon Homes (South Coast) to undertake an Archaeological Desk-Based Assessment in respect of land at Oakcroft Lane, Stubbington, Hampshire (hereafter referred to as ‘the Site’). Presently in use as pastoral land, the Site (c. 18ha in size), is located north of Stubbington and is bisected by Oakcroft Lane (NGR: 455396 104467; Fig. 1).
- 1.2. The proposal consists of a residential development within the land south of Oakcroft Lane and a public open space within the land to the north. The southern extent of the south plot would be public open space retaining the existing tree line and path with an attenuation basin immediately north.



**Photo 1** General view of the south part of the Site as seen from the southern border

### *Objectives and professional standards*

- 1.3. The composition and development of the historic environment within the Site and wider landscape are discussed in this report. A determination of the significance of any heritage assets of archaeological interest, known or potentially located within the Site that may be affected by the development proposals, is presented. Any potential development effects upon the significance of these heritage assets (both adverse



and/or beneficial) are then described. A discussion of potential impacts on assets within the wider landscape (a settings assessment) is beyond the scope of this report.



**Photo 2** General view of the north part of the Site as seen from the south east corner

- 1.4. Cotswold Archaeology (CA) is a Registered Organisation (RO) with the Chartered Institute for Archaeologists (CIfA). This report has been prepared in accordance with the 'Standard and Guidance for Historic Environment Desk-Based Assessment' published by the Chartered Institute (2014).
- 1.5. This approach is consistent with the Chartered Institute's 'Standard and Guidance for Heritage Desk-Based Assessment', which provides that, insofar as they relate to the determination of planning applications, heritage desk-based assessments should:
- '...enable reasoned proposals and decisions to be made [as to] whether to mitigate, offset or accept without further intervention [any identified heritage] impact' (CIfA 2014, 4).*
- 1.6. The 'Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment' (Historic England 2015), further clarifies that a desk-based assessment should:

*‘...determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation’*  
(Historic England 2015, 3).

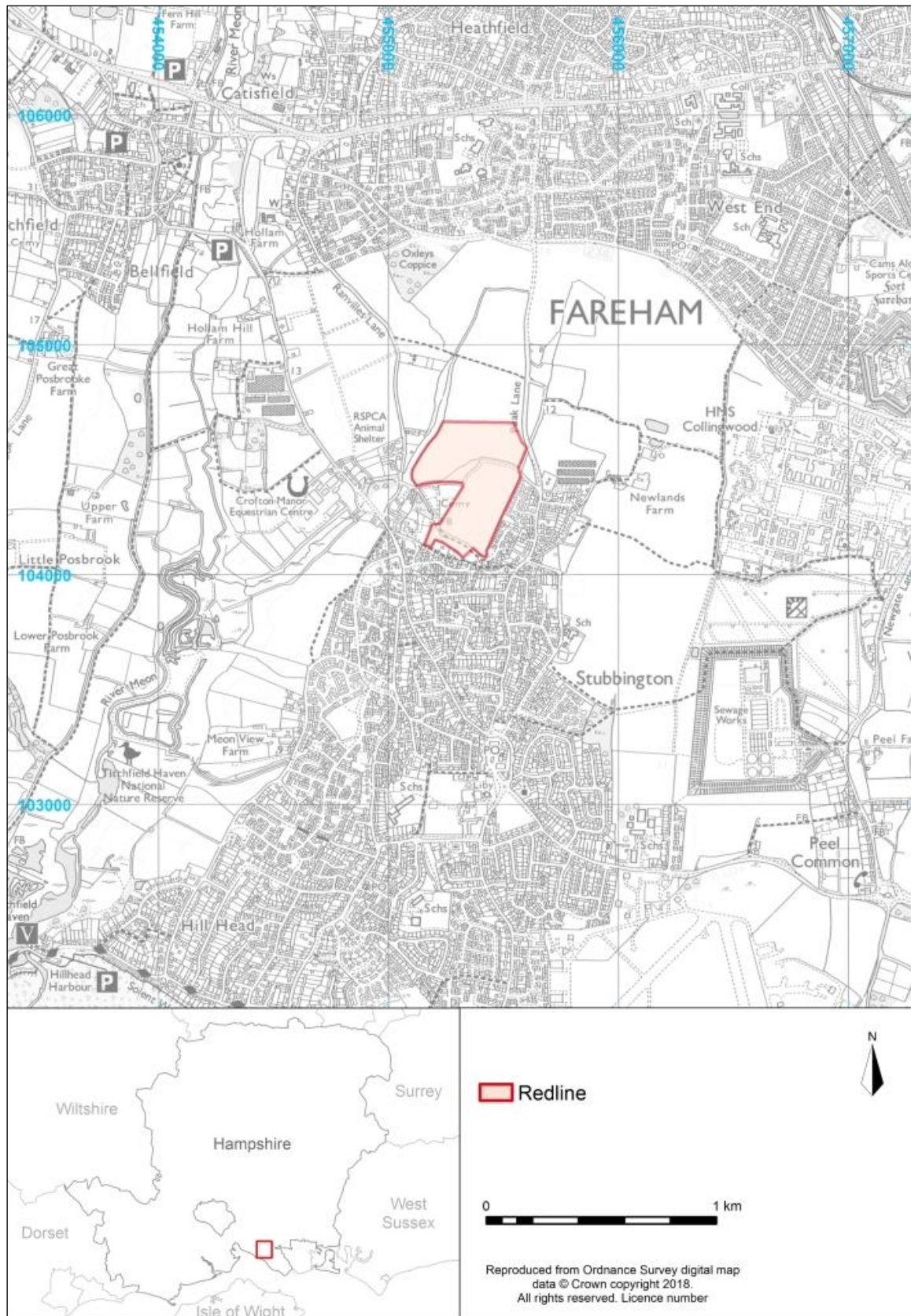
### **Statute, policy and guidance context**

- 1.7. This assessment has been undertaken within the key statute, policy and guidance context presented within Table 1.1. The applicable provisions contained within these statute, policy and guidance documents are referred to, and discussed, as relevant, throughout the text. Fuller detail is provided in Appendix 1.

Statute	Description
<b>Ancient Monuments and Archaeological Areas Act (1979)</b>	Act of Parliament providing for the maintenance of a schedule of archaeological remains of the highest significance, affording them statutory protection.
<b>National Heritage Act 1983 (amended 2002)</b>	One of four Acts of Parliament providing for the protection and management of the historic environment, including the establishment of the Historic Monuments & Buildings Commission, now Historic England.
<b>Conservation Principles (Historic England 2008)</b>	Guidance for assessing heritage significance, with reference to contributing heritage values, in particular: <i>evidential</i> (archaeological), <i>historical</i> (illustrative and associative), <i>aesthetic</i> , and <i>communal</i> .
<b>National Planning Policy Framework (2019)</b>	Provides the English government’s national planning policies and describes how these are expected to be applied within the planning system. Heritage is subject of Chapter 16 (page 54).
<b>Good Practice Advice in Planning: Note 2 (GPA2): Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015)</b>	Provides useful information on assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.
<b>Fareham Core Strategy (2011) and Development Sites &amp; Policies (2015)</b>	Comprises the local development plan (local plan), as required to be compiled, published and maintained by the local authority, consistent with the requirements of the NPPF (2019). Intended to be the primary planning policy document against which planning proposals within that local authority jurisdiction are assessed. Where the development plan is found to be inadequate, primacy reverts to the NPPF (2019).
<b>The Hedgerows Regulations (1997)</b>	Provides protection for ‘important’ hedgerows within the countryside, controlling their alteration and removal by means of a system of statutory notification.

**Table 1.1** Key statute, policy and guidance





**Fig. 1** Site location plan

## 2. METHODOLOGY

### *Data collection, analysis and presentation*

- 2.1. This assessment has been informed by a proportionate level of information sufficient to understand the archaeological potential of the Site, the significance of identified heritage assets, and any potential development effects. This approach is in accordance with the provisions of the NPPF (2019) and the guidance issued by ClfA (2014). The data has been collected from a wide variety of sources, summarised in Table 2.1.

Source	Data
<b>National Heritage List for England (NHLE)</b>	Current information relating to designated heritage assets, and heritage assets considered to be 'at risk'.
<b>Hampshire Historic Environment Record (HER)</b>	Heritage sites and events records, Historic Landscape Characterisation (HLC) data, and other spatial data supplied in digital format (shapefiles) and hardcopy.
<b>Historic England Archives (EHA)</b>	Additional sites and events records, supplied in digital and hardcopy formats.
<b>Hampshire Archives</b>	Historic mapping, historic documentation, and relevant published and grey literature.
<b>Hampshire Local Studies Library</b>	Additional publications, grey literature and other materials specific to the locality.
<b>Old-Maps, Genealogist, National Library of Scotland &amp; other cartographic websites</b>	Historic (Ordnance Survey and Tithe) mapping in digital format.
<b>British Geological Survey (BGS) website</b>	UK geological mapping (bedrock & superficial deposits) & borehole data.
<b>Cranfield University's LandIS Soil Portal</b>	UK soil mapping.

**Table 2.1** Key data sources

- 2.2. Prior to obtaining data from these sources, an initial analysis was undertaken in order to identify a relevant and proportionate study area. This analysis was based on maps, aerial photography and knowledge of the area. On this basis a 1km study area, centred on the Site, was considered sufficient to capture the relevant HER data, and provide the necessary context for understanding archaeological potential and heritage significance in respect of the Site. All of the spatial data held by the HER – the primary historic data repository – for the land within the study area, was

requested. All of the records returned have been considered and have been listed in a cross-reference gazetteer, which is provided at the end of this report (Appendix 2). The records were analysed and further refined in order to narrow the research focus to data of relevance to the present assessment. *Not all HER records are therefore referred to, discussed or illustrated further within the body of this report, only those that are relevant.*

- 2.3. A site visit was also undertaken as part of this assessment. The primary objectives of the site visit were to assess the Site's historic landscape context, including its association with any known or potential heritage assets, and to identify any evidence for previous truncation of the on-site stratigraphy. The site visit also allowed for the identification of any previously unknown heritage assets within the Site, and assessment of their nature, condition, significance and potential susceptibility to impact. The wider landscape was examined, as relevant, from accessible public rights of way.

#### ***Previous archaeological investigations***

- 2.4. There is a limited amount of previous archaeological investigations recorded within the study area. These investigations comprise:
- A watching brief at Crofton Old Church, c. 70m west of the Site;
  - An evaluation at Elmthorpe Convent, c. 550m west of the Site; and
  - An excavation at Portland Street, c. 400m north-west of the Site.
- 2.5. Additional investigations are recorded in the wider landscape. Limited archaeological remains have been recorded as part of these investigations, primarily relating to post-medieval and modern activity. This is illustrated on Fig. 2 and the results are discussed in Section 4 below, as appropriate.

#### ***Assessment of heritage significance***

- 2.6. The significance of known and potential heritage assets within the Site which may be affected by the proposed development, has been assessed and described, in accordance with paragraph 189 of the NPPF (2019), the guidance issued by ClfA (2014) and 'Historic Environment Good Practice Advice in Planning Note 2' (Historic England 2015). Determination of significance has been undertaken according to the industry-standard guidance on assessing heritage value provided within 'Conservation Principles' (English Heritage 2008). This approach considers heritage significance to derive from a combination of discrete heritage values, principal

amongst which are: **i)** evidential (archaeological) value, **ii)** historic (illustrative and associative) value, **iii)** aesthetic value, **iv)** communal value, amongst others. Further detail of this approach, including the detailed definition of those aforementioned values, as set out, and advocated, by Historic England, is provided in Appendix 1 of this report.

### ***Assessment of potential development effects (benefit and harm)***

- 2.7. The present report sets out, in detail, the ways in which identified susceptible heritage assets might be affected by the proposals, as well as the anticipated extent of any such effects. Physical effects, resulting from the direct truncation of archaeological remains have been assessed.
- 2.8. Identified effects upon heritage assets have been defined within broad ‘level of effect’ categories (Table 2.2). These are consistent with key national heritage policy and guidance terminology, particularly that of the NPPF (2019). This has been done in order to improve the intelligibility of the assessment results for purposes of quick reference and ready comprehension. These broad determinations of level of effect should be viewed within the context of the qualifying discussions of significance and impact presented in this report.
- 2.9. It should be noted that the overall effect of development proposals upon the designated heritage asset are judged, bearing in mind both any specific harms or benefits (an approach consistent with the Court of Appeal judgement *Palmer v. Herefordshire Council & ANR* Neutral Citation Number [2016] EWCA Civ 1061).
- 2.10. In relation to non-designated heritage assets, the key applicable policy is paragraph 197 of the NPPF (2019), which states that:

*‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the **scale of any harm or loss** and the **significance of the heritage asset** [our emphasis].’*

- 2.11. Thus with regard to non-designated heritage assets, this report seeks to identify the significance of the heritage asset(s) which may be affected, and the scale of any harm or loss to that significance.

Level of effect	Description	Applicable statute & policy
<b>Heritage benefit</b>	The proposals would better enhance or reveal the heritage significance of the heritage asset.	Enhancing or better revealing the significance of a heritage asset is a desirable development outcome in respect of heritage. It is consistent with key policy and guidance, including the NPPF (2019) paragraphs 185 and 200.
<b>No harm</b>	The proposals would preserve the significance of the heritage asset.	Sustaining the significance of a heritage asset is consistent with paragraph 185 of the NPPF, and should be at the core of any material local planning policies in respect of heritage.
<b>Less than substantial harm (lower end)</b>	The proposals would be anticipated to result in a restricted level of harm to the significance of the heritage asset, such that the asset's contributing heritage values would be largely preserved.	In determining an application, this level of harm should be weighed against the public benefits of the proposals, as per paragraph 196 of the NPPF (2019).  Proposals with the potential to physically affect a Scheduled Monument (including the ground beneath that monument) will be subject to the provisions of the Ancient Monuments and Archaeological Areas Act (1979); <i>these provisions do not apply to proposals involving changes to the setting of Scheduled Monuments.</i>
<b>Less than substantial harm (upper end)</b>	The proposals would lead to a notable level of harm to the significance of the heritage asset. A reduced, but appreciable, degree of its heritage significance would remain.	With regard to non-designated heritage assets, the scale of harm or loss should be weighed against the significance of the asset, in accordance with paragraph 197 of the NPPF.
<b>Substantial harm</b>	The proposals would very much reduce the heritage asset's significance or vitiate that significance altogether.	Paragraphs 193 - 196 of the NPPF (2019) would apply. Sections 7, 66(1) and 72(2) of the Planning Act (1990), and the Ancient Monuments and Archaeological Areas Act (1979), may also apply.  In relation to non-designated heritage assets, the scale of harm or loss should be weighed against the significance of the asset, in accordance with paragraph 197 of the NPPF.

**Table 2.2** Summary of level of effect categories (benefit and harm) referred to in this report in relation to heritage assets, and the applicable statute and policy.

### **Limitations of the assessment**

- 2.12. This assessment is principally a desk-based study, and has utilised secondary information derived from a variety of sources, only some of which have been directly examined for the purpose of this assessment. The assumption is made that this data, as well as that derived from secondary sources, is reasonably accurate. The records held by HER and HEA are not a record of all surviving heritage assets, but a record



of the discovery of a wide range of archaeological and historical components of the historic environment. The information held within these repositories is not complete and does not preclude the subsequent discovery of further elements of the historic environment that are, at present, unknown.

- 2.13. A walkover survey was conducted within the Site on 20 September 2018, which was undertaken in dry and clear weather conditions. Access was afforded within the Site, although such observations are limited since archaeological remains can survive below-ground with no visible surface indications of their presence. It is possible that unknown archaeological remains may be present within the Site, and the presence of modern infrastructure may possibly have inhibited identification of any possible upstanding remains. There is an element of uncertainty over the nature, condition, frequency and extent of the potential buried archaeological resource; which may be clarified through intrusive investigation.

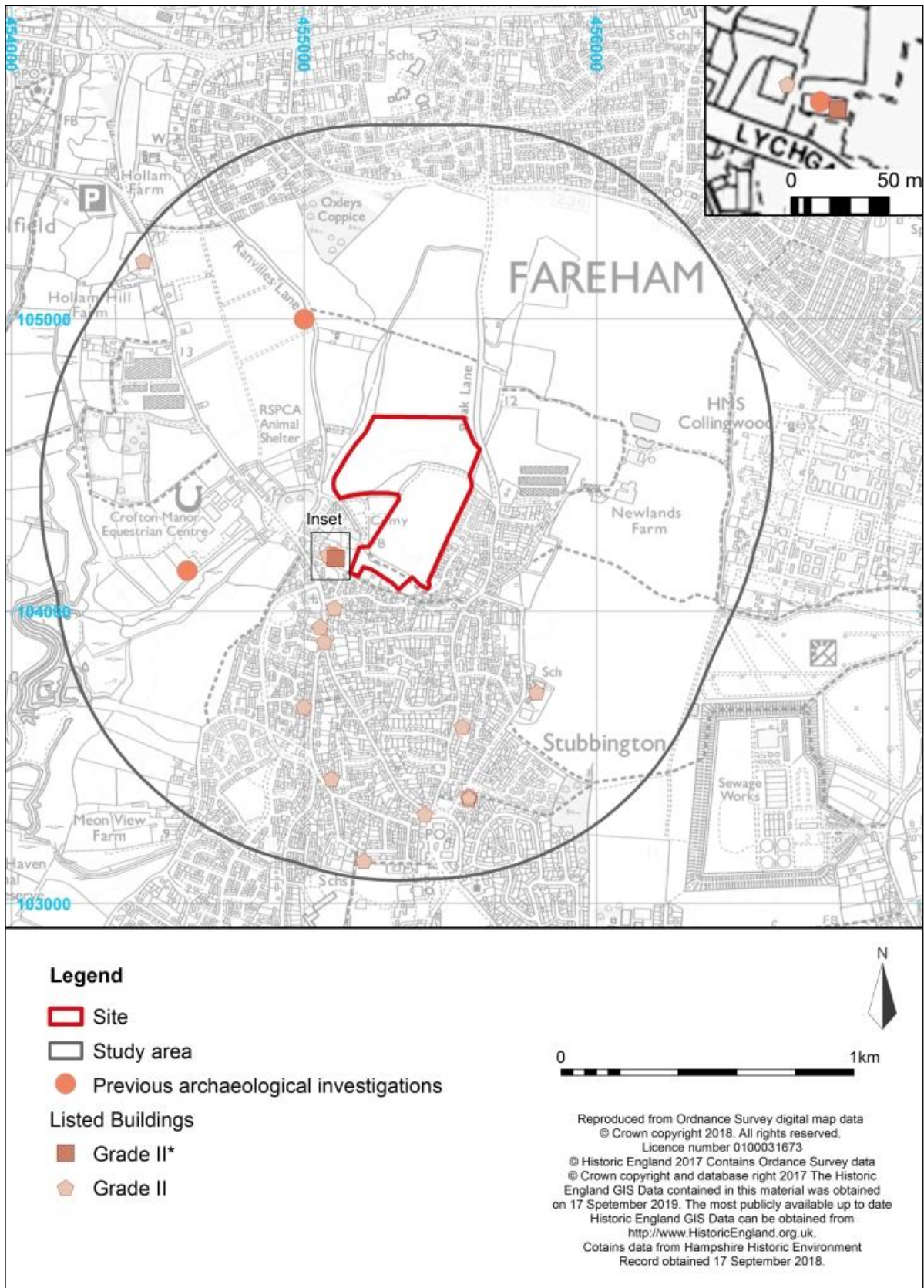
### 3. ARCHAEOLOGICAL AND HISTORICAL BACKGROUND

#### *Landscape context*

- 3.1. The Site is located c. 1km east of the River Meon, set on a plateau overlooking the valley. Two of the River Meon's tributaries cross the Site, one along the north edge of Oakcroft Lane and another along the western boundary. The southern plot is bordered by modern residential development on the east and south side, with Crofton cemetery to the west with Oakcroft Lane demarcating the northern boundary. The north plot is bounded by agricultural fields to the north and west which have been assigned to the proposed Stubbington bypass. The east boundary is demarcated by Peak Lane and the southern boundary by Oakcroft Lane. The Site is located at c. 10m above Ordnance Datum (aOD).
- 3.2. The underlying geology of the majority of the Site comprises bedrock of Wittering Formation (mix of sand, silt and clay), laid down approximately 41 to 56 million years ago in the Palaeogene Period. The north-eastern extent of the Site comprises Whitecliff Sand Member, formed approximately 23 to 66 million years ago in the Palaeogene Period. There are also patches of superficial River Terrace deposits (mix of sand, silt and clay) across the Site, formed up to 3 million years ago in the Quaternary Period (British Geological Survey 2018), presumably associated with the tributaries of the River Meon.
- 3.3. The soilscape within the Site is mapped as loamy soils with a naturally high groundwater. Draining into local groundwater, these soils are suitable for arable and root cropping (Cranfield Soil and Agrifood Institute 2018).

#### *Designated heritage assets*

- 3.4. The Site is not situated within a World Heritage Site, or any sites on the Tentative List or Future Nominations for World Heritage Sites and none are located within its vicinity. Additionally, the Site is not located within any Registered Parks and Gardens and none are located within environs of the Site. This Site is also not located within any Registered Battlefields. There are no Scheduled Monuments within the Site or study area. The Site does not lie within or adjacent to a Conservation Area. Titchfield Conservation Area is the closest located c. 1.4km north-west of the Site.



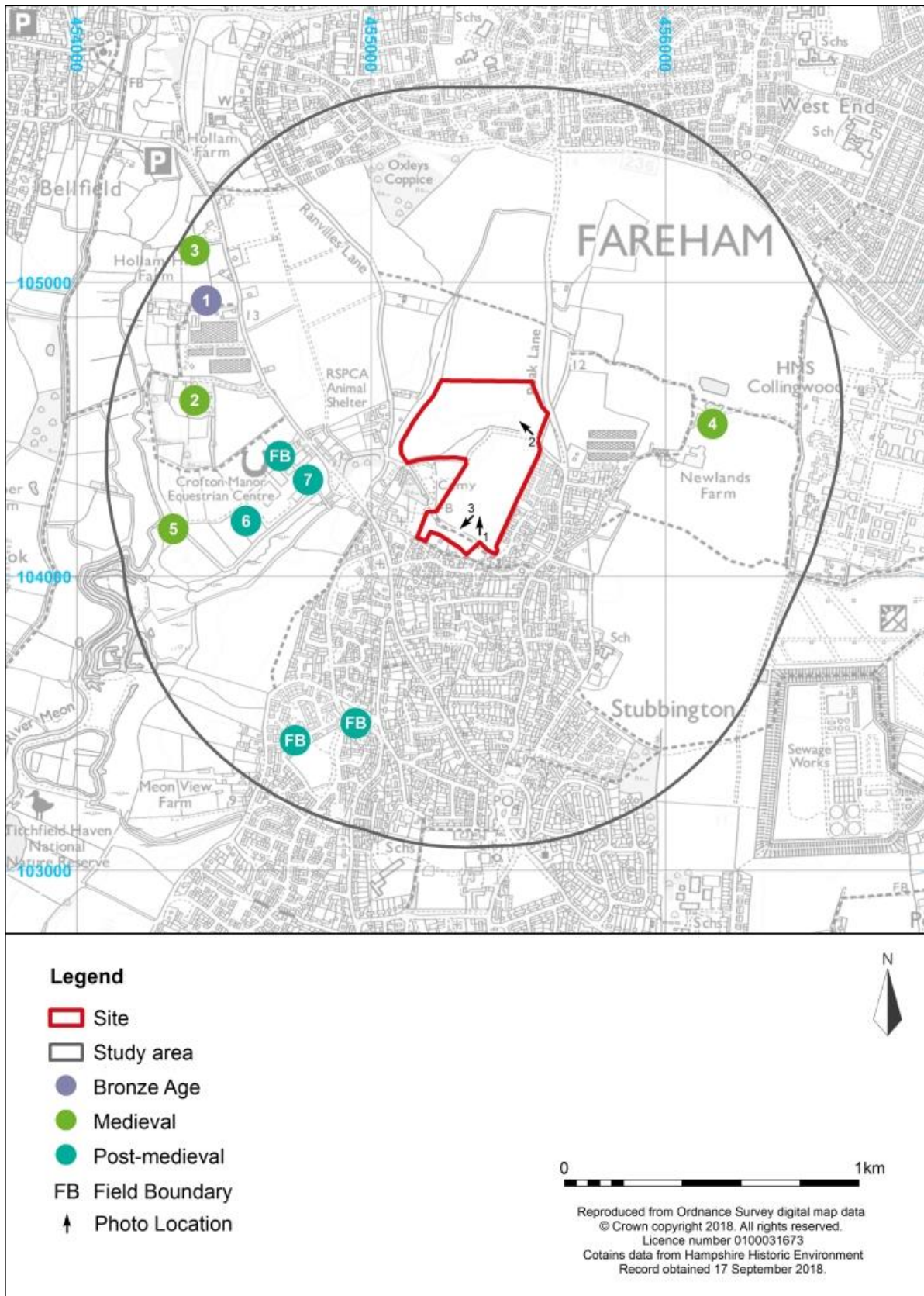
**Fig. 2** Previous archaeological investigations and designated heritage assets



- 3.5. There are no Listed Buildings located within the Site, with fourteen Grade II Listed Buildings and one Grade II\* Listed Building within the study area (Fig. 2). The majority of the Listed Buildings are located within Stubbington town, with the closest comprising Grade II\* Crofton Old Church (NHLE: 1233279; c. 60m west of the Site) and Grade II Crofton Manor Hotel (NHLE: 1233280; c. 90m west of the Site). A settings assessment in relation to these assets is excluded from the scope of this report, but they are discussed as necessary to inform the understanding of the archaeological potential of the Site.

#### *Prehistoric and Romano-British*

- 3.6. Although there are no prehistoric or Roman sites or findspots within the Site, there is evidence for human activity dating from the prehistoric period onwards in the wider landscape.
- 3.7. The river terrace gravel deposits, recorded throughout the Fareham area (Wessex Archaeology 2012), were favourable for early prehistoric activity and a number of worked flints have been recorded in the wider environs of the Site as stray finds. The closest recorded worked flint is a Bronze Age hammer, recorded c. 830m north-west of the Site (Fig. 3: 1). Additional stray finds recovered from the wider surroundings of the Site include Bronze Age metalwork, spearheads and palstaves, recorded in the Titchfield area, c. 1.3km north-west of the Site (Hopkins 2004a). Another Bronze Age axehead is recorded c. 1.6km south-west of the Site. These finds are centred along the River Meon, which corresponds with the river terrace deposits. As stated, there are similar river terrace deposits recorded within the Site which are also associated with the River Meon tributaries.
- 3.8. Evidence of late prehistoric settlement is recorded in the wider environs of the Site. This evidence includes Late Bronze Age and Iron Age enclosures in Hook, c. 4km to the west of the Site (Wessex Archaeology 2012) and an Iron Age settlement to the east of Fareham, c. 4.6km north-east of the Site (Hopkins 2004b).
- 3.9. Although there is no evidence of Roman activity in the Site or the study area, there is evidence for Roman activity in Fareham. The Iron Age settlement identified north-east of the Site also contained Roman features (Hopkins 2004b) and a ditch containing building material was excavated during construction works in High Street, c. 3.1km to the north-east of the Site (Hopkins 2004b).



**Fig. 3 Known heritage assets**

### *Early medieval and medieval*

- 3.10. Historically the Site was situated within Titchfield Parish. In the early medieval period, Titchfield was a large royal manor, and although it is first mentioned in the late 10th century it is likely that the church was founded in the 7th or 8th century AD (Hopkins 2004b). The origins of Stubbington is unclear, however, the place-name indicates that it may have initially been a farm set within a clearing (Hampshire County Council nd.). It is recorded in the 1086 Domesday Book as *Stubitone* which is a variation on the Old English phrase meaning ‘farm at the stubbing’ or cleared land characterised by stumps (Coates 1989).
- 3.11. Titchfield is recorded as the centre of a hundred in the Domesday Survey (1086) (Wessex Archaeology 2012). The survey records two manors in the vicinity of the Site: Crofton, recorded as *Croftone* and Stubbington (*Stubitone*). Crofton manor (c. 710m west of the Site; Fig. 3: 2), no longer extant, was a settlement of a medium size and was held at the time of Survey by Count Alan of Brittany, who replaced the pre-Conquest (1066) owner, Wulfard. Associated with Crofton Manor is the Grade II\* Old Crofton Church just to the west of the Site (Fig. 2, inset). There is currently no evidence to indicate substantial settlement activity east of the church (i.e. extending into the Site), with the church most probably located in a reasonably central location in order to serve the surrounding farmsteads. However, the potential for the presence of associated activity within the surroundings of the church, which could extend into the Site, cannot be entirely ruled out.
- 3.12. Stubbington was a small village, c. 825m south of the Site, comprising only nine households and formed part of Earl Godwin’s estate before the Conquest and is recorded to have been held by Hugh of Port in 1086. Stubbington is recorded as a separate settlement from the 1086 Domesday book until 1428, when it is noted as being under the lordship of the Abbey of Titchfield. It is assumed that from 1428 onwards it was incorporated within Titchfield (Page 1908).
- 3.13. Additionally, there is documentary evidence for two farmsteads dating from the medieval period within the study area:
- Hollam Hill Farm (Fig. 3: 3), c. 950m north-west and first recorded in 1246; and
  - Newlands Farm (Fig. 3: 4), c. 560m east of the Site and first recorded in 1315.

- 3.14. There are no known medieval archaeological remains recorded within the Site. The Site appears to have been located on the periphery of known settlements during the medieval period and is likely to have comprised agricultural land throughout this period.
- 3.15. Additional evidence of medieval agricultural activity within the environs of the Site comprises a mill recorded c. 830m west of the Site (Fig. 3: 5).

#### *Post-medieval and modern*

- 3.16. The available data indicates that activity within the environs of the Site during the post-medieval period was concentrated at Fareham and Titchfield. Fareham is recorded as acting as a centre for brick making, in the post-medieval period, with several large brick-works and pottery works established around the town (Hopkins 2004b). Extraction pits and associated features indicating such activity have been identified through aerial photography surveys, with the closest pits recorded c. 350m west of the Site (Fig. 3: 6 and 7). The aerial photography survey also recorded a series of former field boundaries within the environs of the Site which have been dated to the post-medieval period and indicate the continued focus of agricultural practice within the area (Fig. 3: **FB**) (Wessex Archaeology 2011).

#### *Development within the Site*

- 3.17. As stated above, the Site appears to have been located within agricultural land on the periphery of known settlements from the medieval period onwards. A manorial map of Titchfield parish (Fig. 4), dating from the mid-18th century depicts the Site within such agricultural land, and being formed of eight fields; four either side of Oakcroft Lane. The map indicates that Oakcroft Lane had already been established by 1753, in addition to several of the field boundaries. Most of these are now defined by rows of trees, however, the boundary along the west part of the southern area of the Site, comprises a hedgerow (Photo 3). Therefore, this could be considered as a hedgerow of historical importance under the Hedgerows Regulations 1997 (criteria provided in Appendix 1).
- 3.18. The field boundaries depicted on the manorial map are also shown on the 1803 Parish map of Titchfield (not reproduced) and the 1837-38 Tithe map of Titchfield (Fig. 5). The accompanying apportionment for the 1837-38 Tithe map lists the fields as being under the ownership of Peter Henry Deme Esquire and occupied by Thomas



Marshall. The plots are noted as being in use as arable and meadow land (Table 3.1) with no indication of buildings or associated features within the plots.



**Fig. 4** Manorial map of Titchfield parish dated 1753

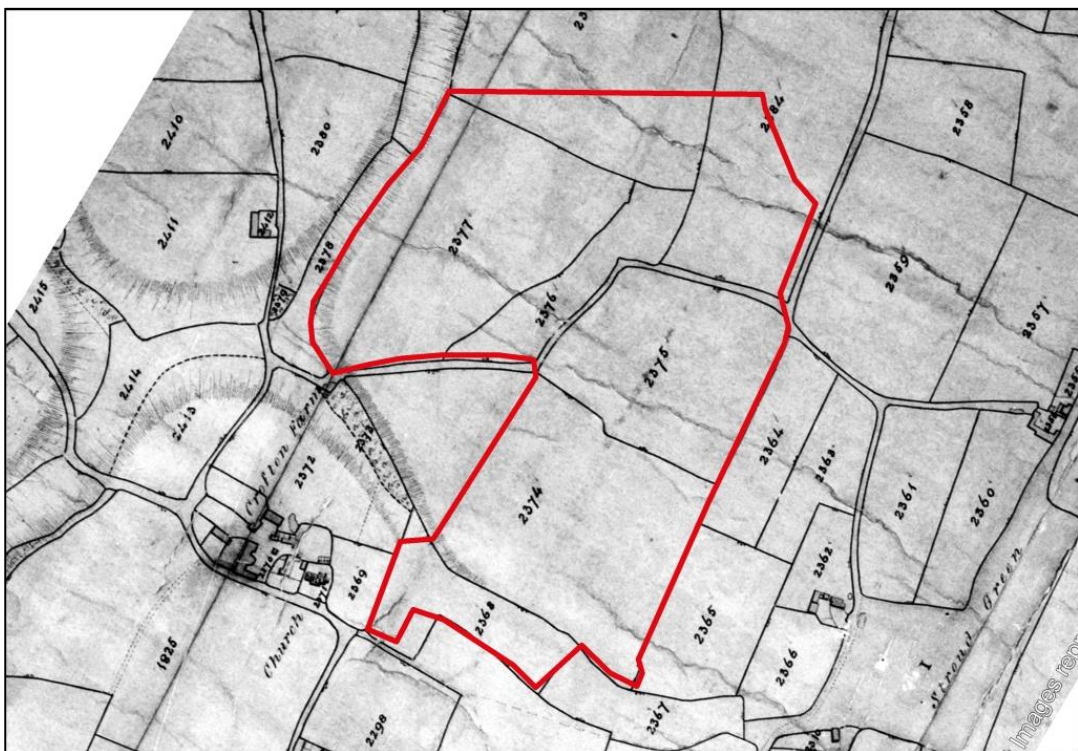
Plot No.	Name and description	Status
2368	Adams Meadow	Meadow
2374	Great Copper Thom	Arable
2375	Little Copper Thom	Arable
2376	Orchard Meadow	Meadow
2377	Hither Bull Hill	Meadow
2383	Middle Bull Hills	Arable
2384	Slate Leaze	Arable

**Table 3.1** Plot name and status as recorded in the 1837-38 Tithe Apportionment for Titchfield parish (viewed on thegenealogist.co.uk).

3.19. By the time of the First Edition Ordnance Survey (OS) map dated 1870 (Fig. 6), the internal field boundaries had been removed, with the exception of the extant field boundary in the south part of the Site. There are no further changes depicted on the subsequent OS maps until the 1975 map which shows a field boundary across the southern part of the north field and the north part of the south field. These field boundaries are not depicted on the previous 1964 version, and the boundary in the south field was removed by the 1983-87 edition. The north field boundary was removed by the 1988 edition. The extant west boundary of the south part of the Site was not in place by the 1988 edition, indicating that it post-dates this.

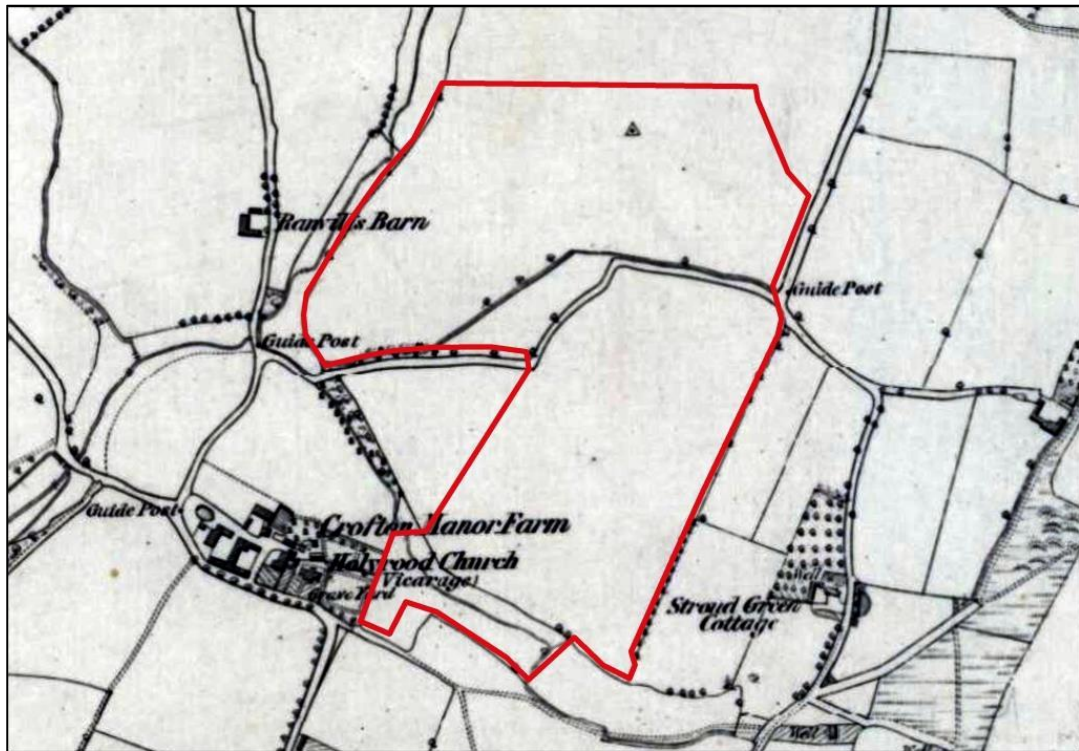


**Photo 3** Hedgerow across the western section of the south border



**Fig. 5** Titchfield Tithe map dated 1837-38





**Fig. 6** Ordnance Survey map dated 1870

## 4. ARCHAEOLOGICAL SIGNIFICANCE & POTENTIAL EFFECTS

### *Previous impacts*

- 4.1. The Site has not been subject to development, and historically appears to have been in long-term use as agricultural land, with a number of former field boundaries. Therefore, the principal known historical disturbance to the Site relates to agricultural use, in particular to ploughing, which may have affected the upper horizons of buried archaeological remains.

### *The significance of known and potential archaeological remains within the Site*

- 4.2. This assessment has identified that no designated archaeological remains are located within the Site; no *designated* archaeological remains will therefore be adversely physically affected by development within the Site. Known and potential *non-designated* archaeological remains identified within the Site comprise:

- Previously unrecorded prehistoric remains;
- Medieval and post-medieval agricultural remains; and
- Important hedgerows.

- 4.3. The significance of these assets is discussed further below.

### *Previously unrecorded prehistoric remains*

- 4.4. Archaeological remains and finds within the wider landscape of the Site have revealed evidence of prehistoric activity. Due to the Site being located within an area of river terrace deposits, it is considered that there is some potential for remains of prehistoric date. However, there is no specific evidence to suggest such remains occur within the Site, as no such finds or features are recorded in the vicinity. The potential remains would likely be of heritage significance as they would contribute to our understanding of prehistoric activity within the wider landscape.

### *Medieval and post-medieval agricultural remains*

- 4.5. From the medieval period onwards, the Site is thought to have comprised part of the agricultural landscape within the historic parish of Titchfield. Evidence of former field boundaries and the use of the Site for arable farming has been recorded on historic documents, however, there are no above ground traces of any archaeological remains associated with post-medieval or earlier agricultural activity. Any below ground features associated with such activity would likely not be of sufficient significance to constitute 'heritage assets' in accordance with the NPPF.



### **Important hedgerows**

- 4.6. The historic mapping shows that some of the external and one internal field boundary has been in use since the mid-18th century. As the existing hedgerows follow field boundaries which date back to the 18th century, they may be considered 'important' hedgerows under the archaeology and history criteria of the Hedgerows Regulations (1997; Appendix 1). 'Important' hedgerows are considered to comprise non-designated heritage assets of limited significance, and the Hedgerow Regulations (1997) serve as a notification mechanism through which the Local Planning Authority should be notified prior to the removal of any such hedges (a planning application would serve as such notification). The plans for the proposed residential development indicate that existing hedgerows will be retained.

### **Potential development effects**

- 4.7. No significant known archaeological remains have been identified within the Site, and there is considered to be a limited potential for any significant unknown archaeological remains to survive buried within the Site. It is anticipated that no significant archaeological remains will therefore be truncated by the proposed development.
- 4.8. Any truncation (physical development effects) upon those less significant non-designated archaeological remains that potentially occur within the Site would primarily result from groundworks associated with construction. Such groundworks might include:
- pre-construction impacts associated with ground investigation works;
  - ground reduction;
  - construction ground works, including building and road foundation trench excavations and the excavation of service trenches;
  - excavation of new site drainage channels (including soakaways); and
  - landscaping and planting.
- 4.9. Overall, there is some limited potential for the presence of archaeological remains within the Site, based on the location of the Site, documentary evidence and proximity to known archaeological remains. The extent of the below-ground survival of such potential features is unknown, but these are likely to have been subject to limited disturbance as a result of agricultural use.

- 4.10. If currently unrecorded archaeological remains do occur within the Site, the proposed development could cause partial or total loss of any such remains. Any impacts upon the archaeological resource would be permanent and irreversible. This would result in harm to the non-designated heritage assets, thus invoking Paragraph 197 of the NPPF, which requires a consideration of the likely scale of the loss and significance of the heritage asset.
- 4.11. This assessment has established that the potential archaeological remains within the Site would be unlikely to be of such significance to form a constraint to development. It is considered that the effects of the proposal could be addressed through a proportionate programme of archaeological investigation, recording, analysis and reporting, carried out at an appropriate stage in the development process. The need for, scale and scope of such works would be agreed with the archaeological advisor to the Local Planning Authority.

## 5. CONCLUSIONS

- 5.1. This assessment has included a review of a comprehensive range of available sources, in accordance with key industry guidance, in order to identify known and potential archaeological remains located within the Site may be affected by the proposals. The significance of the identified known and potential heritage assets of archaeological interest has been determined, as far as possible, on the basis of available evidence. The potential effects of the proposals on the significance of identified heritage assets, including any potential physical effects upon buried archaeological remains have been assessed. Any physical effects of the proposals upon the significance of the heritage resource within the Site will be a material consideration in the determination of the planning application for the proposal.
- 5.2. There is no evidence to indicate prehistoric and Roman activity within the Site or its immediate vicinity. However, due to the presence of river terrace deposits within the Site, the potential for archaeological remains of these periods to be present within the Site has been recognised.
- 5.3. From the early medieval period onwards the Site is thought to have comprised agricultural land within the surrounding landscape of Stubbington and Titchfield. There is potential for remains associated with agriculture to be present within the Site, however, these would be of limited, if any, significance. Some of the external field boundaries and the single surviving internal field boundary are recorded as dating from the mid-18th century and therefore hedgerows marking these boundaries could potentially be considered as 'important' under the Hedgerows Regulations (1997). The 'important' hedgerows comprise heritage assets of limited significance.
- 5.4. Whilst the proposed development has the potential to disturb currently unrecorded archaeological remains which may be present at the Site, the potential for the presence of highly significant remains is considered to be limited. It is considered that any development impacts upon those less significant archaeological remains could be suitably addressed through a programme of archaeological works undertaken at an appropriate stage in the planning process. The scope of such works will be agreed with the archaeological advisor to the Local Planning Authority.

## 6. REFERENCES

British Geology Survey 2018 *Geology of Britain Viewer, 1:50,000 geological mapping, bedrock and superficial* - <http://mapapps.bgs.ac.uk/geologyofbritain/3d/index.html>

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English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

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Hopkins, D. 2004a *Extensive Urban Survey – Hampshire and the Isle of Wight: Titchfield Archaeological Assessment*, Hampshire County Council

Hopkins, D. 2004b *Extensive Urban Survey – Hampshire and the Isle of Wight: Fareham Archaeological Assessment*, Hampshire County Council

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Page, W. 1908 *Parishes: Titchfield in A History of the County of Hampshire: Volume 3*

Wessex Archaeology 2011 *South East Rapid Coastal Assessment Survey (SE RCZAS): Phase 1: National Mapping Programme Report* Unpublished document ref: 71330.01

Wessex Archaeology 2012 *Newlands Farm, Fareham, Hampshire: Archaeological Desk-Based Assessment* Unpublished report ref: 86880.01

### **Cartographic sources (viewed at Hampshire History Centre)**

1753 Manorial map of Titchfield parish

1837 Titchfield Tithe map

1870 First Edition Ordnance Survey map

Additional Ordnance Survey maps viewed at: [www.old-maps.co.uk](http://www.old-maps.co.uk), [www.promap.co.uk](http://www.promap.co.uk) and [www.maps.nls.uk/geo/find/](http://www.maps.nls.uk/geo/find/)

## APPENDIX 1: HERITAGE STATUTE POLICY & GUIDANCE

### *National heritage policy: the National Planning Policy Framework*

#### Heritage assets and heritage significance

Heritage assets comprise ‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest’ (the NPPF (2019), Annex 2). Designated heritage assets include World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields and Conservation Areas (designated under the relevant legislation; NPPF (2019), Annex 2). The NPPF (2019), Annex 2, states that the significance of a heritage asset may be archaeological, architectural, artistic or historic. Historic England’s ‘Conservation Principles’ looks at significance as a series of ‘values’ which include ‘evidential’, ‘historical’, ‘aesthetic’ and ‘communal’.

#### Levels of information to support planning applications

Paragraph 189 of the NPPF (2019) identifies that ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance’.

#### Designated heritage assets

Paragraph 184 of the NPPF (2019) explains that heritage assets ‘are an irreplaceable resource and should be conserved in a manner appropriate to their significance’. Paragraph 193 notes that ‘when considering the impact of a proposed development on the significance of a designated heritage asset, 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’. Paragraph 194 goes on to note that ‘substantial harm to or loss of a grade II listed building...should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance (notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites)...should be wholly exceptional’.

Paragraph 196 clarifies that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use’.

## **Development Plan**

The Site is located within the administrative boundary of Fareham District Council. The adopted planning policy documents that are used to set out the strategy for the development within the District comprises the Local Plan which is set into three parts, two of which are of relevance: the *Core Strategy* (2011) and *Development Sites and Policies* (2015). The relevant policies are state within the *Development and Policies* section and comprises:

### *Policy DSP5: Protecting and Enhancing the Historic Environment*

*Designated and non-designated heritage assets are 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.*

*Development affecting all heritage assets should have regard to relevant guidance, including (but not limited to) the Design Supplementary Planning Document.*

*Proposals that provide viable future uses for heritage assets, that are consistent with their conservation, will be supported.*

*In considering the impact of proposals that affect the Borough's designated heritage assets, the Council will give great weight to their conservation (including those that are most at risk through neglect, decay, or other threats). Harm or loss will require clear and convincing justification in accordance with national guidance. Substantial harm or loss to a heritage asset will only be permitted in exceptional circumstances.*

*[...]*

*That 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 building, 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.*

### **Good Practice Advice 1-3**

Historic England has issued three Good Practice Advice notes ('GPA1-3') which support the NPPF. The GPAs note that they do not constitute a statement of Government policy, nor do they seek to prescribe a single methodology: their purpose is to assist local authorities, planners, heritage consultants, and other stakeholders in the implementation of policy set out in the NPPF. This report has been produced in the context of this advice, particularly 'GPA2 – Managing Significance in Decision-Taking in the Historic Environment' and 'GPA3 – The Setting of Heritage Assets'.

### **GPA2 - Managing Significance in Decision-Taking in the Historic Environment**

GPA2 sets out the requirement for assessing 'heritage significance' as part of the application process. Paragraph 8 notes 'understanding the nature of the significance is important to understanding the need for and best means of conservation.' This includes assessing the extent and level of significance, including the contribution made by its 'setting' (see GPA3 below). GPA2 notes that 'a desk-based assessment will determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area, and the impact of the proposed development on the significance of the historic environment, or will identify the need for further evaluation to do so' (Page 3).

### **Heritage significance**

Discussion of heritage significance within this assessment report makes reference to several key documents. With regard to Listed buildings and Conservation Areas it primarily discusses 'architectural and historic interest', which comprises the special interest for which they are designated.

The NPPF provides a definition of 'significance' for heritage policy (Annex 2). This states that heritage significance comprises 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. This also clarifies that for World Heritage Sites 'the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance'.

Regarding 'levels' of significance the NPPF (2019) provides a distinction between: designated heritage assets of the highest significance; designated heritage assets not of the highest significance; and non-designated heritage assets.

Historic England's 'Conservation Principles' expresses 'heritage significance' as comprising a combination of one or more of: evidential value; historical value; aesthetic value; and communal value.

## Effects upon heritage assets

### Heritage benefit

The NPPF clarifies that change in the setting of heritage assets may lead to heritage benefit. Paragraph 200 of the NPPF (2019) notes that ‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.

GPA3 notes that ‘good design may reduce or remove the harm, or provide enhancement’ (Paragraph 28). Historic England’s ‘Conservation Principles’ states that ‘Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effects on heritage values. It is only harmful if (and to the extent that) significance is reduced’ (Paragraph 84).

Specific heritage benefits may be presented through activities such as repair or restoration, as set out in Conservation Principles.

### Heritage harm to designated heritage assets

The NPPF (2019) does not define what constitutes ‘substantial harm’. The High Court of Justice does provide a definition of this level of harm, as set out by Mr Justice Jay in *Bedford Borough Council v SoS for CLG and Nuon UK Ltd*. Paragraph 25 clarifies that, with regard to ‘substantial harm’: ‘Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’.

### Effects upon non-designated heritage assets

The NPPF (2019) paragraph 197 guides that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.



### ***Hedgerows Regulations 1997***

The 1997 Hedgerows Regulations were made under section 97 of the Environment Act 1995, and introduced arrangements for Local Planning Authorities to protect 'important' hedgerows in the countryside, by controlling their removal through a system of notification. The DEFRA publication 'The Hedgerows Regulations 1997: Guide to the Law and Good Practice' is a useful guide in this respect. The Regulations provide criteria for assessing whether a hedgerow is 'important' for the purpose of the Regulations. To qualify as 'important' a hedgerow must have existed for 30 years or more and following this must fulfil at least one of the criteria in the Schedule 1 criteria. Those for 'archaeology and history' comprise Part II.

#### **Criteria for determining 'important' hedgerow**

1. The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for the purpose 'historic' means existing before 1850.
2. The hedgerow incorporates an archaeological feature which is –
  - a) Included in the schedule of monuments compiled by the Secretary of State under section 1 (Scheduled Monuments) of the Ancient Monuments and Scheduled Areas Act 1979 (g); or
  - b) Recorded at the relevant date in the Sites and Monuments Record [Historic Environments Records have largely replaced Sites and Monuments Records]
3. The hedgerow –
  - a) Is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site; or
  - b) Is visibly related to any building or features on that site.
4. The hedgerow –
  - a) Marks the boundary of a pre-1600 AD estate or manor recorded at the relevant date in Site and Monuments Record or on a document held at that date at a Record Office; or
  - b) Is visible related to any building or features of such an estate or manor.
5. The hedgerow –
  - a) Is recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure acts; or
  - b) Is part of, or visibly related to, any building or other feature associated with such a system, and that system –
    - i. Is substantially complete; or
    - ii. Is part of a pattern which is recorded in a document in prepared before the relevant date by a local planning authority, within the meaning of

the 1990 Act(b), for the purpose of development control within the authority's area, as a key landscape characteristic.

The criteria of point five is subject of debate and differing interpretation. Some heritage professionals interpret the criterion referring to the individual Inclosure Act for the parish in which a site is located, and numerous Acts were made in the 18th century (including the 1773 Inclosure Act). However, the criterion references the Short Title Act of 1896, and it is commonly interpreted by LPAs and heritage professionals that it thus refers to the Inclosure Act of 1845, and subsequent Acts up to the commonable Rights Compensation Act of 1882. The latter interpretation sets a date of 1845 as the benchmark test.

'Important' hedgerows are not designated heritage assets (as defined in NPPF Annex 2). The Regulations are essentially a notification mechanism. Thus an applicant needs to notify the LPA prior to the removal, either entirely or in part, of an 'important' hedgerow. There is a prescribed form of notice set out in Schedule 4 to the Regulations, although the form an LPA uses does not have to follow this. The requirements is for sufficient information to be given to LPA for them to consider the proposal removal.

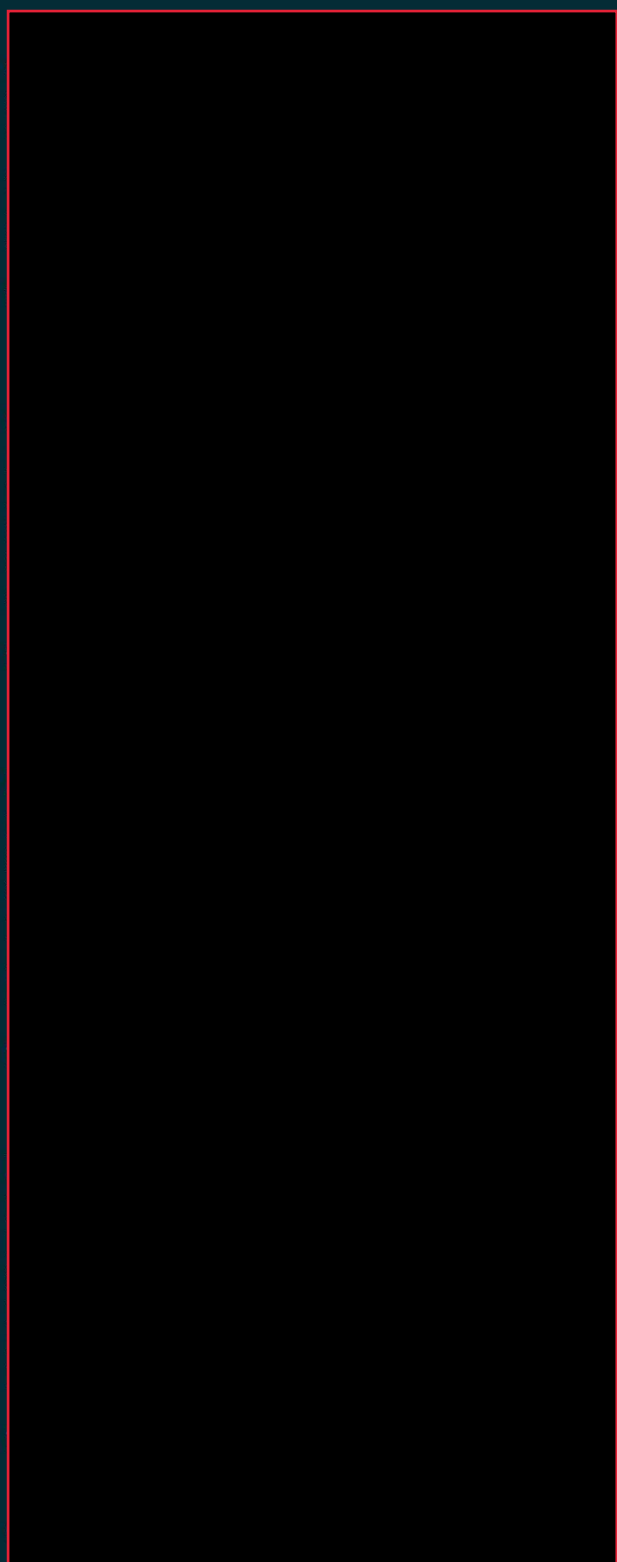
## APPENDIX 2: DATA CAPTURE GAZETTEER

Ref	Description	Period	NGR	HER ref. HEA ref.
1	Findspot of Bronze Age perforated stone hammer, oval shaped mace-head. Hourglass perforation tapering.	Bronze Age	454437 104941	28755 234476
2	Crofton House, first documented in AD 1086 as Croftone (Tun with or by a croft). Pre-1810 park recorded around Crofton House	Medieval	454395 104621 454355 104589	39181 52333 511613
3	Hollam Hill Farm, first documented in 1246 as Holeham (home or enclosure near holly)	Medieval	454397 105116	39168
4	Newlands Farm, first documented in AD 1315 as Ntwelonde. By the late 20th century all the original farmstead buildings were replaced.	Medieval	456130 104539	39182
5	Hubbards Mill at Titchfield on the River Meon.	Medieval	454315 104184	33043
6	Extraction pit identified in an aerial photograph survey	Post-medieval	454548 104211	64536
7	Extraction activity identified in an aerial photograph survey	Post-medieval	454754 104348	64537
	Hollam House, a Georgian house built in 1802 with views over the River Meon	Modern	454471 105007	52409
	Field boundary identified in an aerial photograph survey	Post-medieval	454381 105034	64549
	Undated curvilinear bank and ditch west of Cuckoo Lane	Undated	454903 104102	54943
	Field boundary identified in an aerial photograph survey	Post-medieval	454657 104428 454921 103518 454715 103465	64538 64534 64533
	Serpentine boundary, possibly the remains of a headland	Undated	455355 103549	54944
	Public park created following the enclosure of land and recorded on the tithe map	Modern	455384 103097	52039

### Designated heritage assets within the study area

Ref	Description	Grade	NGR	HE ref.
	1-5 Burnt House Lane	II	455563 103363	1093513
	Burley Cottage	II	454998 103674	1093539
	Old Street Farmhouse	II	455093 103427	1094297
	Meoncross Girls School	II	455794 103725	1229142

Ref	Description	Grade	NGR	HE ref.
	Old Park House	II	455203 103148	1232876
	Anker Cottage	II	455103 104013	1233278
	Crofton Old Church	II*	455108 104183	1233279
	Crofton Manor Hotel	II	455082 104191	1233280
	5, Titchfield Road	II	455411 103305	1233282
	123, Titchfield Road	II	455052 103947	1233283
	Hollam House	II	454449 105196	1233285
	117, Titchfield Road	II	455068 103897	126696
	Thatched Cottage	II	455543 103604	133888



# OAKCROFT LANE STUBBINGTON

## ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT

for

PERSIMMON  
HOMES



<b>Written By:</b>	T Grayshaw
<b>Checked By:</b>	A Bigg
<b>Date:</b>	11/03/2019
<b>Revision:</b>	A: 27.05.2020
<b>Ref:</b>	PER21504aia-amsA

## **TABLE OF CONTENTS**

<b>1.</b>	<b>Executive Summary</b>	<b>3</b>
<b>2.</b>	<b>Introduction</b>	<b>4</b>
<b>3.</b>	<b>Arboricultural Impact Assessment</b>	<b>5</b>
3.7.	Evaluation of impact of proposed tree losses	5
3.8.	Protection for retained trees	5
3.9.	Ground protection	Error! Bookmark not defined.
3.10.	New Hard Surfaces within RPAs	6
3.11.	Construction within RPAs	6
3.12.	Shade and future pressure to prune	6
3.13.	Services	6
3.14.	Levels and Landscaping	6
3.15.	Boundaries	7
<b>4.</b>	<b>Arboricultural Method Statement</b>	<b>8</b>
4.1.	Phasing of operations for tree protection	8
4.2.	Restrictions within tree protection areas	8
4.3.	Avoiding damage to stems and branches	9
4.4.	Tree protection fencing	9
4.5.	Ground protection	Error! Bookmark not defined.
4.6.	Site storage, parking, welfare facilities	10
4.7.	Tree surgery and removal	11
4.8.	No-dig footpath construction	Error! Bookmark not defined.
4.9.	Soft landscaping within RPAs	12
4.10.	Installation of underground services	13
4.11.	Installation of boundary fencing within protected areas	14

## **1. Executive Summary**

- 1.1. The site is currently open fields given to arable use to the south and north of Oakcroft Lane. To the west of the site is Crofton Cemetery and Old Crofton Church. To the south and east of the site there is residential housing accessed from May's Lane & Marks Tey Road. The proposed development consists of 209 residential dwellings.
- 1.2. This report has been revised in May 2020 following revisions to the proposed layout.
- 1.3. This impact assessment is intended to evaluate the direct and indirect effects of the proposed design on the trees on site, and where necessary recommends mitigation.
- 1.4. The development proposals are in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. Adequate protection can be provided to ensure all retained trees are protected throughout development in the form of barriers and/or ground protection.
- 1.5. G13 are a group of Hybrid Black Poplar located on the site boundary. These require management in order to form a sustainable relationship with the proposed development. It is proposed some of the group are removed where the road link is proposed, and also that the group to be thinned by removing weak or leaning trees along with trees that show signs of stem decay. Where individual trees are to be removed for the road link tree planting will be proposed in mitigation.
- 1.6. Excepting G13, all of the A and B category trees are to be retained and protected throughout the development. There is ample scope for tree planting as part of the landscape proposals.
- 1.7. The relationship between the buildings and retained trees is sustainable and does not result in any situations which may result in unreasonable pressure to prune requests from future occupants.
- 1.8. The Arboricultural Method Statement (AMS) has been compiled in conjunction with the Tree Protection Plan (TPP) for the purpose of feasibility and planning, as per Figure 1 of BS5837:2012. These detail any mitigation which will be necessary to ensure the protection of retained trees throughout the development.



## 2. Introduction

- 2.1. ACD Environmental was instructed in February 2019 to prepare the following Arboricultural Impact Assessment and Method Statement by Persimmon Homes. Reference should be made to the appended Tree Protection Plan (PER21504-03A).
- 2.2. This report has been revised in May 2020 following revisions to the proposed layout.
- 2.3. This Method Statement is to be made available to all operatives on site during the construction process, so that they understand the scope and importance of the measures set out for tree protection. Implementation of the protection methods and other details within this report are integral to ensuring protection for the retained trees.
- 2.4. For details of trees to be retained, and locations and types of special protection methods, reference should be made to the latest revision of Tree Protection Plan (ref: PER21504-03A), which should be displayed prominently on site for all staff to see.
- 2.5. To ensure accuracy and avoid future costly adjustments, the Tree Protection Fence must be set out by a surveyor with all node points being marked clearly on site for the fencing contractor to work to. The autocad version of the Tree Protection Plan is available on request.
- 2.6. This report is based on the recommendations given in BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 2.7. Trees on the site are covered by Tree Preservation Orders with the following references:
  - FTPO 80 (1980) – Trees on boundary of southern field (T56 – T88 approximately)
  - FTPO 91 (1986) – Trees on southern boundary of wooded area (see plan)
  - FTPO108 (1987) – Trees on eastern boundary (T92 – T145 approximately)Further details are provided at appendix 3 below.
- 2.8. The controlling authority is Fareham Borough Council who can be contacted at: [www.fareham.gov.uk](http://www.fareham.gov.uk).
- 2.9. Any questions relating to the content of this report should be directed in the first instance to: ACD Environmental, Courtyard House, Mill Lane, Godalming, Surrey GU7 1EY, 01483 425 714/07796 832 490, quoting the site address and report reference number.
- 2.10. The following abbreviations have been used throughout this document:
  - Root Protection Area – RPA
  - Construction Exclusion Zone- CEZ
  - Tree Protection Plan – TPP
  - Tree Protection Fencing – TPF

### **3. Arboricultural Impact Assessment**

- 3.1. The site is currently open fields given to arable use to the south and north of Oakcroft Lane. To the west of the site is Crofton Cemetery and Old Crofton Church. To the south and east of the site there is residential housing accessed from May's Lane & Marks Tey Road. The proposed development consists of 209 residential dwellings.
- 3.2. This impact assessment is intended to evaluate the direct and indirect impacts on the trees on the site in relation to the proposed development. Any potential tree impacts are identified as per BS5837:2012 section 5.4, and details are given of proposed mitigation.
- 3.3. Any potentially damaging activities proposed in the vicinity of retained trees are identified, such that mitigation to significantly reduce or avoid this impact can be detailed in the Arboricultural Method Statement and Tree Protection Plan as recommended in BS5837:2012 section 5.4.2.
- 3.4. The development proposals are in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. Adequate protection can be provided to ensure all retained trees are protected throughout the development.
- 3.5. The tree survey for the site is at Appendix 2 of the Tree Report for the site ACD reference PER21504tr.
- 3.6. This assessment is based upon the supplied layout drawing ref: Stubbington Master 20-05-2020.
- 3.7. **Evaluation of impact of proposed tree losses**

G13 are a group of Hybrid Black Poplar located on the site boundary. These require management in order to form a sustainable relationship with the proposed development. It is proposed some of the group are removed where the proposed road link is proposed, and also that the group to be thinned by removing weak or leaning trees along with trees that show signs of stem decay. Although G13 is a category B group, due to the groups landscape value as a whole, many of the individual trees within the group would be classed as category C if they were assessed individually. The removal of weak, leaning or decayed stems from G13 will not diminish the overall landscape value of the group. Where individual trees are to be removed for the road link tree planting is proposed in mitigation.

### **3.8. Protection for retained trees**

BS5837:2012 section 6.2.1. states: 'All trees that are being retained on site should be protected by barriers and/or ground protection (see 5.5) before any materials or machinery are brought onto the site, and before any demolition, development or stripping of soil commences. Where all activity can be excluded from the RPA, vertical barriers should be erected to create a construction exclusion zone. A specification for protective fencing is given on the Tree Protection Plan. This consists of interlocking weld-mesh panels (e.g. heras) well braced by attachment to scaffold

pole uprights driven firmly into the ground. Should any alternative method of barrier construction be proposed, consultation with the project arboriculturist will be obtained to clarify the efficacy of the revised design prior to informing the local planning authority and obtaining their consent.

### **3.9. New Hard Surfaces within RPAs**

It is confirmed there are no new hard surfaces proposed within the RPAs of retained trees.

### **3.10. Construction within RPAs**

It is confirmed there are no buildings proposed for construction within the RPAs of retained trees.

### **3.11. Shade and future pressure to prune**

The site layout has been assessed in terms of shading and future pressure to prune. Given the orientation of the site, and the relationship between the proposed buildings and the retained trees, the juxtaposition is viable for long-term tree retention, and it is considered that shading by trees is unlikely to be a concern to future residents. As a result, it is considered unlikely that there would be any undue pressure to remove trees, or excessively prune from any future occupants.

### **3.12. Services**

It is fundamental to tree protection that infrastructure design is sensitively approached, as trenching close to trees may damage roots and affect tree health and stability. Details of services have not been provided at the time of writing. The Tree Protection Plan, showing the constraints posed by retained trees will be passed to the infrastructure engineers to inform their design, ensuring that all services avoid areas of potential conflict. As per BS5837:2012 Figure 1, once further details become available as part of the detailed/technical design for the site, the TPP and AMS will be revised to incorporate these details for services for inclusion in the Tender documentation.

### **3.13. Levels and Landscaping**

Full details of any changes in ground levels on site remain to be finalised. Any alterations to levels close to trees may damage roots and affect tree health and stability. Unless no-dig methodology is proposed for installation of surfaces within RPAs the original levels in these areas must be noted, retained, and integrated into the engineering design of the site. Landscaping operations within the RPAs of retained trees must be carried out in a sensitive manner and be subject to a detailed method statement and arboricultural supervision.

### 3.14. **Boundaries**

All plot boundaries will need to be designed, positioned and installed to avoid damage to retained trees. When within RPAs, this will include hand excavation of all post holes, and the lining of any post holes with a non porous membrane to stop leachates from the concrete damaging tree roots.

### 3.15. **Public Open Space (South)**

It is proposed that the area to the south of the site, in the location of the G18 trees, is to be utilised as public open space. There is an existing public right of way at the north of this area from Marks Tey Road at the east through to Crofton Cemetery at the west. It is proposed that the existing footpath is improved, and a new footpath provided within the G18 group. In order to ensure there is no adverse impact to existing trees this will be installed to a no-dig specification. A schedule of tree surgery works to ensure the G18 trees are reasonably safe is recommended prior to use.

#### **4. Arboricultural Method Statement**

##### **TO BE READ IN CONJUNCTION WITH THE APPENDED TREE PROTECTION PLAN REFERENCE: PER21504-03A**

#### **4.1. Phasing of operations for tree protection**

4.1.1. Implementation of tree protection measures on the site must be carried out in the following order

- 1) Tree removals and tree surgery
- 2) Line of tree protection fence to be set out to node points by surveyor
- 3) Accurate erection of tree protection fence and ground protection
- 4) Site accessible to construction/demolition traffic
- 5) Demolition/site clearance
- 6) Construction
- 7) Removal of tree protection fencing
- 8) Remedial tree surgery (if required)

4.1.2. The above phasing must not be changed without approval from the project arboriculturist and agreement with the Council.

#### **4.2. Restrictions within tree protection areas**

4.2.1. Inside the exclusion area of the fencing, the following shall apply:

- No mechanical excavation whatsoever
- No excavation by any other means without arboricultural site supervision
- No hand digging without a written method statement having first been approved by the project arboriculturist.
- No lowering of levels for any purpose (except removal of grass sward using hand tools)
- No storage of plant or materials
- No storage or handling of any chemical including cement washings
- No vehicular access
- No fire lighting

4.2.2. In addition to the above, further precautions are necessary adjacent to trees:

- No substances injurious to tree health, including fuels, oil, bitumen, cement (including cement washings), builders sand, concrete mixing and other chemicals shall be stored or used within or directly adjacent to the protection area of retained trees
- No fire shall be lit such that flames come within 5m of tree foliage.

#### **4.3. Avoiding damage to stems and branches**

- 4.3.1. Care shall be taken when planning site operations in proximity of retained trees to ensure that wide or tall loads, or plant with booms, jibs and counterweights, can operate without coming into contact with retained trees. Such contact can result in serious injury to them and might make their safe retention impossible.
- 4.3.2. Consequently, any transit or traverse of plant in proximity of trees shall be conducted under the supervision of a banksman, to ensure that adequate clearance from trees is at all times maintained. In some circumstances, it may be impossible to achieve this without pruning works known as 'access facilitation pruning'.
- 4.3.3. Access facilitation pruning shall be kept to the barest minimum necessary to facilitate development and shall be carried out in strict accordance with the guidance below (Tree Surgery). Under no circumstances shall construction personnel undertake any tree pruning operations.

#### **4.4. Tree protection fencing**

- 4.4.1. The Tree Protection Plan (see the latest revision of: PER21504-03A) shows the alignment of Tree Protection Fencing (TPF), which is to be installed prior to any of the following taking place:
- Demolition
  - Plant and material delivery
  - Soil stripping
  - Utility installation
  - Construction works
  - Landscaping
- 4.4.2. Stages for installation of TPF:
- 1) Hand clearance of any vegetation to allow clear working access.
  - 2) Setting out of fencing points
  - 3) Fencing erected
  - 4) Site accessible to demolition/construction traffic
- 4.4.3. To ensure accuracy and avoid future costly adjustments, the Tree Protection Fence must be set out by a surveyor with all node points being marked clearly on site for the fencing contractor to work to.
- 4.4.4. Once erected, all TPF will be regarded as sacrosanct, and will not be removed or altered without prior recommendation by the project arboriculturist and approval of the local planning authority.
- 4.4.5. The typical TPF construction is suitable for areas of high intensity development, and shall comprise of interlocking weld-mesh panels, well braced to resist impacts by attachment to a scaffold framework that is set firmly into the ground. A detailed specification can be found on the TPP.

- 4.4.6. Should any alternative method of barrier construction be proposed, consultation with the project arboriculturist will be obtained to clarify the efficacy of the revised design prior to informing the local planning authority and obtaining their consent.
- 4.4.7. Once the exclusion zone has been protected by barriers and/or ground protection, construction work can commence.
- 4.4.8. All weather notices should be erected on the barriers (for example see figure below).



Figure 1: Tree Protection Sign (digital copies available for download at: [www.acdenvironmental.co.uk](http://www.acdenvironmental.co.uk))

#### 4.5. Site storage, parking, welfare facilities

- 4.5.1. The site will require provision for; site storage, contractor parking, welfare facilities, temporary services/drainage, material drop of points, etc.
- 4.5.2. No details of these provisions are available at the time of writing of this report.
- 4.5.3. None of the above provisions will be sited within RPAs of retained trees without the input or the project arboriculturist and the consent of the Local Authority.

#### **4.6. Tree surgery and removal**

- 4.6.1. The Tree Protection Plan (PER21504-03A) indicates those trees to be removed with a red cross on the stem. Further trees from within G13 are proposed to thin the group as per details below.
- 4.6.2. G13 is to be thinned by removing weak or leaning trees, along with trees that have damage to the stem or stem decay. Prior to works commencing the project arboriculturist will identify which trees within G13 are proposed for removal by clearly marking trees to be removed with paint.
- 4.6.3. If any further surgery works are proposed, it will be submitted to, and approved by the council before being carried out.
- 4.6.4. All work will be carried out in accordance with BS 3998:2010 Recommendations for Tree Work, industry best practice and in line with any works already agreed with the Council.
- 4.6.5. The tree surgery contractor is responsible for carrying out any relevant health and safety risk assessment, and insurance, prior to any work being carried out.
- 4.6.6. The statutory protection afforded by the Wildlife and Countryside Act and Countryside and Rights of Way Act will be adhered to. If further advice is required, particularly if bats are discovered during tree work, it will be obtained from Natural England or other competent persons and recommendations adhered to.
- 4.6.7. The stumps of any trees removed from within the Construction Exclusion Zone or the RPAs of retained trees will be either; cut flush to ground level and left in situ or ground out using a stump grinder. They will not be winched out.
- 4.6.8. All operations shall be carefully carried out to avoid damage to the trees being treated or neighbouring trees. No trees to be retained shall be used for anchorage or winching purposes.



#### 4.7. Soft landscaping within RPAs

- 4.7.1. All landscaping and associated ground preparation within exclusion zones will be carried out sensitively to ensure root damage is mitigated as much as is practicable. At no time is any heavy plant to be used within any protected area. Removal of existing vegetation will be carried out by hand, turf may be removed using a mechanical turf stripper or by hand.

##### **Turfing**

- 4.7.2. Stages for turfing gardens and open spaces:

##### **No plant machinery<sup>1</sup> to be used in the area for whatever reason**

- 1) Remove TPF to allow access to area.
- 2) Do not reduce any high spots or excavate in any way.
- 3) Existing poor quality turf may be removed with a turf stripper.
- 4) Use good quality top-soil to level any low-lying areas and hollows, and provide a fine tilth to lay turf on. This imported soil must not result in a level increase of more than 100mm in any area.
- 5) Import turves by hand in wheelbarrow
- 6) Lay turves

##### **Planting**

- 4.7.3. Should the soil be compacted or have a poor structure which may hinder the development of any new planting, soil decompaction techniques may be used upon consultation with the project arboriculturist.

- 4.7.4. Stages for planting within tree protection areas:

##### **No plant machinery to be used in the area for whatever reason**

- 1) Remove TPF to allow access to area.
- 2) Remove existing vegetation by hand, turf may be removed using a mechanical turf stripper.
- 3) Do not reduce any high spots or excavate in any way.
- 4) Import good quality top-soil by hand (with wheelbarrow) into area.
- 5) Level to a depth of no more than 100mm with hand tools
- 6) Dig individual planting pits for each plant by hand (including hedging which must not be trench planted)
- 7) Any mulch should also be imported and spread by hand.

- 4.7.5. No works will be carried out within any protected areas if the soil moisture is of a level likely to allow compaction to occur.

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<sup>1</sup> Including rotovators

#### 4.8. Installation of underground services

4.8.1. If for whatever reason installation within RPAs is required the project arboriculturist and local authority must be notified prior to any tree protection barrier removal and the following details adhered to.

4.8.2. Stages for installing services within tree protection areas:

No plant machinery to be used in the area for whatever reason

- 1) Contact project arboriculturist to hold pre-start site meeting and 'toolbox' talk before starting work.
  - 2) Remove just enough tree protection fencing to allow access to area and facilitate trenching.
  - 3) Remove any surface vegetation or existing hard surfaces using hand tools.
  - 4) Excavate the trench using hand tools only, keeping to minimum dimensions required.
  - 5) Roots below 25mm should preferably be retained, however if required can be cut cleanly using secateurs or hand saw.
  - 6) Roots over 25mm diameter will be retained and kept damp by covering with hessian (re-wetted as required).
  - 7) Feed in services.
  - 8) Back fill trench with 200-300mm depth of excavated soil, or a mixture of excavated and imported top-soil (to BS3882:2015), firming down with heels
  - 9) Repeat step 7 until trench is filled.
  - 10) Re-erect tree protection fencing as per approved plan.
- 4.8.3. An alternative to the method of excavation above, for trenching within RPA's, is by using an 'air-spade' or similar. This tool utilises compressed air to remove soil from around tree roots causing minimal damage and can be run off a typical site compressor. ACD can provide details of contractors supplying air-spade services if required.
- 4.8.4. Alternatively, trenchless technology such as thrust boring can be used in some instances and is particularly effective as it can pass directly under the tree, at a depth which is likely to avoid almost all impact on roots of the subject tree. As no access/thrust pits will be located within the RPAs of the subject trees, the need for arboricultural supervision is limited.
- 4.8.5. Reference can be made to National Joint Utilities Group publication Volume 4 (NJUG Vol4) for guidance, but any approach must be approved by the project arboriculturist.

#### 4.9. Installation of boundary fencing within protected areas

##### 4.9.1. Stages for installing wooden fence posts:

###### No plant machinery to be used in the area for whatever reason

- 1) Contact project arboriculturist to hold pre-start site meeting and 'toolbox' talk before starting work.
- 2) Remove TPF to allow access to area.
- 3) Dig post holes using hand tools, avoiding damage to the protective bark covering larger roots. Roots smaller than 25mm diameter may be pruned back using either secateurs or a hand saw, leaving a clean cut.
- 4) Damage or severance of roots above 25mm diameter must be avoided. If roots of this size are discovered, the hole should be relocated. If there are a large number of such roots it may be necessary to relocate the hole by half a fence panels length and adjust the fence panels accordingly.
- 5) Line hole with non porous lining, for example durable polythene bag.
- 6) Insert post and fill post hole with concrete to ground level.
- 7) Trim polythene to ground level

Tom Grayshaw BA (Hons) Tech Cert (ArborA) Dip Arb L6 (ABC) MArborA  
Director of Arboriculture  
11 March 2019  
Revised 27<sup>th</sup> May 2020

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# OAKCROFT LANE, STUBBINGTON

## REVISED FULL TRAVEL PLAN

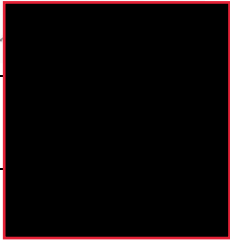
April 2020

Persimmon Homes

RESIDENTIAL DEVELOPMENT  
OAKCROFT LANE  
STUBBINGTON

REVISED FULL TRAVEL PLAN

CONTROLLED DOCUMENT

Document No:		048.0013/RFTP/2	
Status:	Original	Copy No:	
	Name	Signature	Date
Prepared by:	Shaan Novitzki		April 2020
Checked by:	Jessica Lloyd		April 2020
Approved by:	Mark Smith		April 2020

Revision Record

Rev.	Date	By	Summary of Changes	Chkd	Aprvd
2	09/04/20	JL	Client Comments	MS	MS

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**RESIDENTIAL DEVELOPMENT  
OAKCROFT LANE  
STUBBINGTON**

**REVISED FULL TRAVEL PLAN**

**Contents**

1.	INTRODUCTION .....	2
2.	TRAVEL PLAN POLICY .....	5
3.	EXISTING CONDITIONS AND SITE ACCESSIBILITY .....	10
4.	PROPOSED DEVELOPMENT .....	23
5.	INDICATIVE BASLINE AND TARGET TRAVEL PATTERNS .....	24
6.	TRAVEL PLAN STRATEGY .....	26
7.	IMPLEMENTATION AND MONITORING .....	31
8.	SUMMARY AND CONCLUSIONS.....	35

**Figures**

Figure 1 – Site Location  
Figure 2 – Site Context  
Figure 3 – Site Location in Context with Stubbington Village Centre  
Figure 4 – NCN Cycle Routes  
Figure 5 – FBC Cycle Map  
Figure 6 – Isochrone Walking Map  
Figure 7 – Isochrone Cycling Map  
Figure 8 – Local PROW Network  
Figure 9 – Route to Bus Stops  
Figure 10 – Cycle Route to Fareham Train Station

**Tables**

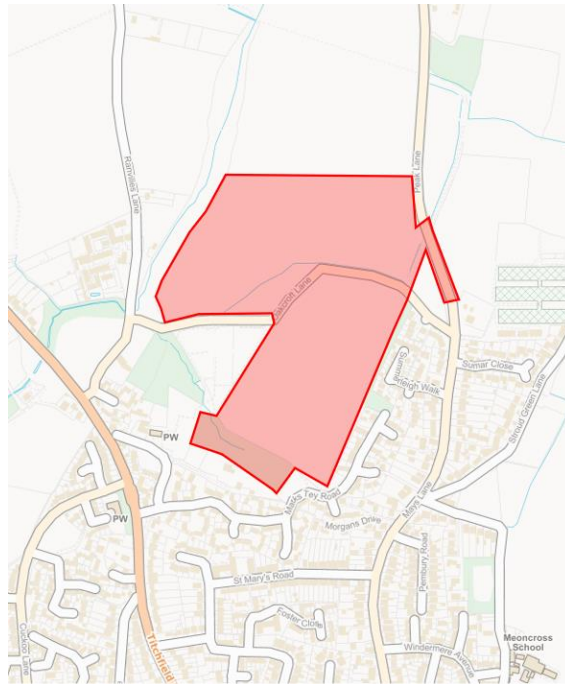
Table 1 – Travel Plan Objectives  
Table 2 – Distances to Local Amenities  
Table 3 – Bus Services  
Table 4 – Key Travel Resources  
Table 5 – Accommodation Schedule  
Table 6 – Census Data ‘Journey to Work’  
Table 7 – Modal Share Targets  
Table 8 – Proposed Monitoring Strategy

**Appendices**

Appendix A – Site Layout  
Appendix B – 2011 Census Data  
Appendix C – Action Plan  
Appendix D – Example Survey

## 1. INTRODUCTION

- 1.1 This Revised Full Travel Plan (RFTP) has been prepared by Paul Basham Associates on behalf of Persimmon Homes to support a full planning application for the development of 209 residential dwellings on land north and south of Oakcroft Lane, Stubbington.
- 1.2 The application site is located circa 1.9km to the north of Stubbington (from the proposed site access) and 3.7km south west of Fareham Town Centre. The site location is demonstrated within **Figure 1**, with the site layout included as **Appendix A**.



**Figure 1:** Site Location

- 1.3 It should be noted that the site has been subject to a previous planning application in 2019 for the development of 261 residential dwellings (application reference: P/19/0301/FP). This planning application was refused on 22<sup>nd</sup> August 2019.
- 1.4 This RFTP has been prepared to support the revised scheme, which proposes 209 residential dwellings, 52 less than the previous application. The comments made by Hampshire County Council (HCC) on the Full Travel Plan prepared to support the previous application (application reference: P/19/0301/FP) have been addressed in this RFTP.
- 1.5 This RFTP should be read in conjunction with the Revised Transport Assessment that has been prepared by Paul Basham Associates (reference: 048.0013/RTA/1) to support this application which provides further information on the site's access arrangements and highway impact.



- 1.6 As requested by HCC in their review of the previous Travel Plan (TP) the details of the local planning authority and the site's post code have been provided. The site is located in Stubbington and as such the local planning authority is Fareham Borough Council (FBC). The post code for Oakcroft Lane, where the site is located, is PO14 2TF. The application will be provided with a new planning application reference number and therefore cannot be provided at this stage.

### Travel Plan Principles

- 1.7 A TP is a strategy for managing access demands to a development site by ensuring that the travel needs of its users are met by a range of transport modes in order to:
- Reduce the impact of car travel associated with the proposed development through the implementation of the TP;
  - Support a reduced need of residents to travel by providing information on car sharing, home deliveries; and
  - Increase sustainable travel practices where possible through the promotion of sustainable travel opportunities.
- 1.8 In accordance with HCC's guidance, the benefits of the TP are likely to be achieved by users of the development, the local community and the local environment, as identified below:
- Development Users
    - An attractive pedestrian environment with reduced car use
  - Local Community
    - Reduced pollution on the local road network
    - Ability for residents of the site to inform other residents of positive sustainable travel experiences
    - Reduced congestion if fewer vehicles are on the road due to sustainable travel habits
- 1.9 A TP is an evolving process initiated through site visits and discussions between key stakeholders, FBC and HCC.

### Travel Plan Objectives

- 1.10 In order to reduce the impact of car travel, the need to travel by car and increase sustainable travel practises, this TP will be supported by a number of objectives, as set out in **Table 1**. Given the size and location of the proposed development, the TP will be assessed by HCC using their "TRACES" evaluation checklist. Post planning the implementation of the TP would be monitored by HCC.

Objective Number	Objective
1	To support the development as a sustainable community.
2	To promote and improve awareness of the Travel Plan process.
3	To promote sustainable travel modes including public transport, walking and cycling.
4	To minimise private car dependence through the promotion of car sharing and car clubs.

**Table 1:** Travel Plan Objectives

- 1.11 Meeting these objectives will help achieve a development that has good sustainable travel practices and a decreased reliance on the use of private cars. The continuous evolution of the TP is necessary to ensure the TP meets its targets and objectives. Promoting the TP process will better residents' understanding of the TP, which in turn would increase resident engagement.

#### **Travel Plan Structure and Approach**

- 1.12 The structure of this TP has been informed by HCC's A Guide to Development Related Travel Plans (2009) and is broken down into the following chapters:

**Chapter 2:** Travel Plan Local Policy

**Chapter 3:** Existing Local Conditions and Site Accessibility

**Chapter 4:** Proposed Development

**Chapter 5:** Indicative Baseline and Target Travel Patterns

**Chapter 6:** Travel Plan Strategy

**Chapter 7:** Travel Plan Implementation, Monitoring and Enforcement

**Chapter 8:** Conclusion and Summary

## 2. TRAVEL PLAN POLICY

2.1 The objectives of this TP have been designed to work alongside those set at national, regional and local levels. For reference these objectives particularly relate to:

- National Planning Policy Framework (NPPF) (2019);
- Hampshire Local Transport Plan 3 (2011-2031) (LTP3);
- Fareham Borough Council Local Plan (2011-2026);
- Planning Practice Guidance 'Travel Plans, Transport Assessments and Statements' (2014)
- CIHT's 'Guidance for Providing Journeys on Foot' (2000)
- HCC's A Guide to Development Related Travel Plans (2009)

### National Planning Policy Framework (NPPF)

2.2 The NPPF acts as the central guidance for development planning and replaces national planning policy guidance including Planning Policy Guidance 13 (PPG13): Transport. As defined in the NPPF's Annex 2: Glossary, a Travel Plan is 'a long term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed' and is a requirement for developments which generate a significant amount of movement. The following NPPF paragraphs are relevant to the Travel Plan:

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) *The potential impacts of development on transport networks can be addressed;*
- b) *Opportunities from existing or proposed transport infrastructure, and changing transport technology and useage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) *Opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) *The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

**(NPPF Para.102)**

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

**(NPPF Para.103)**

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

**(NPPF Para. 111)**

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

(NPPF Para.181)

### Hampshire County Council Local Transport Plan 3

- 2.3 The LTP3 sets out Hampshire's transport strategy and identifies a range of policy objectives, with those most relevant to this TP stated below:

**Policy Objective 4:** Work with bus and coach operators to grow bus travel, seek to remove barriers that prevent some people using buses where affordable and practical, and reduce dependence on the private car for journeys on inter- and intra-urban corridors;

**Policy Objective 9:** Introduce the 'shared space' philosophy, applying Manual for Streets design principles to support a better balance between traffic and community life in towns and residential areas;

**Policy Objective 11:** Reduce the need to travel through encouragement of a high-speed broadband network, supporting the local delivery of services and in urban areas the application of 'Smarter Choices' initiatives;

**Policy Objective 12:** Invest in sustainable transport measures, including walking and cycling infrastructure, principally in urban areas, to provide a healthy alternative to the car for local short journeys to work, local services or schools; and work with health authorities to ensure that transport policy supports local ambitions for health and well-being.

### Fareham Borough Council Local Plan (2011-2026)

- 2.4 FBC's Local Plan: Core Strategy seeks to shape and guide development in Fareham up to the year 2026. The Core Strategy (CS) proposes a policy framework that plans for new development to deliver the vision that has been developed alongside the Sustainable Community Strategy, the CS identifies the following as its mission:

*"Fareham Borough will offer a high quality of life to all residents and be an attractive, safe and pleasant place to live, work and visit. It will be sustainable and increasingly prosperous, with low levels of crime and unemployment and good access to community facilities, jobs, leisure, shops, open space and services. Fareham will remain a freestanding settlement"*

- 2.5 FBC have identified twelve strategic objectives that are to be achieved by 2026 in relation to the sustainability of the Borough in general, but also specific objectives that new developments must aim to adhere to, and can be viewed below:

**SO1.** 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.

**SO2.** To promote and encourage the efficient re-use of previously developed land and buildings in accordance with the principles of high quality and sustainable design.

**SO5.** To ensure development provides and/or contributes to timely and appropriate transport infrastructure and mitigation measures to support the needs of development and provide and/or contribute to public transport and quality pedestrian and cycle links to reduce dependence on the car.

**SO9.** To improve accessibility to and facilitate the development and expansion of leisure, recreation, community, education, open space and health facilities and services. Achieve better access to green spaces close to where people live and work, to encourage healthy active lifestyles.

**SO10.** 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.

#### **Planning Practice Guidance 'Travel Plans, Transport Assessments and Statements' (2014)**

2.6 The Planning Practice Guidance states that a TP can positively contribute to the following;

- Encourage sustainable travel;
- Lessening traffic generation and its detrimental impacts;
- Reducing carbon emissions and climate change impacts;
- Creating accessible, connected and inclusive communities;
- Improving road safety; and
- Reduce the need for new development to increase existing road capacity or provide new roads.

2.7 It also states the key principles that should be taken into consideration when preparing a TP. It states that a TP should be:

- Proportionate to the size and scope of the proposed development;
- Established at the earliest practicable stage of a development proposal;
- Be tailored to particular local circumstances;
- Be brought forward through collaborative ongoing working between the local planning authority,

transport authority, transport operator, rail network operators and Highways Agency where there may be implications for the strategic road network and other relevant bodies. Engaging communities and local businesses in Travel Plans, can be beneficial in positively supporting higher levels of walking and cycling.

#### **CIHT's 'Guidance for Providing Journeys on foot' (2000)**

- 2.8 The Chartered Institution of Highways and Transportation (CIHT's) 'Guidance for Providing Journeys on Foot' states that:

'New development or significant redevelopment is likely to provide opportunities for comprehensive new provision for pedestrians. The main take would be to consider pedestrian movements within the site, and between the site and its surroundings. A large scheme would need to thoroughly consider:

- The needs of pedestrians;
- The policy objectives;
- The setting;
- The physical site constraints; and
- The financial constraints.'

#### **HCC's A Guide to Development Related Travel Plans (2009)**

- 2.9 HCC's 'A Guide to Development Related Travel Plans' provides guidance for developing TP's for residential developments within Hampshire and as previous identified the structure of this TP has been informed by this guidance.

- 2.10 HCC's 'A Guide to Development Related Travel Plans' states that the TP should have three main purposes:

- Ensure that development takes place in locations and in ways that minimise the impact of additional demand;
- Increase accessibility and ensuring that opportunities are provided for people to travel to and from the site in a variety of ways; and
- Reduce dependence on the use of the car.

- 2.11 Seeking to maximise and build on opportunities presented in the above planning policy documents, this Travel Plan's aims are stated as the following:

- Raise awareness of sustainable modes of travel available to residents and visitors;
- Increase levels of active travel and in particular walking and cycling;
- Encourage uptake of public transport in particular local bus services;
- Encourage car-sharing in order to reduce single vehicle occupancy;

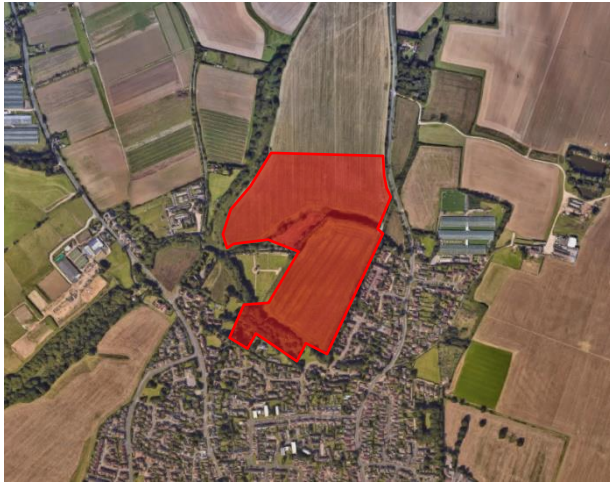
- Achieve target percentage of single occupancy car journeys to and from the development;
- Provide links with other local residential, business and school Travel Plans;
- Reduce the need to travel;
- Achieve a balance between car use and alternative travel modes for individual travel needs; and
- Change resident's perception of car being the only and automatic choice for travel.

2.12 As a housing developer, Persimmon Homes do not have any travel plan or sustainable travel policies which could be applied to the developments and residents themselves. However, Persimmon Homes are committed to delivering the Travel Plan Coordination works which would be secured through this planning application.



### 3. EXISTING CONDITIONS AND SITE ACCESSIBILITY

- 3.1 The proposed development site is approximately 1.9km north of Stubbington Village Centre (from the proposed site access) and 3.7km south west of Fareham. The existing site is agricultural land, split into two parcels by Oakcroft Lane. The south of the site is bordered by residential land currently forming the northern extent of the village of Stubbington. The site and its surroundings are shown in **Figure 2**, whilst existing conditions on the site are shown in **Photograph 1**.



**Figure 2:** Site Context



**Photograph 1:** Existing Site Conditions

- 3.2 The existing northern parcel has points of access from both Oakcroft Lane and Peak Lane, whilst the southern parcel is accessed solely from Oakcroft Lane. The existing access locations are shown in **Photographs 2-4**.



**Photograph 2:** Northern parcel field gate access on Peak Lane



**Photograph 3:** Northern parcel field gate access on Oakcroft Lane





**Photograph 4:** Southern parcel field gate access on Oakcroft Lane

- 3.3 To help achieve the TP's objectives it is crucial to consider the site in relation to the local context in which it will evolve.
- 3.4 Services within Stubbington Village Centre include convenience stores, eateries, places of worship, a veterinary practice, a library, community centre, banks and a number of retail outlets, all situated on and around Stubbington Green, and are all within a circa 15-minute walk of the site. Also located within Stubbington Village Centre is the Stubbington Recreation Ground providing leisure facilities.
- 3.5 The proposed site location with reference to Stubbington Village Centre is identified in **Figure 3**, with the site location identified in red and the village centre in yellow. There are two potential pedestrian routes to Stubbington Village Centre from the site and a separate route for cyclists. The two pedestrian routes are demonstrated in yellow whilst the cycle route is demonstrated in blue.



**Figure 3:** Site Location in Context with Stubbington Village Centre

- 3.6 Further afield, Fareham Town Centre hosts a greater number of services and amenities, including large superstores and Fareham Shopping Centre, as well as Fareham Railway Station which provides access to other destinations such as Southampton and Portsmouth City Centres.
- 3.7 Crofton Anne Dale (Infant and Junior Schools) are located 1.8km from the site respectively and are accessible via a 23-minute walk or 10-minute cycle. Crofton Secondary School is 2.5km south-east of the site and accessible via an 11-minute cycle or 31-minute walk.
- 3.8 In terms of healthcare, Stubbington Medical Practice is accessible within a 16-minute walk or 6-minute cycle of the development. A pharmacy is available within the village centre to the south of the site, 1.2km south of the site. Fareham Community Hospital, in Locks Heath is 7.6km north-west of the site and the closest A&E department is Queen Alexandra Hospital, Portsmouth, 14.1km from the site.
- 3.9 The nearest supermarket to the site is ASDA Fareham, located on Newgate Lane 3.7km to the east of the site. In addition, a number of convenience stores are available within Stubbington including a large Co-op convenience store in the village centre. Smaller food and non-food stores are provided within the village centre including a bakery, butcher and greengrocer.
- 3.10 Approximate distances to local amenities measured from the centre of the site using the most appropriate route (either onto Marks Tey Road or Peak Lane for pedestrians or using Oakcroft Lane/Peak Lane for cyclists) are summarised in **Table 4**. Walking times are based on the speed of 80m per minute and cycling speed based on 240m per minute.

Amenity	Walking Distance	Walking Time	Cycling Distance	Cycling Time
Sumar Close Bus Stop (northbound)	560m	7	390m	2
Sumar Close Bus Stop (southbound)	680m	9	520m	2
Infant School (Crofton Anne Dale Infant School)	1.8km	23	2.4km	10
Junior School (Crofton Anne Dale Junior School)	1.8km	23	2.4km	10
Secondary School (Crofton School)	2.5km	31	2.6km	11
Stubbington Village Centre	1.2km	15	1.3km	5
Library (Stubbington Library)	1.8km	23	1.9km	8
Community Centre (Crofton Community Association)	1.8km	23	1.9km	8
Recreation Ground (Stubbington Recreation Ground)	1.8km	23	1.9km	8
Doctors Surgery (The Stubbington Medical Practice)	1.3km	16	1.4km	6
Dental Practice (Stubbington Green Dental Practice)	1.2km	15	1.3km	5
Pharmacy (Village Pharmacy)	1.3km	16	1.4km	6
Place of Worship (St Edmund's (Crofton Old Church))	690m	9	1.7km	7

**Table 2:** Distance to Local Amenities

- 3.11 It is evident from **Table 2** that there are a number of local facilities within close proximity of the proposed development site. The Chartered Institution of Highways and Transportation's (CIHT) 'Planning for Walking' (April 2015) document identifies that the average length of pedestrian journeys is now 1.37km (page 6). Reviewing the amenities demonstrated within **Table 2** it is evident that there are several key amenities within this distance. This therefore helps to ensure the development can operate sustainably by allowing future residents to travel sustainably.
- 3.12 Further supporting this development, the construction of the Stubbington Bypass will reduce travel distances to amenities to the east and west of the site. The application for the scheme was granted permission in October 2015 (application reference: P/15/0718/CC) and construction work began in early 2020.
- 3.13 As detailed in the TA, the Bypass routes 'from a location on the B3334 Titchfield Road opposite the 'Titchfield Nurseries' glasshouses and routes in an east-west direction across the northern edge of Stubbington to Newlands Farm. From here it routes in a south-easterly direction and then broadly north-south direction to the west of the Peel Common Sewage Treatment Works and the east of Crofton School, before joining the B3334 Gosport Road at a location in between Rome Farm Cottages and Marks Road and opposite the Solent EZ.' Further details on the Stubbington Bypass and the changes proposed is provided within the accompanying Revised Transport Assessment.

### Local Pedestrian and Cycle Network

- 3.14 The local pedestrian network in the vicinity of the site benefits from a gentle topography. A short section of footway is provided on the eastern extent of Oakcroft Lane to service the small number of existing residential units which front Oakcroft Lane. This provides connection to the 3m wide footway/cycleway on Peak Lane to the north and the footway and cycle lanes on May's Lane to the south.
- 3.15 Approximately 50m north of the Oakcroft Lane/Peak Lane/May's Lane junction, a pedestrian/cyclist crossing, equipped with a central refuge island is provided to facilitate the safe crossing of pedestrians and cyclists.
- 3.16 A 3m wide lit footway/cycleway runs parallel to the proposed site frontage on the eastern edge of Peak Lane running north to the junction of Peak Lane / Rowan Way / Longfield Avenue, connecting with National Cycle Network (NCN) Route 236. This route provides a high level of infrastructure connecting future site users to the settlement boundaries of both Fareham in the north and Stubbington in the south. The existing footway/cycleway on Peak Lane is shown in **Photograph 5**.



**Photograph 5:** Existing Footway / Cycleway on Peak Lane

- 3.17 Further south on May's Lane dedicated cycle lanes on both the western and eastern edges of the carriageway provide a good level of cycle infrastructure into Stubbington Village. Pedestrian routes in this direction are also well supported by 2m footways flanking both sides of the carriageway providing a direct route along the pedestrian desire line into Stubbington.



**Photograph 6:** Existing Cycle Lane on May's Lane

- 3.18 Within Stubbington Village there is a widened pedestrian area along the majority of shop frontages to enhance the appearance and allow for a range of pedestrian functions such as browsing, socialising and play. Dropped kerbs and tactile paving are provided within the village, as well as zebra crossings and signalised crossings which ensure that safe access is provided to local amenities.
- 3.19 A more detailed review of the pedestrian and cycle network surrounding the site and on route to the local catchment schools and Stubbington Village Centre is provided in the accompanying RTA.
- 3.20 The site is also within close proximity of National Cycle Network Route 236 which runs from Cosham to Portchester and Southampton to Lyndhurst. This route provides a high level of infrastructure connecting future site users to the settlement boundaries of both Fareham in the north and Stubbington in the south. The NCN routes in the site vicinity are demonstrated in **Figure 4**.

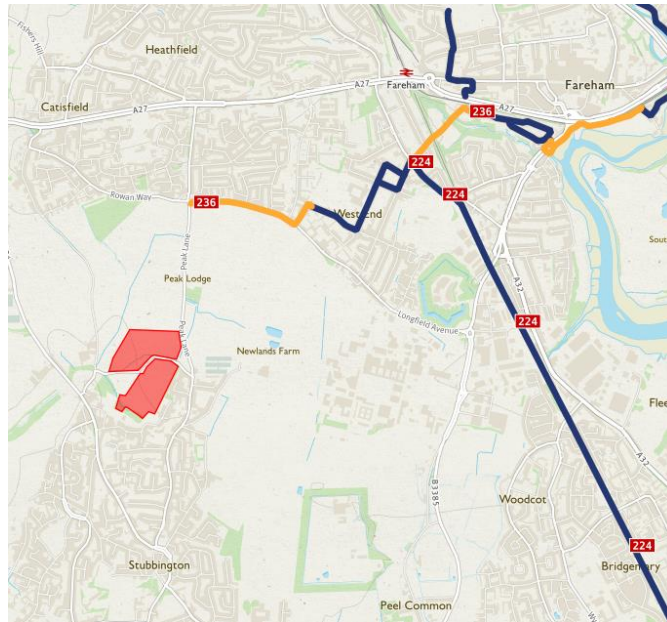


Figure 4: NCN Cycle Routes

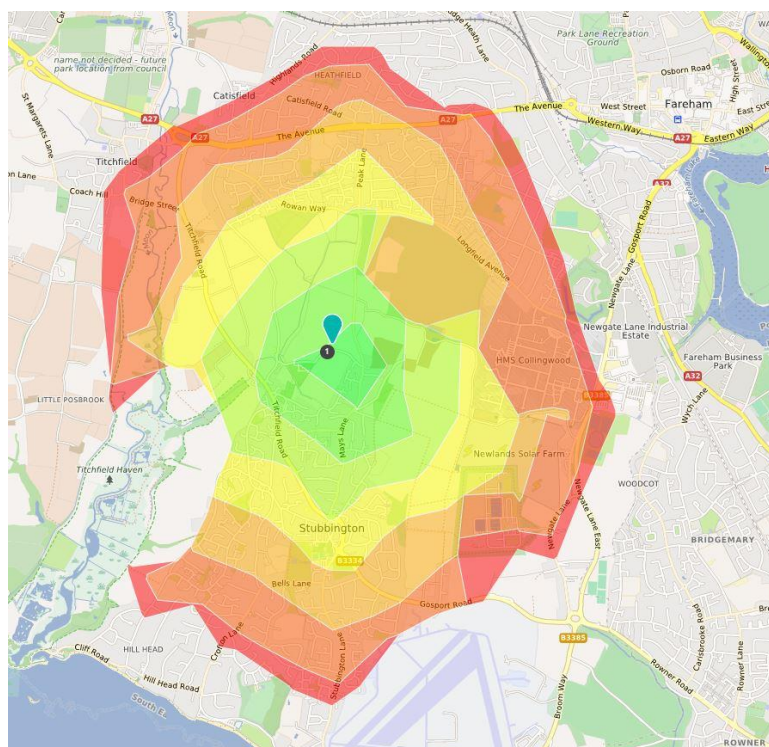
3.21 In addition, FBC's Cycle Map demonstrates the local cycle routes and identifies the off road track and on road cycle lane along May's Lane/Peak Lane (in blue) as well the route via Oakcroft Lane and Burnt House Lane which are considered as a 'link road convenient for cyclists' (in yellow). The map with the site location identified is demonstrated in **Figure 5**.



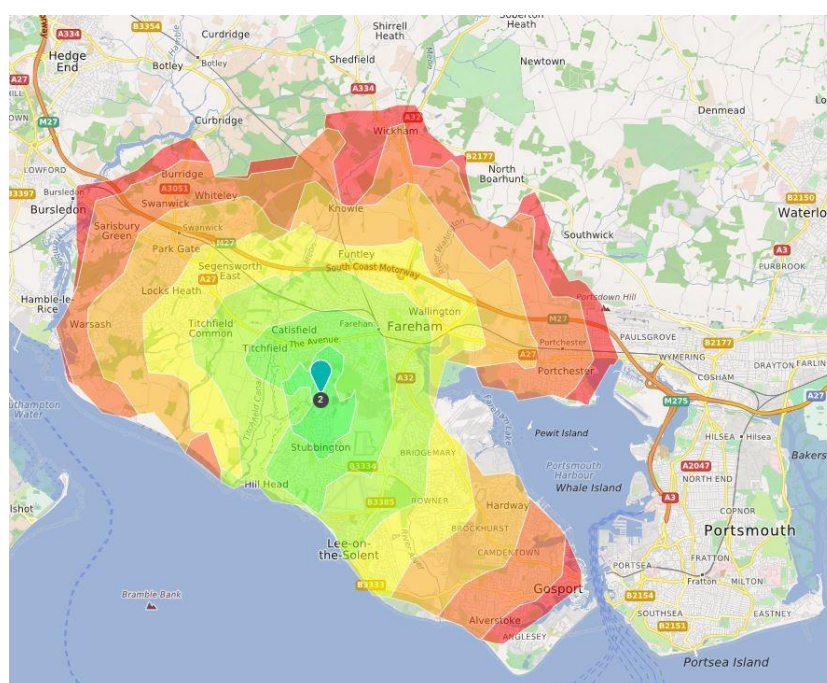
Figure 5: FBC Cycle Map



3.22 An isochrone map to show the site's accessibility using pedestrian walking distance is shown in **Figure 6**, with a cycling distance isochrone map shown in **Figure 7**. Each interval represents 5 minutes of walking/cycling with the final interval representing a walking/cycling time of 30 minutes.



**Figure 6: Isochrone Walking Map**

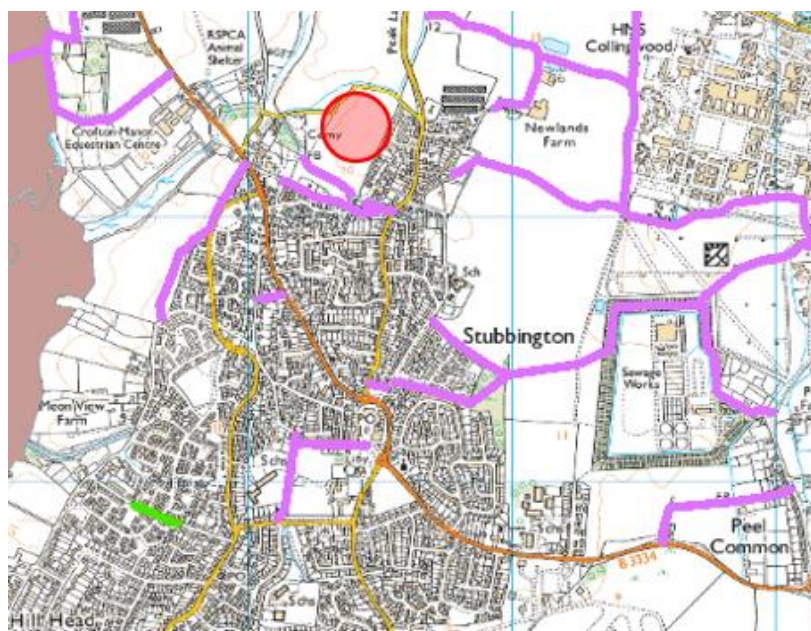


**Figure 7: Isochrone Cycling Map**

- 3.23 The isochrone maps demonstrate that the site is situated within a reasonable walking/cycling distance of many local facilities within Stubbington Village Centre and further afield. This has again been taken from the centre of the site.

### Public Rights of Way Network

- 3.24 The site also benefits from a number of Public Rights of Way (PROW) which provide alternative pedestrian routes into the Village Centre. The local PROW surrounding the site are demonstrated in **Figure 8** with the site location highlighted in red.



**Figure 8:** Local PROW Network

- 3.25 **Figure 8** demonstrates the site is well located being within close proximity of the local PROW network. Of particular importance, this demonstrated Footpath 509 which connects onto Marks Tey Road, Footpath 66 which connects onto May's Lane from Marks Tey Road, Footpath 61 from Vicarage Close onto Peak Lane and Footpath 60 which is Peak Lane.

### Bus Services

- 3.26 The closest bus stops to the site are located on May's Lane, circa 560m to the east for the northbound bus stop (via Peak Lane) and 680m for the southbound bus stop (via Peak Lane). Both bus stops are therefore within a 10-minute walk from the centre of the site. These stops are provided with a simple flag and pole with timetable.

### Route to Bus Stops

- 3.27 In the previous application HCC requested that information on the routes to the bus stops are provided within the TP. The closest bus stops to the site are located on May's Lane and are accessible from the



north of the site via the proposed access onto Peak Lane which connects onto May's Lane to the south. A 3m wide pedestrian footway is proposed along the site access which will continue south onto Peak Lane where a new 3m wide pedestrian/cycle refuge island is proposed to cross pedestrians and cyclists onto the existing infrastructure along the eastern side of Peak Lane.

- 3.28 Alternatively, from the south of the site there is an additional route available to access bus stops further south on May's Lane (circa 40m north of the St Mary's Road/May's Lane junction). This route is via Marks Tey Road, Newton Close and St Mary's Road which provides connection to May's Lane to the east. The site would provide connection onto Marks Tey Road to the south which is facilitated by footways and dropped kerbs and provides connection to the footways on Newton Close. To the south of Newton Close, a footpath is provided onto St Mary's Lane. This footpath is well maintained and benefits from lighting. Approximately 170m to the east St Mary's Lane connections onto May's Lane, with each bus stop accessible within a 4 minute walk via this route from the site's southern connection point.
- 3.29 The two proposed routes are shown in **Figure 9** and the accompanying Revised Transport Assessment provides a full review of the existing pedestrian infrastructure along these routes.



**Figure 9:** Route to Bus Stops

### Bus services

- 3.30 The bus stops on May's Lane are serviced by First Group's service Solent Ranger X5, running from

Gosport to Southampton, with intermediary stops in Lee-on-Solent, Fareham, Titchfield, Locks Heath and Warsash. The route into Southampton takes 1 hour 11 minutes, to Gosport takes 34-minutes and to Fareham takes 12-minutes. The service runs every half-hour Monday to Saturday, with an hourly service on Sundays.

3.31 Additional bus services are available within Stubbington Village Centre from the ‘Stubbington Village’ bus stop. This stop is located a c. 16-minute walk via the pedestrian access onto Mark’s Tey Road or a 6-minute cycle via Oakcroft Lane (taken from the centre of the site). This stop which serves all directions is provided with a layby, sheltered seating and timetable information.

3.32 The bus services available within the area surrounding the site are summarised in **Table 3**.

Bus Number	Bus Stop	Route	Operator	Frequency		
				Mon-Fri	Sat	Sun
X5	May’s Lane	Southampton – Warsash – Fareham - Gosport	First Buses	Hourly (5:27 -20:30)	Hourly (6:51-20:30)	Hourly (8:10-18:45)
21	Stubbington Village	Fareham – Peel Common – Stubbington – Hill Head	First Buses	Every 2 hours (8:45-18:55)	Every 2 hours (8:45-13:10)	No Service
193*	May’s Lane	Gosport – Lee on Solent – Stubbington – Itchen College	Xela Bus	1 service a day (08:13)	No Service	No Service
620*	Stubbington Village	Stubbington – Barton Peveril College	Bluestar	1 service a day (14:25)	No Service	No Service

**Table 3:** Bus Services

3.33 Furthermore, Fareham Bus Station provides access to a number of regular bus services with destinations including Portsmouth, Gosport, Wickham, Whiteley and Southampton. A number of coach services are also available from this station with destinations including Gatwick Airport, Poole, Heathrow Airport and London Victoria.

#### Train Services

3.34 Fareham Train Station is approximately 3.7km north of the proposed site and is accessible via a 10-minute journey on the aforementioned Solent Ranger X5 and 21 bus services or a 15-minute cycle. The railway station is equipped with 266 sheltered and secure bicycle spaces, a 154-space car park, a manned ticket office Monday-Sunday, ramp access, customer help points, CCTV, toilets and waiting rooms.

3.35 Services from Fareham Train Station provide connection to Southampton Central (35-minutes), Portsmouth Harbour (26-minutes) London Waterloo (two hours) and Brighton (1 hour 30 minutes).

#### Route to Fareham Train Station

- 3.36 As requested by HCC as part of the previous application this section will provide details of the cycle routes to Fareham Train Station from the site.
- 3.37 There are a number of potential routes to Fareham Train Station. The most direct route has a cycle time of 15 minutes. This route to Fareham Train Station is via Peak Lane, Longfield Avenue, Bishopsfield Road and The Avenue (A27). This route is shown in yellow in **Figure 10** for reference and benefits from several off-road cycle routes. As previously described Peak Lane benefits from a continuous 3m wide footway/cycleway to the north of the site which provides a continuous off-road route between the site and Longfield Avenue. The footway/cycleway on Peak Lane provides connection to a 3m wide footway/cycleway on the southern side of Longfield Avenue where a number of crossing points suitable for cyclists are provided to facilitate connection onto Bishopsfield Road.
- 3.38 Whilst Bishopsfield Road does not benefit from formalised cycle routes for the majority of its extent, this is a residential road subject to low vehicle speeds with the carriageway of sufficient width to allow cars to safely pass cyclists on carriageway. Approximately 60m south of the junction between Bishopsfield Road and The Avenue (A27) a footway/cycleway is provided on both sides of Bishopsfield Road. This connects onto the footway/cycleway provided along the southern side of The Avenue (A27). The footway/cycleway along The Avenue (A27) continues to the signalised junction between The Avenue (A27) and Redlands Lane, where a signalised crossing is provided for cyclists and pedestrians. The footway/cycleway then continues along the northern side of The Avenue, to the train station. While a footway/cycleway provision is provided along The Avenue (A27) sufficient space is also provided on road to also allow cyclists to be present on the carriageway, with directional signage for cyclists provided on the carriageway to help guide use of the footway/cycleways provided where possible.
- 3.39 The second route to the train station is a 17-minute cycle, 2 minutes longer than the previous route and is via Peak Lane, Longfield Avenue, Fairfield Avenue, St Michael's Grove, Redlands Lane and The Avenue (A27). Unlike the most direct route, this route utilises what FBC have marked as 'link roads convenient for cyclists', St Michael's Grove and Fairfield Avenue (see **Figure 5**). This route also benefits from the footway/cycleway provision on Peak Lane and Longfield Avenue. Longfield Avenue provides connection to a formalised and signposted footpath/cycle path link to Fairfield Avenue. Fairfield Avenue and Longfield Avenue, despite not providing any formal provision for cyclists, have been marked by FBC as convenient link roads for cyclists. To the north St Michael's Grove provides access to Redlands Lane a residential route subject to low speeds where it is suitable for cyclists to be present on the carriageway. Redlands Lane provides connection onto The Avenue (A27) to the north west and the footway/cycleway provision available to the train station. This route is marked in blue in **Figure 10**, whilst the yellow route

represents Bishopsfield Road.



**Figure 10:** Cycle Route to Fareham Train Station

3.40 The cycle routes available from the site to Fareham Train Station benefit from a number of off-road routes or residential streets and is considered to be attractive for both confident and novice cyclists, especially considering their inclusion in FBC's cycle mapping.

### Key Travel Resources

3.41 Sustainable travel opportunities are supported locally. **Table 4** provides a summary of key travel resources available for residents, staff and visitors.

Resource	Description	Details
Living Streets	National organisation for supporting pedestrians	<a href="http://www.livingstreets.org.uk">www.livingstreets.org.uk</a>
Cycle Street	Online cycling journey planner	<a href="http://www.cyclestreets.co.uk">www.cyclestreets.co.uk</a>
Fix My Transport	Online facility for resolving local transport infrastructure problems	<a href="http://www.fixmytransport.com">www.fixmytransport.com</a>
Sustrans	The national sustainable transport charity	<a href="http://www.sustrans.org.uk">www.sustrans.org.uk</a>
Traveline	Online Journey Planner	<a href="http://www.traveline.info">www.traveline.info</a>
My Journey	Local Online Journey Planner	<a href="http://www.myjourneyhampshire.com">www.myjourneyhampshire.com</a>

**Table 4:** Key Travel Resources

## 4. PROPOSED DEVELOPMENT

- 4.1 The site proposes the development of 209 residential dwellings, with access taken from Peak Lane. The site would include a mixture of affordable and private dwellings, with the proposed accommodation schedule summarised in **Table 5**. A site layout is provided in **Appendix A**.

Size of Dwelling	Affordable Unit Numbers	Private Unit Numbers	Total
1 Bedroom	4	0	4
2 Bedroom	42	29	71
3 Bedroom	32	78	110
4 Bedroom	4	20	24
<b>TOTAL</b>	<b>82</b>	<b>127</b>	<b>209</b>

**Table 5:** Accommodation Schedule

### Access Arrangement

- 4.2 The site would be served by a single vehicular access point onto Peak Lane. The site access would form a new right turn lane junction on Peak Lane, which has been designed in accordance with CD 123 standards. The bellmouth access into the site itself would measure 6m wide with 10m corner radii. As part of the development, a new road will be constructed between the site and Peak Lane which is demonstrated in the site layout attached as **Appendix A**.
- 4.3 Further details on the site's access arrangements is provided within **Section 5** of the Revised Transport Assessment.

### Pedestrian Access Arrangements

- 4.4 A 3m wide shared footway/cycleway would be provided on the southern edge of the proposed bellmouth access which will connect to a new crossing to the south of the access on Peak Lane. It is proposed that this crossing point will be supported by a 3m wide refuge island to ensure that pedestrians and cyclists can cross Peak Lane safely. Again, detail of the site's access arrangements is provided within **Section 5** of the Revised Transport Assessment.

### Car and Cycle Parking

- 4.5 The level of car and cycle parking for the proposed development would be provided in accordance with FBC's Residential Parking Standards SPD (2009). Details of the site's parking strategy is provided within the site's planning statement. Cycle parking on the development would be sheltered and secure. Whilst previous comments from HCC referenced the need for spaces to be 'easily accessible from the highway', this is difficult to define and therefore has been prior agreed as no longer necessary.

## 5. INDICATIVE BASLINE AND TARGET TRAVEL PATTERNS

- 5.1 In order to establish the modal split of trips generated by the site 2011 Census 'Method of travel to work' data has been obtained. The 'Fareham 007' Mid Super Output Area (MSOA) is considered to be the most representative of the proposed development and includes the proposed development site and the surrounding area. The modal split proposed to be generated by the site is outlined in **Table 6**, with full outputs attached as **Appendix B**.

Mode of Travel	Percentage
Single Occupancy Vehicle	75%
Public Transport	7%
Walk	7%
Bike	2%
Other	9%

**Table 6:** 2011 Census Data 'Journey to Work'

- 5.2 **Table 6** demonstrates that 75% of all commuter trips are anticipated to be undertaken by car, with this being the most popular method of travel. After vehicle trips, walking and public transport are the next popular mode with 7% of trips travelling on foot or via public transport. Despite the excellent cycle infrastructure surrounding the site the data indicates that 2% of commuters cycle. On this basis the TP should strongly promote cycling and public transport with a focus on identifying the high-quality cycle routes available in close proximity of the site.

### Targets

- 5.3 SMART (Specific, Measurable, Achievable, Realistic and Time-bound) targets are proposed to be met over a five-year period from 50% occupation of the site. These targets inform the measures, monitoring strategy and Action Plan. Overall a 10% target modal shift away from single occupancy vehicle trips is sought through the implementation of the Travel Plan. Modal split targets are shown in **Table 7**.

Target	Objective	Baseline Modal Share	Target	Modal Share Target
TP1	Single Occupancy Vehicle Trips	75%	-10%	65%
TP2	Increase the number of resident travelling by Public Transport	7%	+4%	11%
TP3	Increase the number of residents walking and cycling to and from the site	9%	+4%	13%
TP4	Increase the number of vehicle trips with passengers	0%	+2%	2%

**Table 7:** Modal Share Targets

- 5.4 As identified above, a 10% target of modal split away from 'Single Occupancy Vehicle' trips is sought through the implementation of the Travel Plan, and is considered reasonable and realistic at this time based on the detailed analysis of site location and accessibility completed as part of this Travel Plan.



Given the wealth of rail and bus services available to residents a 4% increase in the use of public transport has been set. An increase in 4% has also been set for walking and cycling as the TP would promote the use of local walking and cycle links given the site is located in an area with excellent pedestrian and cycle routes. A 2% modal increase has also been set for car sharing (multi-occupancy vehicle use) to accommodate to those who may travel further afield or prefer the comfort of a car.

- 5.5 The baseline modal share would be determined through a resident's travel survey, which would be undertaken at 50% occupation of the site. This survey would determine the actual baseline travel patterns for the development and would confirm the targets of the TP. Details of the survey schedule are set out in the Implementation and Monitoring section.

## 6. TRAVEL PLAN STRATEGY

- 6.1 The following section proposes a package of measures to be adopted and refined by the Travel Plan Coordinator (TPC) throughout the lifetime of the TP. The measures proposed are influenced by the site location, the TP objectives and targets and local, regional and national policy. The measures chosen could also be continued by local residents beyond the official monitoring period.
- 6.2 The package of measures primarily focuses on 'soft measures' which are to be adopted and refined by the TPC throughout the lifetime of the TP. Other 'hard measures' which are proposed by the development include:
- A 3m wide footway/cycleway on the southern side of the site access which would connect with the existing footway/cycleway on Peak Lane;
  - The provision of a new crossing point to the south of the site access which would be supported by a pedestrian/cyclist refuge island;
  - A pedestrian link at the southern extent of the site providing a shorter route into Stubbington Village Centre;
  - On site pedestrian infrastructure;
  - A permeable site layout; and
  - Cycle parking for each unit.
- 6.3 To support the strategy, a costed Action Plan has been prepared and is attached as **Appendix C**.

### **Key Stages: Preliminary**

- 6.4 In order to meet the aims and objectives of this TP a number of measures are essential to be completed at an early stage. Completing these tasks would help to embed the TP within the development and the local community. Prior to first occupation the TPC should complete all preliminary tasks identified in the Action Plan (**Appendix C**).
- 6.5 The developer would be required to appoint a TPC, whose details would be given to the HCC's travel Plan Officer (TPO) alongside a finalised Action Plan. The TPC would then prepare a database for holding important contact details (residents, TPO, forums etc.) alongside liaison with other local TPC's (such as schools and other residential developments). Through this stage there should be ongoing dialogue between the TPC, the developer and HCC's Travel Plan Officer (TPO).

### **Key Stages: 5 Years Following 50% Occupation**

- 6.6 The Travel Plan would become fully active upon 50% occupation and would remain active for a period



of 5 years following that date. After the official monitoring period has come to an end ownership would pass onto residents and the local community.

- 6.7 During the lifetime of the TP the Action Plan agreed with HCC at the preliminary stage would be expanded upon through the implementation of a variety of measures. These measures would be determined through liaison with the residents, the developer, HCC's TPO, local TPC's (including the TPC of local schools and local developments) and other key players.

#### **Modal Measures: Walking and Cycling**

- 6.8 The site benefits from high quality pedestrian and cycle infrastructure, which provides connection into local amenities and services within Stubbington and the wider area. Amenities within Stubbington Village are accessible via a c.16-minute walk to the south of the site, with further services including a train station accessible within Fareham Town Centre via a 16-minute cycle to the north east of the development.
- 6.9 Route maps, accessibility maps and up-to-date information and event updates will be provided to residents by the TPC through the preparation and maintenance of a dedicated site webpage, as well as bi-annual newsletters. Free health apps such as Moves could also be promoted by the TPC to further encourage the uptake of walking and cycling.
- 6.10 The TPC would investigate the opportunity to provide a bicycle user group for the development and would promote the existing Solent Cycle Group based in Fareham. In addition, the TPC would also seek to ensure (where possible through the local highway authority) that maintenance and improvements where necessary is provided to walking and cycle network signage in the local area.
- 6.11 Improvements to the local infrastructure beyond those proposed at the site access are not considered necessary as the cycle routes and pedestrian networks are considered more than adequate to support a proposed development. Any further improvements and maintenance would also be the responsibility of the local highway authority.

#### **Modal Measures: Public Transport**

- 6.12 The closest bus stops to the development are located on May's Lane and are accessible in less than a 10-minute walk. The Solent Ranger X5 bus service is accessible from the stops on May's Lane, which provides a frequent service to neighbouring centres such as Locks Heath, Warsash, Fareham and Southampton. Maximising residents' use of public transport would be supported through awareness-raising of the local bus services whilst highlighting the costs and benefits in comparison to other travel

modes.

- 6.13 The site is also well located to local rail facilities, with Fareham Train Station accessible in a 10-minute bus journey or 15-17-minute cycle. Services from Fareham Train Station provide direct and convenient access to neighbouring strategic centres and destinations further afield making this an attractive travel mode for residents of the development.
- 6.14 The TPC would provide up-to-date timetable and service information to residents in bi-annual newsletters and on the site's dedicated TP webpage.
- 6.15 The TPC would also be responsible for liaising with local public transport providers to identify any additional measures that could be provided by the operators to support the site. Such measures could include bus stop improvements, the potential for posting timetable information directly to the residents and trying to arrange a discount on the resident's behalf. In addition, the TPC would also investigate the potential of providing development related discounts to further encourage public transport as a primary mode of travel.

#### **Modal Measures: Car Sharing and Sustainable Driving Practices**

- 6.16 On occasions where car use is unavoidable the TPC would seek to promote car sharing through the use of websites such as Lift Share (<https://liftshare.com/uk/journeys/to/hampshire-uk>). Promoting sustainable driving practices such as car sharing helps to reduce pollution and congestion. The Lift Share website provides information about car sharing and helps members to find potential car sharing partners.
- 6.17 The TPC would also provide residents with information of fuel-efficient practices and the benefits of car sharing. Through the TP, the TPC would explore opportunities of setting up a development-based car sharing network if the demand exists given that the starting destination would be the same for residents. The sales team would assist in promoting car sharing and the opportunity could be discussed at resident meetings if available.
- 6.18 As more towns are being required by government to implement Clean Air Zones, the car industry is aiming to provide a greater network of electric charging points, encouraging the greater uptake of electric and hybrid vehicles. Altering resident's perceptions on hybrid, but in particular electric vehicles, is fundamental for creating a more sustainable development. Promotion of both electric and hybrid vehicles is becoming a key aspect of sustainable travel, and with Government grants available, this would be promoted as part of the TPC.

### **Modal Measures: Home/Remote Working and Other Modes**

- 6.19 Working from home and utilising mobile technology has also become a part of the daily work routine for many companies. Although the TP has limited scope to influence workplace practices the TPC would seek to ensure that residents are aware of the developments in smart working technology.
- 6.20 This TP has not identified specific targets for other travel modes such as motorcycles or taxis. Should the monitoring exercises and communication with residents and key players identify a strong interest in other travel modes, the TPC would seek to explore these through dialogue with HCC's TPO.

### **Sustainable Routes to School**

- 6.21 Information packs would be provided for families with school age children detailing information on the sustainable routes to catchment schools (Crofton Anne Dale Infants and Juniors and Crofton School). This will include information on the benefits of walking and cycling to school to help encourage the uptake of sustainable travel to school.

### **Personalised Travel Planning**

- 6.22 Personalised Travel Planning (PTP) would be offered to all residents and promoted through the Welcome Pack, newsletters and website. This information, once requested, would provide individuals with their own tailor-made advice on their most frequent journeys.

### **Local Area and Other Site Users**

- 6.23 The TP should not develop in isolation from the local community and therefore the TPC would seek to maximise liaison and communication between local resident groups and community groups. The TPC would also promote local facilities and encourage the promotion of sustainable travel options to visitors and work alongside other local TPC's (including the TPC of local schools). Early engagement with other active residential Travel Plans, would provide an opportunity for a 'joined up working' approach to maximise resources and share best practice.

### **Visitors**

- 6.24 TP's should also encourage and extend sustainable travel opportunities to any visitors travelling to and from the site. Residents' own positive sustainable travel experiences should have a knock-on effect to visitors. Visitors would also have access to the Travel Plan website similarly to local residents and will be able to make an informed decision on how they travel to and from the site.

### **Consultation and Partnerships**

- 6.25 Within the comments received from HCC on the previous TP, a request was made for the TP to include evidence of preliminary liaison with cycle shops and public transport operators to scope the possibility

of arranging development discounts/vouchers. This would be the role of the TPC once instructed, as detailed above, who as active TPC's are likely to have well established relationships with cycle shops and public transport providers to investigate the opportunity for such discounts/vouchers to be provided. Furthermore, it is unknown when the development would reach first occupation and thus conversations should be taken once the TPC has been instructed and can gauge timescales for occupation of the development.

### **Financial Incentives**

- 6.26 As part of this RFTP and the subsequent TPC work, a £50 voucher would be offered per household to encourage sustainable travel. This voucher would be arranged by the TPC and would likely form a £50 bus voucher (arranged with First Bus) or a £50 cycle voucher to use at a local cycle store. The voucher would be promoted through the Welcome Pack and following newsletters.

### **Communication and Marketing**

- 6.27 The TPC would provide residents with a site-specific website such as Paul Basham Associates' Travel Planning Website (<https://tpc-paulbashamassociates.com>), which would provide information on site accessibility and sustainable travel options. It could also provide information on and promote the following, which would be maintained by local residents in the long term:

- Introduction to the TP;
- Accessibility Map;
- Walking, cycling and public transport links and journey planners;
- Key travel links such as the My Journey personalised journey planner tool;
- TP newsletters;
- TP Welcome Packs;
- TP survey results;
- Local TP forum minutes; and
- Local news/advertisement/discounts.

- 6.28 The creation of a recognisable and identifiable TP logo would be completed by the TPC. This would be used on all TP material and used within the coordinated marketing campaign meetings and communication forms listed below:

- Travel Plan Welcome Pack;
- Newsletter (6 monthly);
- Posters; and
- Social Media Pages.

## 7. IMPLEMENTATION AND MONITORING

### The Travel Plan Coordinator (TPC)

7.1 The role of the TPC would be part-time over the course of the TP, with support from Persimmon Homes. The TPC would likely be operated by an external consultant on a part time basis and would be responsible for implementing and monitoring the TP through the collaboration with residents and the local community ensuring that they are included at every stage. HCC previously requested that details of the time spent by the TPC and details of when their contract would end should be included within the TP. As identified within the previous TP, it is anticipated that approximately 3 hours per week, per year, would be spent on the TP, with the TPC instruction to end once the official monitoring period has ended. As this Full Travel Plan supports a full planning application it is not possible to provide more specific timescales at this time.

7.2 The role of the TPC specifically requires:

- Overseeing the development of the TP;
- Implementing an effective marketing strategy and raising awareness;
- Staying informed on local, regional and national campaigns and promotions;
- Acting as the point of call for all TP related queries;
- Liaising with HCC, residents and the developer; and
- Coordinating the monitoring and evaluation of the TP including the organisation of surveys.

7.3 Upon the appointment of a TPC (at least three months before occupation) contact details would be provided to the HCC TPO to ensure that a clear dialogue is possible from the first introduction of the TP.

### Travel Plan Forums

7.4 The TPC would be required to attend any local travel forums and resident/community meetings to ensure that the TP is well coordinated, remains relevant and is an established part of community.

### Surveys and Feedback

7.5 A consistent approach must be implemented with the following aims in mind:

- Co-ordinating the monitoring programme for the TP including organisation of surveys;
- All informed of TP's aims and objectives, including HCC, residents, and developer;
- A representative and informative account in accordance with development timescales;
- An understanding of local travel modal shares, perceptions and influencing factors;
- An understanding of the progress and impact (successes and obstacles) of the TP;

- Avoiding resident/respondee fatigue by securing a time-efficient, user-friendly and incentivised method of data collection which benefits subsequent TP implementation;
- Being adopted in some form by local residents beyond the TP's active life; and
- Co-ordinated questions with other local TPs.

7.6 This TP's approach to monitoring acknowledges the above requirements and is displayed within **Table 8** and summarised in the subsequent paragraphs.

Preliminary Period	End of Year 1	End of Year 3	End of Year 5
Resident Travel Survey (at 50% occupation)	Resident Travel Survey	Resident Travel Survey	Resident Travel Survey

**Table 8:** Proposed Monitoring Strategy

7.7 At 50% occupation of the development a residential travel survey would be undertaken to confirm the sites modal splits. This provides an opportunity to review the TP targets and to update these if applicable and in agreement with HCC's TPO. Following one year after 50% occupation, resident travel surveys would be undertaken every other year until the end of year five, to confirm the development's modal shares. By undertaking these surveys, it would allow the TPC to ensure that the measures proposed by the TP remain relevant and achievable. An example resident survey is included in **Appendix D**.

7.8 The results of the survey will be available for residents to view on the development's dedicated TP website and also included within newsletters. These results will also be presented at resident association meetings (if available).

7.9 Whilst the minimum response rate for such surveys is 35% (as requested by HCC Travel Plan Guidance) experience of other sites within the county suggests that response rates can vary significantly and that a rate of 10% is more realistic. Therefore, the target response for the resident travel surveys in the preliminary phase and year one would be 35%, with an 'aspirational' response rate of 35% for years 3 and 5 and a minimum response rate of 10%.

7.10 After each travel survey has been conducted and an acceptable response rate from residents has been reached, a monitoring/progress report will be produced and submitted to HCC within 3 months of the survey taking place. This report will outline how the TP has been implemented for the year along with a presentation of survey results and analysis of the responses. The report will then conclude with an

outline of the future monitoring strategy and a confirmation of targets and revisions where necessary/applicable.

- 7.11 Resident survey responses would be incentivised through utilising online methods, the inclusion of a pre-paid envelope, and an opportunity for doorstep completion during the TPC's site visit. The TPC would also explore opportunities to provide further incentives for surveys, such a prize draw for a shopping voucher to overcome fatigue.

#### **Overcoming Barriers to Success**

- 7.12 Should the annual progress review identify shortfalls in the TP's progress (with consideration to any unforeseen circumstances beyond the control of the TPC) the TPC would work with the TPO to identify possible areas for improvement, new measures to try and the period in which such remedial actions should be completed. The evolution of the TP would highlight aspects that were successful and those having little impact, and this would guide the choice in any remedial measures.
- 7.13 Potential barriers may be created by mismanagement of the TP. To prevent these barriers from being created the TPC should have ongoing coordination with HCC.
- 7.14 Whilst specific remedial measures have not been identified within this RFTP, such remedial measures would be identified through discussions with HCC's TPO. The 5-year budget for implementing the Travel Plan Coordination works would be sufficient to ensure that remedial measures could be implemented. Such as if one measure is not working in year 1, there would be budget in Year 2 to rectify this and change to new measures if needed.

#### **Community Handover**

- 7.15 Following the completion of the TP, the site should be operating in a sustainable manner with the promotion of sustainable travel methods embedded in the community's practices. The handover strategy should form a key subject in annual liaison with HCC's TPO as the TP draws to an end. Following the end of the official monitoring period (5 years) local residents should have the necessary tools and experience to continue the TP on a voluntary basis.

#### **Delivery and Enforcement**

- 7.16 The developer would be committed to pay HCC's TP monitoring and evaluation fees which based on the size of the development equate to:
- £1,500 Initial Evaluation Fee
  - £3,000 Annual Monitoring Fee (£15,000 total cost over 5 years)

7.17 This TP should be secured by a Section 106 Agreement with HCC to help ensure its success. A bond value would be agreed through the Section 106 process and is anticipated to be a proportion of the total value of TPC works. Previous TP bond figures have been agreed with HCC at 20%, equating to 1 year of TPC works with this figure rolling for subsequent years. This surety can be used by HCC should the aims and objective of the TP not be achieved.



## 8. SUMMARY AND CONCLUSIONS

- 8.1 This TP has been prepared by Paul Basham Associates to support a full planning application for the development of 209 residential units on land north and south of Oakcroft Lane, Stubbington.
- 8.2 A TP is a strategy that supports national, regional and local policies through managing access to a development site and supporting an increase in sustainable travel. The TP is an evolving process which requires input of the TP authors, HCC and the developer (Persimmon Homes).
- 8.3 This TP's primary aim is to reduce the reliance on the private car whilst increasing the use of sustainable transport modes thus creating a sustainable development by reducing the impact of the developments travel demands, and by raising awareness of sustainable travel practices available to residents and visitors.
- 8.4 An indicative baseline travel modal split and targets have been established for the proposed development site, although all targets and measures would be reviewed and revised where necessary (including after the site-specific baseline survey has been completed at 50% occupation) and agreed with HCC. The overall target of the TP is to create a 10% shift in modal choice away from single occupancy car trips towards more sustainable modes.
- 8.5 In order to meet the key objectives of this TP, a number of measures are proposed for implementation from an early stage. Such measures primarily focus on initial infrastructure improvements and establishment of the TP within the site and informing residents and staff of the site's TP. Meeting these measures at an early stage will help the TP's targets to be achieved in the long-term.
- 8.6 A TPC will be appointed to oversee the implementation of the TP. The TPC will be responsible for encouraging changes in travel behaviours towards more sustainable travel through effective communication with the residents. The TPC will organise the surveys and liaise with HCC's TPO to ensure accurate baseline travel trends against which the TP targets are set. The Action Plan will be updated and revised based on the survey results to ensure that coordination remains an active process and that the TP becomes increasingly integrated into the local community.

## Appendix A

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Oakcroft Lane, Stubbington  
Revised Full Travel Plan

Paul Basham Associates Ltd  
*Report No 048.0013/RFTP/2*







Rev	Date	Revision Details	Dr	Ch
E	22.04.20	Bypass junction amended	br	db
D	25.02.20	see planning cover note	br	db
C	05.11.19	see planning cover note	br	db
B	20.09.19	see planning cover note	br	db
A	22.07.19	see planning cover note dated 23 July	br	db



**PERSIMMON**  
Together, we make a home

Job Title Oakcroft Lane, Stubbington		
Drawing Title Site Layout		
Job No 220	Drawing No A-02-015-SL	Rev E
Drawn BR	Checked DB	Date March '19
Scale 1:1000 @ A1 / 1:2000 @ A3		
Status PLANNING		



## Appendix B

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Oakcroft Lane, Stubbington  
Revised Full Travel Plan

Paul Basham Associates Ltd  
*Report No 048.0013/RFTP/2*



## WP7701EW - Method of travel to work (2001 specification) by distance travelled to work

ONS Crown Copyright Reserved [from Nomis on 1 April 2020]

population	All usual residents aged 16 to 74 in employment in the area the v
units	Persons
area type	2011 super output areas - middle layer
area name	E02004733 : Fareham 007
distance travelled to work	All categories: Distance travelled to work

### Method of travel to work (2001 specification)

#### 2011

All categories: Method of travel to work (2001 specification)	2,879
Work mainly at or from home	428
Train, underground, metro, light rail, tram, bus,	174
Driving a car or van	1,829
Bicycle	58
On foot	171
All other methods of travel to work	219

In order to protect against disclosure of personal information, records have been swapped between different geographies

## **k (Workplace population)**

week before the census

ographic areas. Some counts will be affected, particularly small counts at the lowest geographies.

## Appendix C

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Oakcroft Lane, Stubbington  
Revised Full Travel Plan

Paul Basham Associates Ltd  
*Report No 048.0013/RFTP/2*



OAKCROFT LANE, STUBBINGTON  
 TRAVEL PLAN ACTION PLAN



Actions	Responsibility	Timescale
Travel Plan Co-ordinator (TPC) Instruction, Establish Database and Confirm TPC's role with HCC	Persimmon Homes / TPC	3 months prior to Occupation
Relevant TP logo and identity established	TPC	Prior to Occupation
Set up marketing campaign including online web page	TPC	Prior to Occupation
Development of sustainable routes to school packs	TPC	Prior to Occupation
Development and distribution of Welcome Packs	TPC	Prior to Occupation
Site Visit and Training of Sales Staff to introduce TP and incentives available	TPC	Prior to Occupation
Provision of Cycle Parking	Persimmon Homes	Prior to Occupation
Determine commnication strategy including attendance at resident meetings, newsletters, webpage and use of any external communication forms	TPC	Prior to Occupation
Prepare TP action database for logging/recording	TPC	Prior to Occupation
Liaise with Cycle Shop and Bus Operator and organise potential discounts	TPC	Prior to Occupation
Provide Maps of cycle and pedestrian routes and the distances to local facilities and destinations on the website and in the welcome pack	TPC	Prior to Occupation
<b>Monitoring Stages - Surveys and Feedback</b>		
Resident Travel Survey	TPC	50% Occupation
End of Preliminary Phase Report and revise targets where necessary	TPC	End of Preliminary Phase

Preliminary Costs
 £4,500

Actions	Responsibility	Timescale	Year 1 (start at 50% Occupation)	Year 2	Year 3	Year 4	Year 5	Total
<b>Personal Travel Planning (General TPC Activities)</b>								
Liaison with residents regarding Personalised Travel Planning	TPC	Ongoing	£4,389.00	£3,657.50	£2,194.50	£2,194.50	£2,194.50	£14,630.00
Promote sustainable routes to school	TPC	Ongoing						
Promote car sharing	TPC	Ongoing						
Maintain dialogue with local public transport service operators for service changes and promotions	TPC	Ongoing						
Maintenance of local area walking / cycling route map and public transport information	TPC	Ongoing						
Keep up to date on local walking, cycling, public transport and car-sharing initiatives	TPC	Ongoing						
Promote local area key facilities, including walking and cycling	TPC	Ongoing						
Promote national sustinable travel days such as Walk to Work Week	TPC	Ongoing						
Cooperation and coordination with local, regional an national campaigns and events	TPC	Ongoing						
Promote Bike Week and local cycling routes	TPC	Ongoing						
Promote car sharing schemes such as Hampshire Lift share	TPC	Ongoing						
Provision of information on local road network routes, cost comparison tables, fuel efficiency practices and fuel efficient vehicles and local electric vehicle charger provision	TPC	Ongoing						
Promote and explore opportunities to co-ordinate deliveries	TPC	Ongoing						
<b>Marketing and Communications</b>								
Newsletters/ Leaflets	TPC	Biannually	£ 800	£ 800	£ 800	£ 800	£ 800	£ 4,000
Website	TPC	Minimum of 2 updates per year	£ 400	£ 400	£ 400	£ 400	£ 400	£ 2,000
Site Visit/Audit/Event	TPC	Annual Event	£ 750	£ 750	£ 750	£ 750	£ 750	£ 3,750
<b>Monitoring Stages - Surveys and Feedback</b>								
Progress Review and Liason with HCC	TPC	End of Each Year	£ 750	£ 500	£ 750	£ 500	£ 750	£ 3,250
Resident Travel Survey	TPC	Ends of Year 1, 3 and 5	£ 750		£ 750		£ 750	£ 2,250
Handover	TPC	End of Year 5					£ 500	£ 500
<b>Year Estimates</b>			£ 7,839	£ 6,108	£ 5,645	£ 4,645	£ 6,145	£ 30,380
			<b>Preliminary Stage + Year Estimates</b>					£ 34,880

Financial Incentives	Voucher Amount	Units	Voucher Total 100% Take Up
£50 Travel Voucher - One per household		£50	209
			£10,450

Project Details		
Scheme	Oakcroft Lane, Stubbington	
No. of Units		209
Personal Travel Planning Budget per unit	£	70
Total Personal Travel Planning Budget	£	14,630
Consent Date		TBC
1st Unit Occupation Target		TBC
Full Occupation Target		TBC
Applicant	Persimmon Homes	
Local Authority	Fareham Borough Council	
LA Travel Plan Officer		TBC
Travel Plan Author		SN
Travel Plan Co-ordinator		TBC

TPC Works Plus Disbursements
 £
 45,330

Version	Date	TPC Author	Comment
1	Apr-20	SN	



## Appendix D

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Oakcroft Lane, Stubbington  
Revised Full Travel Plan

Paul Basham Associates Ltd  
*Report No 048.0013/RFTP/2*



Thank you for taking the time to complete our annual travel survey. This will help us understand your travel needs.

Don't forget to fill out your details at the end!

You can send your completed survey via:

- ☐ Post using the pre-paid envelope: Paul Basham Associates, Lancaster Court, 8 Barnes Wallis Rd, Fareham, PO15 5TU
- ☐ Or you can fill this out via Survey Monkey on <https://www.surveymonkey.com/s/xxxxxxx>
- ☐ Email: [travelplan@paulbashamassociates.com](mailto:travelplan@paulbashamassociates.com)



**SITE NAME**

Hello **SITE NAME** resident! This survey will only take a few minutes and will help us understand a little more about your journeys and your local travel. Thank you for your time!

**1. What is your main mode of travel? (Please choose 1)**

- ☐ Car Alone
- ☐ Car Share
- ☐ Walk
- ☐ Cycle
- ☐ Public Transport
- ☐ Other (please specify \_\_\_\_\_)

**2. How often do you use another form of transport?**

- ☐ Never
- ☐ Very rarely/sometimes
- ☐ Once a month
- ☐ Once a fortnight
- ☐ Once a week

**3. If you were to change your mode of travel what mode would it most likely be:**

- ☐ Cycle
- ☐ Walk
- ☐ Train
- ☐ Bus
- ☐ Car Share
- ☐ Other please specify \_\_\_\_\_

**4. What is your most frequent journey for?**

- ☐ Work/Education
- ☐ Leisure/Retail
- ☐ Health (doctors/hospital)
- ☐ Visiting friends/family
- ☐ Other

**5. How far do you usually travel for your most frequent journey?**

- ☐ 0-10 Miles
- ☐ 11-20 Miles
- ☐ 21-30 Miles
- ☐ 31-40 Miles
- ☐ 41 Miles Plus

**6. How long does your most frequent journey usually take?**

- ☐ 0-10 Minutes
- ☐ 11-20 Minutes
- ☐ 21-30 Minutes
- ☐ 31-45 Minutes
- ☐ 46-60 Minutes
- ☐ Over 1 hour

**7. To which location do you travel the most regularly?**

- ☐ XXX
- ☐ XXX
- ☐ XXX
- ☐ XXX
- ☐ XXX
- ☐ Other please specify \_\_\_\_\_

**8. Have you claimed your FREE travel gift? (£XX bus pass or £XX Cycle voucher)**

- ☐ Yes (Please go to question 10)
- ☐ No (Please complete next question)

**9. I would like to claim:**

- ☐ £XX Bus Pass
- ☐ £XX Cycle voucher

**10. If you answered 'YES' to question 8, did this voucher change your travel habits, if so how?:**

**11. Is there anything else you would like to tell us about travel in your local area?:**

In order for us to process your voucher request, we require the following information. Please note that this information can be deleted at any time.

Name: \_\_\_\_\_

House/Flat number: \_\_\_\_\_

Street Name: \_\_\_\_\_

Postcode: \_\_\_\_\_

Email Address: \_\_\_\_\_

**INSERT DEVELOPER  
LOGO**







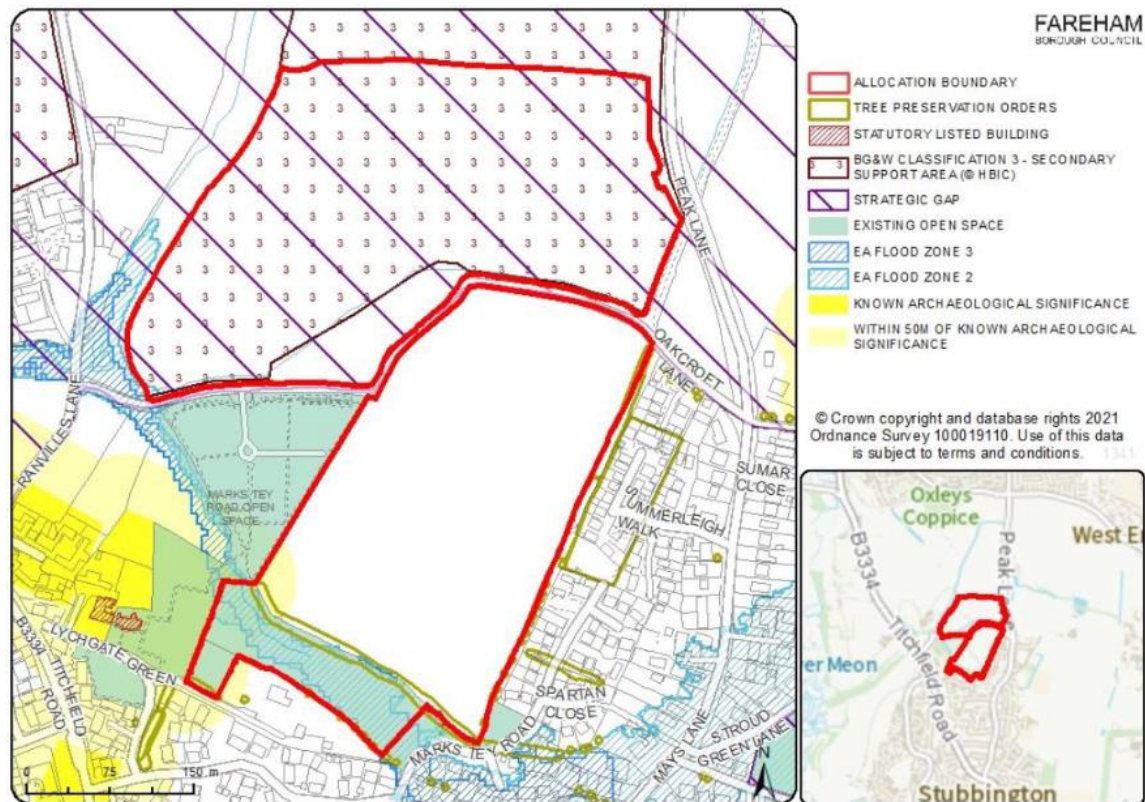
Google

Imagery ©2021 Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group





Housing Allocation Policy: HA54	SHELAA Reference: 1341
Name: Land east of Crofton Cemetery and west of Peak Lane	Allocation Use: Residential
Location: Stubbington	<del>Indicative</del> <u>Minimum</u> Yield: <del>480</del> <u>206</u> dwellings
Size: 19.25ha	Planning Status as at 1st April 2021: Planning applications refused (P19/0301/FP, P/20/0522/FP). <u>Application P/20/0522/FP currently at appeal.</u>



Proposals should meet the following site-specific requirements:

- a) The quantity of housing proposed shall be broadly consistent with the indicative site capacity; and
- b) Primary highway access should be via Peak Lane; and
- ~~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; and~~
- ~~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; and~~
- ~~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; and~~

~~f) Building heights should be a maximum of 2 storeys; and\*~~

~~g) A network of linked footpaths within the site and to existing PROW shall be provided; and~~

~~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; and~~

~~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; and~~

~~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; and~~

~~k) A Construction Environmental Management Plan to avoid adverse impacts of construction on the Solent designated sites shall be provided; and~~

~~l) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3.~~

- Or alternative wording applied as per Paragraph 49 of the main representations.

IN THE MATTER OF:-

LAND AT CAMPDOWN, CROOKHORN AND A PROPOSAL  
TO PROVIDE ALTERNATIVE FUNCTIONALLY LINKED LAND

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ADVICE

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## **Introduction**

- 1 I am asked whether new habitat created for Brent Goose and Eurasian Curlew which is intended to mitigate for the loss to development of supporting habitat associated with a Protected European Site, must each support the exact same birds. If there is no such obligation, I am additionally asked whether the new habitat must be provided close to the land it is proposed to develop.

## **Background**

- 2 Policy H40 of the Submission Draft Havant Local Plan proposes a mixed-use development of about 650 new homes, open space, a community centre and sporting facilities at Campdown, between Crookhorn and Bedhampton. Paragraph 6.78 of the reasoned justification for the proposal notes most of the site is identified as a Primary Support Area for Solent Waders and Brent Goose. These species are listed under Article 4.2 of the Birds Directive as qualifying species of the Chichester & Langstone Harbours Special Protection Area ("the SPA"). Supporting habitat is land outside the SPA but functionally linked to it in the sense that it supports bird species which are qualifying features of the protected European Site. In accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017, Paragraph (c) of policy H40 therefore requires a project level

Habitats Regulations Assessment to inform a package of avoidance and mitigation measures that are thought likely to be necessary to avoid adversely affecting the integrity of the SPA.

3 Natural England define the conservation objectives of the SPA as follows:-

“Ensure that the extent and distribution of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:-

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats and qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

4 The qualifying features of the SPA include populations of Dark-bellied Brent Goose and Eurasian Curlew.

5 Natural England has prepared a Site Improvement Plan for the Solent. It identifies “Coastal Squeeze” caused by development as a threat to the SPA. The proposed response to that threat is to “investigate options to create alternative habitat”. The plan also recognises that the distribution of Brent Goose and Curlew populations has changed over time. The causes of change are said to require investigation, from which it may be inferred they are not fully understood, although a change in land management practices is identified as a factor which affects the attractiveness of functionally linked land to qualifying species.

6 The Solent Waders and Brent Goose Strategy provides further guidance to local planning authorities on issues that threaten to undermine the conservation objectives of Special Protection Areas in the Solent. It was published in September 2010 and supplemented by a Revised Strategy and Mitigation Plan in 2017. The

documents set out policies and proposals to mitigate and compensate for the impact of development. Table 3 of the 2010 Strategy helpfully identifies the characteristics of sites which make them suitable for each species, which are intended to be used to inform the selection and creation of new sites to offset the loss of their habitat. The relevant considerations are summarised on page 4 of the 2010 Strategy 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 sight-lines 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”.

- 7 By contrast, waders are said to prefer larger, flat, irregular coastal and grassland sites, which are relatively isolated from dwellings and other buildings.
- 8 The Strategy rates several of the fields within the Campdown site as of the highest importance as supporting habitat. That is reflected by it having been recorded as supporting around 150 Eurasian Curlew and several dozen Brent Goose. However, in recent years the number of birds resorting to the land has dwindled; as I understand it, only around 6 Curlew were recorded on site in 2020. This change is attributed to a cessation of grazing and an increased recreational use of the land during the Covid19 pandemic.
- 9 Against that background, Campdown’s landowners and prospective developer, Persimmon, have begun to explore ways of mitigating for the loss of habitat. The options include providing a permanent winter bird refuge at Northney on Hayling Island. Alternatively, suitable habitat might be provided on land owned by the Council at Warblington Farm. I am told the principle of “replacing” seasonally available habitat on private land with permanent habitat which is owned or leased

and managed by a “suitable organisation” for wildlife purposes is generally accepted by Natural England and the Solent Waders and Brent Geese Strategy Steering Group. However, those who instruct me are concerned that there is no evidence of a functional link between Campdown and Northney or Warblington Farm in the sense that it is not known whether the alternative sites would be used *by the very same birds* that frequent or once frequented Campdown. The question I am asked is does this matter?

### **Legal principles**

10 The relevant legal principles may be stated briefly.

- (1) First, although functionally linked land is not within a protected site, as a matter of law indirect adverse effects on a protected site, produced by the effects on functionally linked land, should be scrutinised in the same legal framework as the direct effects of acts carried out on the protected site itself: ***Lydd Airport Action Group v Secretary of State and London Ashford Lydd Airport [2014] EWHC 1523 (Admin); Forest of Dean Friends of the Earth v Forest of Dean District Council [2013] EWHC 1567 (Admin).***
- (2) Second, a decision maker is afforded substantial discretion in determining whether land is functionally linked to a protected site and its assessment of, and conclusions on, its value as such, especially where the views of the decision maker are supported by expert bodies including Natural England and the RSPB: ***Shadwell Estates v Breckland District Council [2013] EWHC 12 (Admin).***
- (3) Third, the key question in every case is not whether a plan or project will have an effect on a protected site, but whether it is likely to adversely affect its integrity, thereby undermining the conservation objectives of a designation: ***Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (Case C-127/02) [2004] ECR – I 7405.*** There should be no reasonable scientific

doubt remaining as to the absence of such effects, which should be assessed on a strict precautionary principle: ***Waddenzee*** and ***Smyth v Secretary of State for Communities and Local Government [2015] EWCA Civ 174***.

- (4) Fourth, a third party alleging that there was a risk that cannot be excluded on the basis of objective information must produce credible evidence that there was a real as opposed to a hypothetical risk that was required to be considered: ***Boggis v Natural England [2009] EWCA Civ 1061***.
- (5) Fifth, in discharging its duties under the Habitats Regulations, a local authority should give the views of a statutory consultee considerable weight, but its advice is not binding and may be departed from provided cogent reasons can be demonstrated for doing so: ***Wealden District Council v Secretary of State for Communities and Local Government [2016] EWHC 247 (Admin)***.
- (6) Finally, in ***Grace v An Bord Pleanale [2018] Env. L.R. 37*** the court observed that, as a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type *in* a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future. On that basis the court concluded that where a plan or project has the effect that *part of a protected site* will no longer be able to provide a suitable habitat for the species in question, the fact that a part of the site which is likely to provide suitable habitat will be maintained or even enhanced may not be taken into account for the purposes of taking steps under article 6(3) of the Habitats Directive to ensure the project will not adversely affect the integrity of the site concerned; that fact would instead fall to be considered under article 6(4) (i.e. Regulation 64 of the 2017 Regulations) (see paragraphs 52, 53 and 57).



- (7) **Grace** may be distinguished from the present case in that it concerns *compensation* for the loss of part of a protected site, rather than mitigation for the effects of the loss of functionally linked land. Certainly, that has been Natural England's stance in comparable circumstances.

## **Discussion**

- 11 The imperative in this case is to avoid undermining the conservation objectives of the SPA. The conservation objectives of the SPA include maintaining and restoring the population of each of the qualifying features and the extent and distribution of the habitats of the qualifying features, specifically Brent Goose and Curlew. Functionally linked land such as Campdown supports those objectives by providing suitable habitat for the protected species at a population level. The contribution that an individual parcel of functionally linked land makes to those conservation objectives is not fixed; Natural England and the Solent Waders and Brent Goose Strategy Steering Group each recognise its value is subject to unexplained change but is known to be adversely affected by changes in land management.
- 12 The development of Campdown will sever the functional linkage of the land with the SPA. The site was an important area of habitat for Brent Geese and Curlew in September 2010. The evidence is that its importance has changed; that appears to be related to changes in the way the land is used and managed; and there is no evidence that its previous value can be or will be restored if development were not to take place. Those facts are relevant to an appropriate assessment and the approach to mitigation.
- 13 In that context, and consistent with the conservation objectives of the SPA, mitigation must maintain the extent and distribution of habitat in a way that it is judged will maintain the SPA's population of Curlew and Brent Goose. Natural England's Site Improvement Plan anticipates that object may be secured by making available alternative sites providing a suitable habitat. That exercise does

not require the Council to be sure the *particular birds* that use Campdown will frequent the alternative site. The key point is the habitat must be of an extent and distribution which is judged likely to maintain or restore the *population* of the relevant qualifying species; provided it will do so, the distribution of particular birds within the SPA and on functionally linked land is irrelevant. The potential of an alternative site to promote the conservation objectives of the SPA is a matter of expert judgment. That judgment must be guided by the precautionary principle, having regard to, but not necessarily following, the advice of Natural England:

**Wealden DC.** Such judgments are very difficult to challenge: see **Shadwell** and **Boggis**.

- 14 The question of whether the geographical location of a replacement site would be consistent with the object of maintaining or restoring the extent and distribution of the habitats of Brent Goose and Curlew is also a matter of expert judgment. The value of a site arises from a combination of factors, of which location and distance from the boundary of a protected European Site and other functionally linked land are just two. The key issue is whether, having regard to the full bundle of variables, a decision maker may be confident a plan or project will not adversely affect the SPA's conservation objectives. Intuitively, the extent and location of replacement land relative to the SPA is likely to be relevant to its performance as supporting habitat. However, having regard to Curlews' preference for habitat away from houses and other buildings it appears less likely that replacement land should be provided close to that which is to be developed. Therefore, an alternative site which is not located in the immediate vicinity of Campdown might properly promote the SPA's conservation objectives provided there is evidence to support that conclusion applying the precautionary principle, and absent credible evidence that it would not.

## **Conclusion**

15 I conclude:-

- (1) The Habitats Regulations do not require alternative habitat to be used by the exact same population of birds associated with Campdown.
- (2) The question of whether the quality of an alternative will promote the conservation objectives of the SPA is a matter of expert judgment. From a legal perspective, the fact that an alternative site might be located some distance from that which it replaces is unimportant provided expert evidence is adduced which demonstrates it would maintain the extent and distribution of functionally linked land in a way that will maintain or restore the population of qualifying species.
- (3) The judgment in (2) may properly take account of changes in the quality of the habitat at Campdown over recent years.

16 Please do not hesitate to contact me if I may be of further assistance.

TIMOTHY LEADER

St John's Chambers  
101 Victoria Street  
Bristol BS1 6PU

Tuesday 22<sup>nd</sup> February 2021

IN THE MATTER OF:-

LAND AT CAMPDOWN, CROOKHORN AND A PROPOSAL  
TO PROVIDE ALTERNATIVE FUNCTIONALLY LINKED LAND

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ADVICE

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Mr T. Leader

**Instructing Officer**

David Hayward  
Planning Policy Manager  
Planning Services,  
Havant Borough Council,  
Public Service Plaza,  
Havant, PO9 2AX

**From:**  
**To:**  
**Subject:**  
**Date:**

[REDACTED]  
fourth request- RESIDE DEVELOPMENT - CIL & Neighbourhood Community Infrastructure Levy funding & real engagement with significantly impacted communities. Comments on Local Plan.  
30 July 2021 17:37:42

Dear G Wootton,

At least you've come back quickly. Small progress !

I am making comments on the Funtley South allocation.

I am also making general comments about :

1/ the FBC process or lack of it on community consultation and engagement on this site and the Welborne site.

2/ I attended the last examination hearing where again any faith I had in a fair and due process was completely eradicated.

It was just another rubber stamp exercise so no is the answer. Unless a neutral, seasoned professional is appointed, who is truly capable of independent thought and is not susceptible to pressure from above. Then I may change my mind.

Please let me know who is appointed and their percentage of rejections, rather than just upholds and I might change my mind.

3/ I have submitted some comments so add anything else. I understand that my name and address will be supplied. I have no issue with that.

R. Petrazzini

Sent from my iPhone

On 30 Jul 2021, at 16:49, Wootton, Gayle <GWootton@fareham.gov.uk> wrote:

Dear R. Petrazzini,

I can include this email trail as part of the representations on the Local Plan and it will be sent to the Inspector.

Can I ask you to confirm the following?

- You are making comments against HA10, the Funtley Road South allocation.
- Do you wish to take part in the examination hearing sessions?
- That you agree with the following statement (taken from our [Statement of Representations](#))

It is important that the Planning Inspector and all participants in the examination process are able to know who has given feedback on the Revised Publication Local Plan. All comments received will therefore be submitted to the Secretary of State and considered as part of a public examination by the Inspector. In addition, all comments will be made public on the Council's website, including the names of those who submitted them. All other personal information will remain confidential and will be managed in line with the Council's Privacy Statement.

If it is preferable, you can submit your comments via our website at [www.fareham.gov.uk/localplanconsultation](http://www.fareham.gov.uk/localplanconsultation)

Thank you,  
Gayle

Gayle Wootton  
Head of Planning Strategy and Economic Development  
Fareham Borough Council  
01329824328  
07767685025

[REDACTED]  
Sent: 30 July 2021 16:10

To: Wootton, Gayle <GWootton@Fareham.Gov.UK>

[REDACTED]  
The comments are relevant for both applications.

So please incorporate them as necessary into the very complicated feedback mechanisms devised for the Local Plan.

Community engagement is sadly lacking and is given no importance whatsoever by FBC.

Yes we have had numerous supposed consultations, but they are as mentioned just a one way ticket of FBC tick boxes. No feedback or consideration is EVER given to the views and preferences of significantly impacted residents.

FBC will not allow Parish Councils, because it would dilute their power base and diminish their ability to grab all the developers funding.

Meanwhile you carry on just building everywhere in North Fareham and exclude residents ( taxpayers of your salaries etc) from the process, using all the Developers funding for purely Council led projects and agendas.

Explain how that is democratic in any way?

I note Lee Smith is included so all the queries and comments stand and I will await a full response after the 6th attempt to get meaningful answers on the Funtley Rd developments.

R. Petrazzini

Sent from my iPhone

On 30 Jul 2021, at 15:50, Wootton, Gayle <GWootton@fareham.gov.uk> wrote:

Dear R. Petrazzini,

Thank you for your email.

As the head of the Planning Strategy team, I work to prepare the Council's new Local Plan, of which the permitted scheme at Funtley Road South, is included (see housing allocation [HA10](#)). I believe the comments below relate to the outstanding planning application on the same site which is not a matter for the Local Plan, but is a matter for the Development Management team, which my colleague Lee Smith heads up.

Whilst the housing allocation HA10 was consulted upon during November and December 2020 and is not strictly part of the Revised Publication Local Plan consultation, which as you point out ends today, you are more than welcome to submit comments on this allocation to the Council via the website at [www.fareham.gov.uk/localplanconsultation](http://www.fareham.gov.uk/localplanconsultation). However, if your comments relate to the outstanding Funtley South applications, please refer them to Lee Smith as Head of Development Management.

Best wishes,  
Gayle

Gayle Wootton  
Head of Planning Strategy and Economic Development  
Fareham Borough Council  
01329824328  
07787685925



I would appreciate a full response from you today.

Obviously your Planning Officers are only following a corporate steer on these issues.

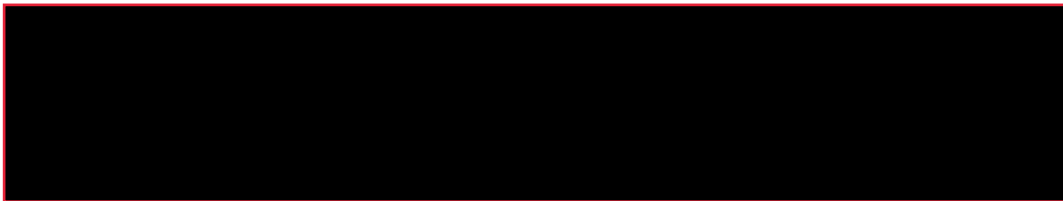
The whole prevarication techniques and avoidance of the key issues are classic and consistent Fareham Borough Council methods of responding to residents.

It is the closing day for comments on the Local Plan. I wish to have all these comments incorporated about the lack of real community engagement and the total tick box culture of FBC's consultation exercise/s.

Can you confirm any issues or feedback from residents that have actually been fully addressed by the Planning Dept? In seventeen years of dealing with this Council I can't think of one. Nor have I encountered anyone who has.

Please can you address this appropriately. I do not wish to raise a formal complaint but I will if that is the only remaining course of action.

Sent from my iPad



Dear. R Wright,

My specific question has not been answered hence the reason for the four emails so far.

It is and continues to be about the engagement process and specifically how Funtley was denied any place at the bargaining table by the leadership of Fareham Borough Council in spite of a fair and democratic process.

So exactly how will impacted residents views and preferences be taken forward ?

As let's face it the odds of FBC not granting permission for any extra houses in the northern or eastern wards must be zero ?

Do Fareham Borough Council think residents and taxpayers views are superfluous to the decision making process ?

Certainly for most residents it is apparent that it's all just ticking the necessary boxes so would it be simpler for all concerned that Fareham Democratic Services is renamed Autocratic Services because that is the reality. Why pretend otherwise?

So can you finally answer the question how will significantly impacted communities residents views and preferences be taken forward ?

As the funding is supposed to be for significantly impacted communities and the necessary infrastructure or confirm that they are to be continuously ignored?

R. Petrazzini

Sent from my iPad



Dear Ms Petrazzini,

Please accept my apologies for not responding to your earlier email.

However, I do not have anything further to add to my email below sent on 25<sup>th</sup> June in which I set out the planning obligations secured in the previous consent for 55 homes on the land and confirm the development is CIL liable (our ref P/18/0067/OA) and explain that the current application for 125 homes is currently still under consideration (our ref P/20/1168/OA).

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758  
07554 415619



**Subject:** Re: URGENT 3rd reminder & fourth request- RESIDE DEVELOPMENT - CIL & Neighbourhood Community Infrastructure Levy funding & real engagement with significantly impacted communities.

Is there any particular reason for the reluctance to respond to this email?

This is the third reminder and the fourth communication about this.

In short I would like to echo all the comments made by various residents and the Funtley Village Society regarding the engagement or lack of it from Fareham Borough Council specifically with significantly impacted communities.

How do you propose to address this imbalance, so those communities who were prevented from having real representation by Fareham Borough Council at the bargaining table actually do have real input, rather than your council driven priorities and agendas?

Can you have the common courtesy to finally and fully address our ongoing concerns or are you just hoping all residents will just give up?

Dear Mr Wright,

Thank you for your response.

As you have confirmed there are currently no projects funded through CIL monies specifically related to Funtley. So it begs the question exactly what consideration has Fareham Borough Council actually given to the numerous but consistent comments made by Funtley residents over numerous consultations and more importantly how are the key issues to be addressed going forward?

We have never received any feedback. So the consultation was like a one way ticket.

As your colleague pointed out there is no Parish Council here, in spite of overwhelming support for one. Unfortunately stymied by the powers that be at Fareham Borough Council!

So residents and our members would appreciate some clarification on what consideration if any, was or is being given to 'impacted residents views'?

Rather than the Councils predetermined ones as CIL should cover the specific impacted area Funtley.

All the mass development is and will have a significant impact on our community. So the community views and preferences should be addressed and compensated financially for example investment in the infrastructure in Funtley, which the Funtley Village Society would be more than happy to suggest based on feedback we have had from local residents.

Yours sincerely,

Rosemary Petrazzini.

**Subject: RE: Reminder - RESIDE DEVELOPMENT - CIL & Neighbourhood Community Infrastructure Levy (NCIL)**

Good morning Ms Petrazzini,

Thank you for your email.

There are currently no projects funded through CIL monies specifically related to Funtley.

As you will be aware, outline planning permission was granted last year for a residential development of up to 55 dwellings (including 3 custom-build houses) and a community building incorporating a local shop on the land south of Funtley Road (planning reference P/18/0067/OA). The Section 106 legal agreement which accompanies that permission includes obligations on the developer for the following (which, for the avoidance of doubt, are completely separate from CIL funded infrastructure provision):

- a. To secure the delivery of 40% of the permitted dwellings as affordable housing;
- b. To secure three of the permitted dwellings as custom-built properties;
- c. To secure provision of a pedestrian and cycle public right of way through the site from Funtley Road (north) to Thames Drive (south); associated works to upgrade the bridge over the M27 motorway (including structural survey) and commuted sum for future maintenance;
- d. To secure provision of, layout out (including provision of capital equipment required to establish the park) and transfer of community park land to Fareham Borough Council and a financial contribution of £802,000 towards the associated ongoing maintenance costs of operating the community park;
- e. To secure the on-site provision of public open space including local equipped area of play (LEAP) in accordance with the Council's adopted Planning Obligations SPD, a financial contribution towards associated maintenance costs and transfer of the public open space to Fareham Borough Council;
- f. To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP) in order to mitigate the 'in combination' effects that an increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- g. To secure a financial contribution towards the production of school travel plans in the area (£15,000);
- h. To secure a financial contribution toward the revision of the existing traffic regulation order (TRO) to allow the speed limit restrictions on Funtley Road to be amended (£5,000);
- i. To secure submission and implementation of a travel plan;
- j. To secure details of the delivery of the community building, the transfer of land 0.1 hectares in size on the application site and funding on a pro-rata basis of £2,000 per sqm of community use floorspace (to a maximum of £500,000) for provision of community/shop building and associated management arrangements for community use element along with pedestrian and vehicular access rights between the site of the community building and Funtley Road, or at the request of the Local Planning Authority the same sum for the provision or improvement of community facilities within Funtley calculated on a pro-rata basis minus the floor space of any remaining shop use on the application site

You will also be aware that a further planning application for up to 125 dwellings on the land south of Funtley Road is currently under consideration by the Council (planning reference P/20/1168/OA). Because this application is still under consideration I cannot give you any indication at this stage what obligations and contributions might be secured from the development in the event outline planning permission was granted.

I hope that helps to answer your queries. Please let me know if I can advise further.

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758  
07554 415619



From: Rosemary Petrazzini <rfuntley2002@gmail.com>

**Subject:** Re: Reminder - RESIDE DEVELOPMENT - CIL & Neighbourhood Community Infrastructure Levy (NCIL)

A prompt and full response is requested.

Dear Mr Drake,

I note your response.

Can you confirm exactly what infrastructure CIL projects will take place in Funtley. As part of the Reside development specifically?

When the original planning permission was granted it included infrastructure intended for the impacted area.

Are you actually saying this will not happen now and this funding will be diverted to other projects in the Borough rather than the actual area impacted?

Can you also confirm what exactly is happening regarding this development in terms of the increased build?

Yours Sincerely  
Rosemary Petrazzini

Sent from my iPad

On 7 Jun 2021, at 16:47, Drake, Pete <[PDrake@fareham.gov.uk](mailto:PDrake@fareham.gov.uk)> wrote:

Dear Ms Petrazzini,

**Re: CIL and Neighbourhood Community Infrastructure Levy (NCIL)**

Thank you for your further enquiries regarding the above in relation to Funtley.

Fareham Borough Council adopted its Community Infrastructure Levy Charging Schedule in April 2013, since when the Council has been charging the levy on all new liable development.

I think that in the first instance it would be useful to direct you to the Council's CIL monitoring reports covering the period 2013 to 2019 that specify CIL collected and expenditure over those years:  
[http://www.fareham.gov.uk/PDF/planning/local\\_plan/CILMonitoringReport2013-2019.pdf](http://www.fareham.gov.uk/PDF/planning/local_plan/CILMonitoringReport2013-2019.pdf)

As Richard has pointed out, this role has now been replaced by that of the Infrastructure Funding Statement. These are required to be published by the end of December each year to cover the previous financial year, and report on both CIL and Section 106 obligations in terms of collection and spending:  
[http://www.fareham.gov.uk/PDF/planning/local\\_plan/FarehamBoroughCouncilInfrastructureFundingStatement19-20.pdf](http://www.fareham.gov.uk/PDF/planning/local_plan/FarehamBoroughCouncilInfrastructureFundingStatement19-20.pdf)

In terms of your specific Neighbourhood Community Infrastructure Levy questions, I must be clear that there is no NCIL specified in legislation. One CIL charge is levied and collected by the Council on all liable development. What you are referring to I believe is the proportion of CIL receipts collected within the area of a parish council, which must be passed to the parish council. This is usually 15%, or as you rightly point out, 25% in the case of a made neighbourhood development plan. Where there is no parish or town council, as is the case for Funtley, the charging authority will retain the levy receipts and may (59F) use the CIL to support the development of the relevant area. The Reside development in Funtley is therefore liable for CIL, but not NCIL as you describe. The CIL liability from the development will be collected and retained by the Council.

The Council has previously consulted on its spending priorities through consultation on its Regulation 123 list (<https://moderngov.fareham.gov.uk/documents/s20161/Community%20Infrastructure%20Levy%20Review%20-%20Amended%20Regulation%20123%20List%20Report.pdf>). There is no longer a requirement to maintain a 123 list, with future proposed spending priorities contained within the Infrastructure Funding Statement. However, the Council has always taken decisions on CIL spending through its Executive. The most recent approach to the use of CIL was agreed in September 2019 (<https://moderngov.fareham.gov.uk/ieDecisionDetails.aspx?ID=2126>) and will see, in light of regulation 59F, the use of CIL monies collected to predominantly fund the borough-wide infrastructure project at the New Fareham Arts and Entertainment Venue.

Kind Regards

Peter

Pete Drake  
Principal Planner (Strategy and Regeneration)  
Fareham Borough Council  
01329824551



**Subject:** Re: CIL & Neighbourhood Community Infrastructure Levy (NCIL)

Dear Mr Wright/ Mr Drake,

Thank you for your response.

As a result of all the new and proposed builds on every side of Funtley. I along with many others who live here, know more about planning and development than I would choose to !

I am aware that the CIL is a levy that Local authorities can choose to charge on new development that meets certain criteria. Cil must be spent on infrastructure to support the development of an area. My specific question was really why wasn't the NCIL levy agreed if you are confirming that it hasn't been?

As you will be aware the aims of NCIL is to provide a framework for the meaningful participation of local communities. This framework can then align to the Corporate Strategy and supports the delivery of the Local Plan.

Where there is an adopted neighbourhood plan it is typically 25%. Or 15% funded through the NCIL programme on projects that conform with provisions within the CIL Regulations.

Hence the questions seeking clarification on CIL and NCIL on this development.

The Reside development has already had permission for 55 and as expected they are now seeking a higher number. The infrastructure requirements for this build were already agreed. It's now down to the detail and rollout.

Essentially my questions are more about what exactly has been agreed on CIL or NCIL on this development ; exactly what infrastructure projects will be considered for Funtley and what consultation will take place about how CIL or NCIL projects will be taken forward?

During the planning stages we were all asked for feedback on numerous occasions. Reside have since sought consultation and have received it.

Reside have already confirmed the CIL and neighbourhood levy will be paid over to Fareham Borough Council, so it's really about exactly how these monies will be spent on this development and infrastructure projects, then what participation will there be on this going forward?

Our understanding is that Regulation 59 and 59f provide the regulatory framework within which CIL spending must occur, as mentioned above exact projects that will be funded by NCIL are agreed with the community.

Clarity on all the outstanding issues would be appreciated.

Regards  
Rosemary Petrazzini

Sent from my iPhone

On 18 May 2021, at 15:02, Wright, Richard  
<[RWright@fareham.gov.uk](mailto:RWright@fareham.gov.uk)> wrote:

Dear Ms Petrazzini,

Thanks for coming back to me.

CIL (Community Infrastructure Levy) is a non-negotiable charge that developers must pay to Councils based on the floorspace of the development being built. My role at the Council involves the collection of CIL monies from developers. When you refer to the Reside development, I assume you are referring to the development proposed by Reside for 125 homes on land to the south of Funtley Road (our reference P/20/1168/OA). I can confirm that this development, like others for residential schemes in the Borough, would be liable for CIL charges should planning permission be granted. Please note however that the payment of the levy only becomes due prior to commencement of the development (not at the point that permission is granted) and there are certain exemptions for specific types of development (for example affordable housing).

As I understand it NCIL (Neighbourhood Community Infrastructure Levy) is a term used by some Councils to describe a portion of the CIL receipts spent on neighbourhood priorities.

I will discuss with my colleague Pete Drake in our Planning Strategy team who is best placed to advise you on your queries which relate to how CIL monies are spent.

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758

07554 415619



**Subject:** Re: CIL & Neighbourhood Community Infrastructure Levy (NCIL)

Dear Mr Wright,

Thank you for your response. It is useful to have the details on the infrastructure funding statement.

From your response it would seem that the Reside Development is not subject to NCIL,  
Is this correct? as it had been confirmed that it was subject to NCIL.

If it isn't can you confirm why it was not considered, specifically for this development?

Lastly please can you respond to question 3, see below. Consultation on planning applications are currently sought. However, once it is granted what consideration is given to essential infrastructure requirements highlighted continuously by residents?

Thank you.  
Regards  
Rosemary Petrazzini

Sent from my iPad

On 18 May 2021, at 10:49, Wright, Richard  
<[RWright@fareham.gov.uk](mailto:RWright@fareham.gov.uk)> wrote:

Dear Ms Petrazzini,

Thank you for your email which Richard Jolley has asked me to respond to.

Fareham Borough Council has an adopted local plan, however there are no neighbourhood plans currently in place. You can find more details on the adopted local plan [here](#). You can also find details of the Fareham's new emerging local plan [here](#). You can also find out more about Neighbourhood Plans [here](#).

You may also find the pages on the Council's website regarding Community Infrastructure Levy (CIL) useful – please see [here](#). The website sets out various aspects of CIL including giving information on the annual Infrastructure Funding Statement (IFS) as follows.

#### [Infrastructure Funding Statement \(IFS\)](#)

Community Infrastructure Levy Regulations came into force on 1 September 2019 introducing the requirement for the Council to publish an Infrastructure Funding Statement annually from 31 December 2020.

The Infrastructure Funding Statement sets out how developer contributions have been and will be used to provide infrastructure within Fareham Borough. This funding is secured through planning permissions that have been implemented.

The Infrastructure Funding Statement contains a list replacing the CIL Regulation 123 list and reports on the infrastructure projects or types of infrastructure that the Borough Council intends to fund either wholly or partly using the CIL and other planning obligations. Please [click here to view the Infrastructure Funding Statement](#).

[<image001.gif>](#)  
(221 KB)

I trust this helps to answer your queries. Please let me know if I can help further at all.

Kind regards,

Richard Wright  
Principal Planner (Development Management)  
Fareham Borough Council  
01329824758  
07554 415619

<http://www.fareham.gov.uk>  
<http://www.facebook.com/farehambc>  
<http://www.twitter.com/farehambc>  
<http://www.youtube.com/farehambcouncil>

Original Message



>  
> Dear Mr Wright,  
  
> Reside development have confirmed that CIL is  
being paid on their development.  
>  
> Can you please confirm:  
> 1) Does Fareham have an adopted  
Neighbourhood Plan ?  
> As this has an impact on the the percentage of  
CIL paid  
> 2) When do you publish the Council's  
Infrastructure funding statement to ensure there  
is a clear and transparent accountable system,  
on how the contributions have been spent and  
understand what future funds will be spent on?  
> 3) How much notice is taken of residents and  
neighbourhood views on essential infrastructure  
needs?

>  
> Yours sincerely  
>



>  
>  
>  
>  
> Sent from my iPad

This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed and may contain information which is privileged and/or confidential. If it has come to you in error, you must take no action based on it nor must you copy or show it to anyone.

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### Respondent details:

Title:	Mrs
First Name:	Rosemary
Last Name:	Petrazzini
Job Title: (where relevant)	N/A
Organisation: (where relevant)	N/A
Address:	
Postcode:	
Telephone Number:	
Email Address:	

### 1) Paragraph: Statement of consultation

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 submitted various correspondence to G.Wootton Head of a planning regarding the appalling consultation carried out by Fareham Borough Council. The lack of real community engagement is scandalous. The Council has ticked all the statutory boxes. However consultation. And feedback to the significantly impacted communities has not happened at all. What is the point of consulting when residents/ tax payers valid views are completely ignored. The Plan is like a children's essay, it is not sound. It is fanciful.

The viability assessments are inadequate for a development of this size far more detailed work is required. Including flooding risks.

Fareham Borough Council knows how to tick the minimum statutory boxes. That is the limit. All decisions taken are entirely devoid of any interaction with significantly impacted communities They will not allow any Parish Councils in the Borough in spite of overwhelming support as communities would like to have real consultation and engagement rather than the autocratic, prescriptive menu of services given. The leadership at Fareham Borough Council is dictatorial.They never listen, address key residents concerns or co operate in any way. The tick box consultation is beyond insulting.

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

Actually engage and listen to residents. There is room for meeting in the middle sometimes rather than total Council led priorities and agendas.

More scientific groundwork and a real appreciation of the flooding issues also infrastructure requirements required for a development of this size.

Have less of an arbitrary culture. Treat residents ( tax payers) with respect and actually respond to the valid queries outstanding in this as well as other key matters that affect their lives directly. Instead of ignoring them or sweeping them under the Fareham Borough council carpet.

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

For any plan to work you need buy in. Why alienate significantly impacted communities by dogmatic and completely autocratic decision making?

---

I do not pretend to hold all the answers that's what we pay our public representatives for. Unfortunately they are unreceptive to any questions or concerns. Hence the no mans land of one way tick box council communications.

---

By following not only the compulsory and statutory requirements. There is also an ethical responsibility to impacted residents to ensure their concerns are addressed rather than ignored.

---

### Your suggested revised wording of any policy or text:

I suggest Fareham Borough Council had some awareness training on what Community Engagement is and actually practices it.

---

Address the concerns of residents, particularly significantly impacted residents on environmental, concerns, service provision and ensure there are robust review and monitoring mechanisms in place so the Council becomes truly accountable for the huge amounts of funding they are pocketing from the developers to build their identikat houses. We are tarmacking over all the green open spaces in North Fareham. The premise was affordable houses. The figures for these have been substantially reduced. So the reason for a development is questionable not sound or legally compliant.

---

We will listen, engage and actively address the concerns of our residents. In terms of the S106 and CIL funding we will ensure that there are robust accountability and review mechanisms in place to ensure that significantly impacted communities, particularly those that do not have, specifically Parish Councils receive their share of the developers funding. Monies monies received to help those communities that are bearing the brunt of huge scale development on previously green rural sites are adequately compensated as they should be for the impact on their quality of life. The council will prioritise developers funding as it is intended for the necessary local infrastructure and ensure there are some benefits rather than solely disadvantages for significantly impacted communities. Communities will have a real place at the bargaining table and have real say on local issues.

---

### 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

---

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

---

---

**Respondent details:**

Title:	Mr
First Name:	David
Last Name:	Richards
Job Title: (where relevant)	Architect
Organisation: (where relevant)	Porter
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: BL1- Broad Location for Housing Growth**

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

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

I support the Council in seeking redevelopment options for Fareham Shopping Centre, especially into creating homes within the town centre which are needed to keep the centre alive. I just hope that the quality of design is high as it will be a prominent scheme. It would have been better however if you had investigated the actual specifics of development that could be achieved on the site. It would be entirely possible to remove some of the green field sites you currently have allocated for this central brown field site. Given the location of the site the whole of the town centre should be considered as part of a master plan, including the preservation of West Street between the town centre and station, as this area is in decline. Fareham should have a master plan created and it would be nice for a change if the plots within the master plan were not excessively large so that the same generic 5 or 6 developers are the ones who create a could be anywhere town scape.

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

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

---

Gayle Wotton,  
Planning Strategy Manager  
Civic Offices,  
Civic Way,  
Fareham,  
PO16 7AZ

**Planning Policy,  
Planning and Economic  
Development**

Council

30 July 2021

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 27<sup>th</sup> 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 details:**

Title:	mrs
First Name:	Tara
Last Name:	Potter
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA55- Land south of Longfield Avenue**

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

---

Prime (UK) Developments Ltd is submitting representations to Fareham Borough Council regarding the Revised Publication version of the Local Plan. Prime has a legal interest on land at Sopwith Way, Swanwick. The plan attached shows the site.

The wording of policy H1 regarding housing supply, as currently written, is objected to. The policy text acknowledges that it does not meet NPPF requirements to provide housing needed for different groups, including but not limited to those set out in NPPF 62. Furthermore, the Local Plan itself sets out that it does not meet the requirement for 10% of sites to be under 1ha as required by NPPF 69.

There is no compelling evidence provided within the Local Plan to demonstrate that windfall sites will provide a reliable source of supply, or where they could be delivered. For example, it is not clear that the settlement boundary review document within the evidence base and changes to the settlement boundary will deliver any quantum of housing.

Overall, there is a lack of sites allocated within the Local Plan to meet the known housing need within the authority area for all different types of housing need.

As such, the policy is not sound or in accordance with national policy which is a requirement of NPPF 35.

Policy HP8 is objected to. It is already known that there is not enough available land within the urban area boundaries to accommodate all currently known general housing need, let alone specialist housing.

The Specialist Housing Topic Paper acknowledges the demographic changes and the population aged 65+ in Fareham is already above the national and Southeast averages, these are only set to increase by the end of the plan.

Given these known demographic changes in Fareham, the requirement for specialist housing is only going to increase. As such this policy is not positively prepared nor will it boost the supply of housing. As currently set out, it will lead to a shortage of specialist housing as the supply will not be able to keep up with demand, it will also lead to an unnecessary burden upon Council resources due to planning by appeal and not support the plan-led system.

The evidence base paper on specialist housing utilises SHOP@ tool to consider future demand for specialist elderly housing accommodation in Fareham, this is one of a number of tools available to determine future need it is not clear if any other data sources or tools have been used to ensure this is a robust position for the plan period.

To be positively prepared the policy should seek to allocate housing sites to meet the known demand. This is a requirement of the PPG which states

*“Plans need to provide for specialist housing for older people where a need exists.”*

The PPG includes a paragraph regarding allocating sites for specialist housing for older people, which continues

*“This may be appropriate where there is an identified unmet need for specialist housing. The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation).”*

Whilst the PPG suggests locational factors could include public transport and town centres, it is important to acknowledge Fareham as a rural area, in which people will want the choice to live in an area similar to what they are used to and this is likely to not be in an urban or town centre location. Such an approach would accord with NPPF 85 which required planning policies to recognise that sites to meet local business and community needs in rural areas may have to be found outside of existing settlements.

Furthermore, specialist elderly housing creates local employment, both direct jobs e.g. carers, house and building management, catering, entertainment and activities, as well as supply chain jobs. NPPF 84 calls for planning policies to support the sustainable growth of all types of business in rural areas.

Additionally, the Local Plan is silent on the needs of people with dementia. Nationally this is an increasing long-term health condition that requires specialist housing for those suffering from the disease. Given the increasing aging demographic in Fareham over the plan period, the requirement for specialist dementia housing is going to be significant within the Borough. As such the Local Plan should be supporting specialist housing designed to support those living with dementia.

Land at Swanwick Lane is a deliverable and developable site to support the need for specialist elderly accommodation. It should be allocated as such to deliver a 60-bedroom residential, nursing and dementia care home. It is not subject to any statutory or non-statutory constraints. Within the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” it sits within an area of ribbon development, categorised as part of the character of the local area and the development of the site will accord and continue this ribbon character.

Within the SHLAA (id. 3109), the site was considered as part of a wider site at a scale which is considered to be out of keeping with the character of the area, however bringing the site forward for specialist housing in accordance with the attached plan on land to the south of this wider land addresses this concern.

Access to the site is achievable and available via Sopwith Way, which is suitable to accommodate traffic in connection to the development.

The site is currently used as paddocks and low scale agriculture, with a low biodiversity rating. The development of the site would not lead to the loss of best agricultural land or land productively used for food creation or other alternative beneficial uses. The development of the site can create a biodiversity net gain. Calculations have shown that this could comfortably exceed a 10% biodiversity net gain. Furthermore, the opportunity exists within the wider site to create an extension to the Nature Reserve, secured via the development of the care home leading to greater biodiversity net gains as well as creating a new location for nitrate offsetting.

Given the immediate proximity of the significant employer at NATS, Swanwick Lane, it is also suitable from an employment perspective, as a 60-bed care home will generate circa. 80 jobs supporting the local economy.

Additionally, job creation within this location will create an added green travel benefit. Alongside NATS and other adjacent employers and publicly accessible spaces (e.g. Swanwick Lakes Nature Reserve), a critical mass can be created to support a public transport (bus) service serving this immediate location, with the added benefit of being available to the wider community of Swanwick.

In summary, the Revised Publication version of the Local Plan is not currently sound for the reasons set out above. Policies H1 and HP8 require significant changes in order to support the housing needs of all the community, including elderly specialist housing. The site at Sopwith Way is immediately deliverable and developable to meet the increasing need for specialist housing in Fareham. It creates an opportunity to deliver sustainable development with significant economic, social and environmental benefits and should be allocated to support the Government's objective of significantly boosting the supply of homes where needed and the needs of specific housing requirements.



# 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:	Guy
Last Name:	Kippen
Job Title: (where relevant)	Development Manager
Organisation: (where relevant)	Prime (UK) Developments Ltd
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?

- |   |           |
|---|-----------|
| <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

see attached

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

see attached

B1c Which part of the Policies Map ?

see attached

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

see attached

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

see attached

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 type="checkbox"/>	<input checked="" 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?

see attached

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

see attached

B4c Your suggested revised wording of any policy or text:

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. 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):

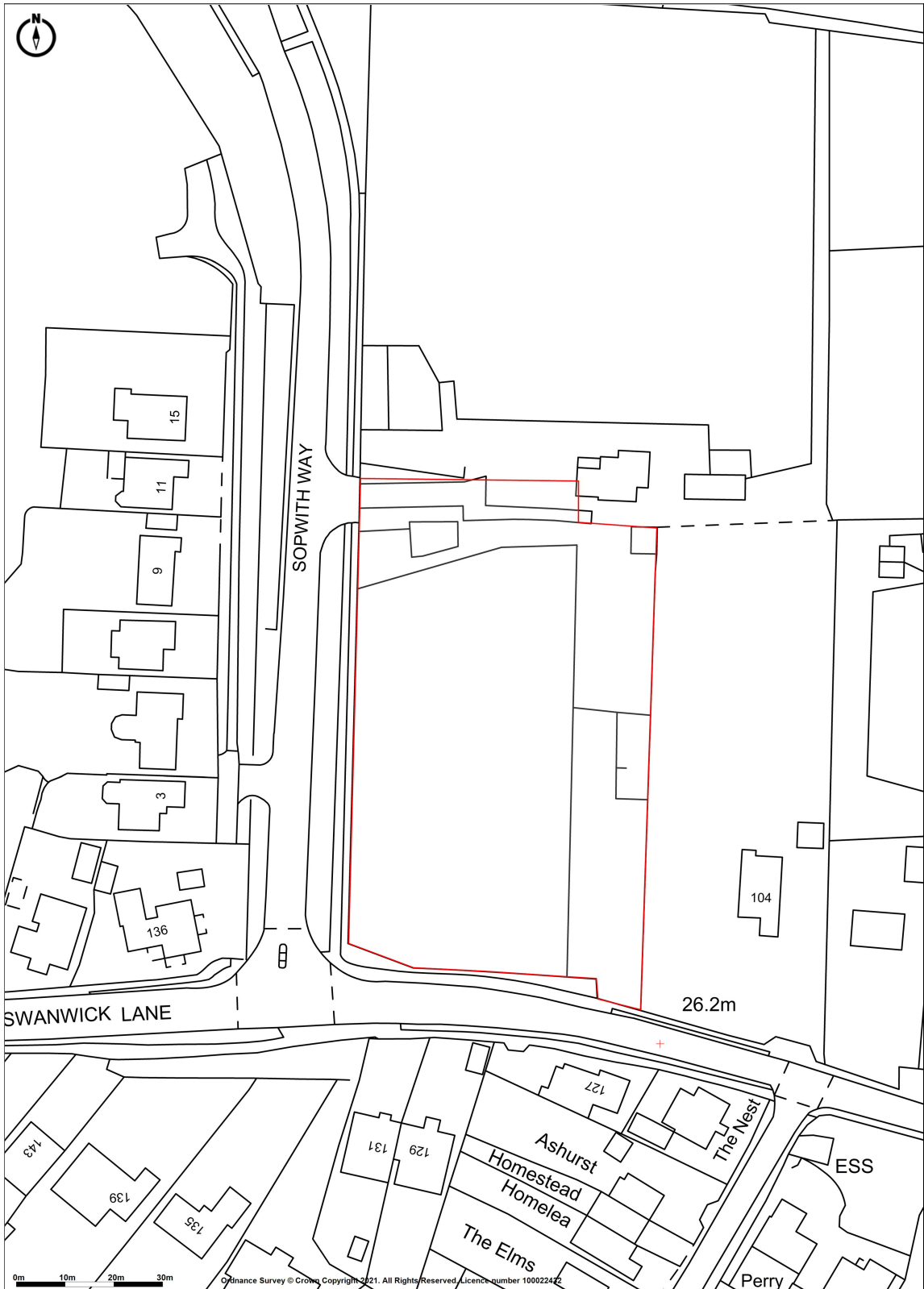
To ensure that all types of specialist housing are fully considered within the Local Plan

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 details:**

Title:	Mr
First Name:	Russell
Last Name:	Prince-Wright
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: 1.14.1**

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

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

There has been no justification provided for an increase in the OAHN for Fareham Borough. The Council has never been able to deliver more than 350 DPA in its entire history. So why is it felt credible to target an INCREASED figure of 541 (from an already 30% higher than ever achieved figure of 403)? This is clearly setting up for FAILURE again - particularly when combined with the fact more people will be WFH and Brexit has reduced net immigration. This will result in huge swathes of new homes being left unoccupied (as happened in the Dublin area a few years ago). In addition, where is the emphasis on BROWNFIELD sites? - There are several business parks which have become "ghost towns" due to Covid and WFH a practice which will not be going away. Finally, where is the emphasis on levelling up? (We need to be building more housing in the midlands not in the south east which is already disproportionately populated and with WFH there should be every reason to try to level up. If more and more agricultural land is used for housing in the South East, then how will we feed the population without incurring massive CO2 and Energy increases due to transportation from further afield.

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

Local plan must comply with all directive of the NPPF. Namely; 20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision<sup>13</sup> for: a) housing (including affordable housing), employment, retail, leisure and other commercial development; b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat); c) community facilities (such as health, education and cultural infrastructure); and d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation. 21. Plans should make explicit which policies are strategic policies<sup>14</sup>. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies. 22. Strategic policies should look ahead over a minimum 15 year period from adoption<sup>15</sup>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. 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.<sup>16</sup> 23. Broad locations for development should be indicated on a key diagram, and land use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non strategic policies)<sup>17</sup>. FBC reg<sup>19</sup> Publication Plan fails these tests and is therefore unsound.

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

Reduce the OAHN figure to 403 (or something more achievable in the context of the Max 350 in the past)

Ensure plan provides for SUSTAINABLE rebellions across the Borough.

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

It would make the plan more sound because the target would be more sensible than 541

N/a

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

Change all occurrences of 541 to 403

N/a

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

Yes, I want to take part in a hearing session

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

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

I would like to question the rationale of the massively increased housing numbers in the Borough - They are unachievable and unnecessary. I would also like to question as to why "duty to cooperate" should be neighbouring councils only (This will create "clusters" of councils, all unable to meet their targets, whereas if the load is spread more evenly across a wider geography, it might be possible,

**2) Paragraph: 2.12**

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

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

I question the requirement to provide a "buffer" of 10% (over the target handed down from central government) - I understood that the buffer can be as low as 5% - why make the already unachievable, even more so? I also question the need to take unmet numbers from neighbouring councils of Portsmouth and Gosport - Why is this not reciprocal? (FBC already has a number which will NEVER be met, so why cant the unmet needs of councils be spread over a larger geography?. I also question the overall targets being used - Brexit (with reduced immigration) will mean fewer houses will be needed and Covid (WFH) will mean office space is not going to be used - so why not plan on using it for housing if numbers must increase?

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

Rewrite with lower targets (due to med-long term demand being exhausted) Add use of business parks for housing Allow for unmet targets to be spread over larger geography Reduce the buffer to 5%

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

Would be using more credible figures for housing NEED Would allow practical sharing of unmet target toward areas that can (and should) take more housing

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

Reduce number from 541 to 350 (and use a 5% buffer not 10%) Consider various (mostly empty) business parks such as Solent BP for housing Enable the allocation of unmet need towards the "pool" of areas where the shortfall can and should be taken up.

**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 the inspector to hear how many feel about the increasingly unobtainable (and unnecessary) housing targets in certain areas is causing more problems than solving them

---

**3) Paragraph: 9.32**

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

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

The plan is not sound nor legally compliant in that it does not set aside sufficient land (legally) for wildlife habitats. 1. Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected and ENHANCED. Page 247 Para 9.54 indicates that proposals for development should provide a net 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 removed. 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. It is unclear how any development could be contemplated in the Fareham Borough without negatively impacting the SAC and RAMSAR sites and therefore based on 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 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. 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. Habitats Directive and biodiversity 4 Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

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

Ensure that Habitats are ENHANCED not (neutralised)

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

It would comply with NPPF directives for Habitat and Natural Environment protection and IMPROVEMENT

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

No suggestion - Needs complete analysis

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

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

---

**Respondent details:**

Title:	Mr
First Name:	Christopher
Last Name:	Prowse
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: HA56- Land west of Downend Road**

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

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:

Postcode:

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?

- |  |           |
|--|-----------|
| <input checked="" 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 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

3.1 - 3.42 AND KEY DIAGRAM

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 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.

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

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)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

Postcode:

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?

- |  |           |
|--|-----------|
| <input checked="" 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 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

4.1-4.20 INCLUDING TABLES 4.1,4.2 AND 4.3

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 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.

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



## Phase I Environmental Site Assessment

Rookery Farm, Botley Road, Swanwick, Hampshire,  
SO31 1BL

289128.0001.0000

November 2017

### **Prepared For:**

Raymond Brown Minerals and Recycling Limited

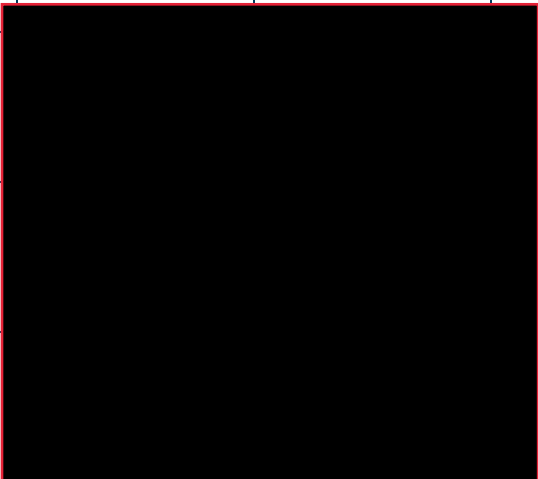
### **Prepared By:**

TRC Companies Limited

Registered office: 150 Minories, London EC3N 1LS | Company number: 06749633

## Quality Control

Client Name:	Raymond Brown Minerals and Recycling Limited
Project Name:	Rookery Farm
Project No.:	289128.0000.0000
Document Title:	Phase I Environmental Site Assessment
Date:	November 2017

Version:			
Prepared by:			
Reviewed by:			
Approved by:			

# Table of Contents

<b>Executive Summary .....</b>	<b>2</b>
<b>1.0 Introduction .....</b>	<b>2</b>
1.1 Purpose.....	2
1.2 Proposed Development .....	2
1.3 Scope of Services .....	2
1.4 Significant Assumptions .....	2
1.5 User Reliance .....	3
<b>2.0 Site Description .....</b>	<b>3</b>
2.1 Overview.....	3
2.2 Subject and Surrounding Area.....	3
2.3 Current Use and Ownership of the Subject Site.....	3
2.4 Existing Structures and Roads on the Subject Site .....	3
<b>3.0 Review of Publicly Accessible Information.....</b>	<b>5</b>
3.1 Environmental Setting .....	5
3.2 Environmental Regulatory Database Review .....	6
3.3 History of the Site and the Surrounding Area.....	8
3.4 Previous Environmental Assessments, Investigations or Remediation .....	11
<b>4.0 Site Reconnaissance.....</b>	<b>13</b>
4.1 Methodology and Limiting Conditions .....	13
4.2 General Site Setting and Observations .....	13
4.3 Environmental Management .....	14
4.4 Hazardous Substances and Petroleum Products Storage.....	14
4.4 Underground Storage Tanks (UST) .....	14
4.5 Waste Management.....	14
4.5 Water and Wastewater .....	14
4.6 Evidence of Spills, Staining or Corrosion on Floors or in External Areas.....	15
4.7 Non-Natural Mounds or Depressions, Excavations and Fill .....	15
4.8 Asbestos Containing Materials (ACM) .....	15
4.9 Polychlorinated Biphenyls (PCB) .....	15
4.10 Ozone Depleting Substances (ODS).....	15
4.11 Radioactive Materials .....	15
4.12 Invasive Species .....	15
4.10 Summary of Site Walkover Observations .....	15
<b>5.0 Preliminary Environmental Risk Assessment.....</b>	<b>17</b>
5.1 Conceptual Site Model .....	17
5.2 Inputs.....	17
5.3 Conceptual Site Model .....	18
5.4 Other Property Related Environmental Issues .....	21
<b>6.0 Conclusions .....</b>	<b>22</b>
6.1 Findings.....	22
6.2 Summary of Environmental Risk .....	22
5.3 Recommendations .....	22

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## **Table of Contents: Annexes**

**Annex A: Figures**

**Annex B: Envirocheck Report**

**Annex C: Photographic Records**

## Executive Summary

TRC Companies Limited (TRC) was commissioned by Raymond Brown Minerals and Recycling Limited (the 'Client') to undertake a Phase I Environmental Site Assessment (ESA) for their property located at Rookery Farm, Botley Road, Swanwick, Hampshire, SO31 1BL (hereafter referred to as the 'Site').

This Phase I ESA has been commissioned to highlight environmental considerations, predominantly with respect to ground conditions at the Site, which will be used to support future planning applications for the proposed development. The proposed redevelopment comprises residential end use across the area currently occupied by aggregate recycling operations, whilst the former landfill area will be designated as open public land.

The Site is approximately 20 ha in area and comprises an inert waste washing plant and former inert landfill. The Site is centred on National Grid Reference 451290, 109180. It is located approximately 300m northwest of Swanwick train station within a triangle of land formed by the M27, Botley Road (A3051) and Swanwick Lane. The Site is accessed off Botley Road.

The Site was acquired by the Client in 1999 and comprises the following land uses:

- **Aggregates Recycling** - the aggregates recycling operations are located in the northern part of the Site and comprise crushing and screening of imported inert construction derived materials. At the time of writing, the aggregates washing plant is undergoing decommissioning and removal from Site and should be fully removed by the end of 2017. The Site is permitted to handle 140,000 tonnes per annum, but is currently operating at approximately half that volume.
- **Restored Landfill** – the southern half of the Site contains a restored inert landfill. The landfill was first permitted in the early 1980's, but is now closed and fully restored. The landfill is a land raise type construction with steep sides and an upper surface that is approximately 10-14m above the operational area. The Client reports that the landfill received approximately 1 million tonnes of inert waste during its operation.

Prior to the current land use, the Site was owned by Rookery Farm and used for agricultural purposes which were primarily orchard use.

TRC consider that the environmental setting is of low to moderate sensitivity. The underlying geology comprises London Clay from near surface, which is classified by the Environment Agency (EA) as Unproductive Strata. The Site is not located within an EA designated Source Protection Zone and there are no potable groundwater abstraction consents recorded within a 500m radius. There are surface water ponds on the eastern and western boundary and a culverted drainage ditch/stream running through the Site.

TRC considers the operational area of the Site to be generally low risk with respect to contaminated land liability. The Site is situated on London Clay Formation from near surface and the operations appear to have limited potential for contaminant release. Use of hydrocarbon fuels, oils and grease is limited to plant fuelling and maintenance operations and has limited potential for site wide release.

TRC consider that potential risks to the proposed development will be mitigated through the development design features such as placement of capping in gardens and landscaping (currently required for growing medium) and the presence of hardstanding in building footprints and highways. Ground gas mitigation could also be engineered into the building design if required.

The landfill was operated as an inert landfill and is fully restored. Environmental data show no significant contamination within the leachate and no significant concentrations of ground gas. There are noted hotspots of ground gas at monitoring locations within the centre of the landfill mass.

Potential for leachate and ground gas migration is limited given that the landfill is situated on London Clay and raised above ground. Leachate is managed through drainage, which is fenced and isolated from



unauthorised persons. Any future development surrounding the landfill should appraise and consider potential ground gas risks to ensure that appropriate mitigation measures are incorporated into the development design.

The landfill slopes are steep and well vegetated. Slope failure has been observed in the past (early 2000s) and the Client has commissioned specialist engineers to undertake assessments and remedial work. There is an ongoing programme of routine inspections.

Future development should consider and mitigate risks of slope instability and potential impact to the proposed development. The development design should consider the distance of proposed properties from the slopes and potential slope hazard. The development design should incorporate detailed methodologies and design for slope engineering to stabilise and mitigate future risk of movement. Likely engineering solutions would include re-engineering of slopes to reduce slope angles and / or vegetation based stabilisation, reinforced soil structures, piling or retaining walls.

Proposed open public land use on the restored landfill presents no significant contaminant linkage. The restoration observed at the property includes capping and segregation layers. Drainage channels that may contain leachate are fenced and isolated from third parties thereby removing potential risk pathways.

This Executive Summary is part of this complete report; any findings, opinions, or conclusions in this Executive Summary are made in context with the complete report. TRC recommends that the user reads the entire report for all supporting information related to findings, opinions, and conclusions.

## 1.0 Introduction

### 1.1 Purpose

TRC Companies Limited (TRC) was commissioned by Raymond Brown Minerals and Recycling Limited (the 'Client') to undertake a Phase I Environmental Site Assessment (ESA) for their property located at Rookery Farm, Botley Road, Swanwick, Hampshire, SO31 1BL (hereafter referred to as the 'Site').

This Phase I ESA has been commissioned to assess the environmental condition of the property, predominantly with respect to ground conditions at the Site. The purpose of this assessment is to evaluate potential environmental constraints that may affect development proposals for a predominantly residential end use.

The Site location plan is presented as Figure 1 in Annex A.

### 1.2 Proposed Development

It is understood that the Client is promoting the Site for inclusion within the Fareham Borough Council (FBC) local plan. The redevelopment proposals comprise the redevelopment of the existing operational area of the Site for residential purposes comprising 250 dwellings with public open space on the former landfill area.

### 1.3 Scope of Services

This report presents the findings of an assessment based on the following information:

- Desk based assessment of historical uses of the Site and surroundings;
- Evaluation of current use and condition of the Site through site walkover and interviews with key site staff;
- Desk based assessment of environmental setting in terms of geology, hydrogeology, hydrology and surrounding land uses;
- Review of relevant publically available environmental records.

The Environmental Desk Study assessment was conducted with due regard to the following guidance:

- The National Planning Policy Framework.
- BS5930 (2015) Code of Practice for Ground Investigations; and,
- BS1075 (2013) Investigation of Potentially Contaminated Sites – Code of Practice;
- Contaminated Land Report (CLR) 11 Model Procedures for the Management of Land Contamination

### 1.4 Significant Assumptions

This report presents TRC's observations, findings, and conclusions as they existed on the date that this report was issued. This report is subject to modification if TRC becomes aware of additional information after the date of this report that is material to its findings and conclusions.

The reliability of information provided by others to TRC cannot be guaranteed to be accurate or complete. Performance of this Phase I ESA is intended to reduce, but not eliminate, uncertainty of environmental conditions associated with the subject site; therefore, the findings and conclusions made in this report should not be construed to warrant or guarantee the subject site, or express or imply, including without limitation, warranties as to its marketability for a particular use. TRC found no reason to question the validity of information received unless explicitly noted elsewhere in this report.

### **1.5 User Reliance**

This report was prepared for Raymond Brown Minerals and Recycling Limited. Reliance on the Report by any other third party is subject to requesting and fully executing a reliance letter between TRC and the third party that acknowledges the TRC Standard Terms and Conditions with the Client, to the same extent as if they were the Client thereunder.

TRC has been provided with information from third parties for information purposes only and without representation or warranty, express or implied as to its accuracy or completeness and without any liability on such third parties part to revise or update the information. Where reliance has been provided by third parties to potential purchasers this is noted in our report.

## 2.0 Site Description

### 2.1 Overview

The Site is located at Rookery Farm, Botley Road, Swanwick, Hampshire, SO31 1BL.

The Site location is presented as Figure 1 in Annex A.

### 2.2 Subject and Surrounding Area

The Site is approximately 20 ha in area and comprises an inert waste washing plant and former inert landfill. The Site is centred on National Grid Reference 451290, 109180. It is located approximately 300m northwest of Swanwick train station within a triangle of land formed by the M27, Botley Road (A3051) and Swanwick Lane. The Site is accessed off Botley Road.

The Site is located in an area of countryside as defined in the adopted local plan. Land uses in the immediate vicinity include the following:

**Table 1: Summary of Surrounding Land Use**

Direction	Land Use
North	The Site is bound to the north by paddocks, rear gardens and residential properties along Swanwick Lane.
East	The Site is bound to the east by Botley Road and residential properties beyond.
South	The Site is bound to the south by the M27 motorway.
West	The Site is bound to the west by areas of undeveloped countryside land and the M27 motorway beyond.

The Site has an average elevation of approximately 40m above Ordnance Datum (aOD) within the operational area and 45-50m AOD on the raised landfill area.

### 2.3 Current Use and Ownership of the Subject Site

The Site currently comprises an operational aggregates recycling facility and closed inert landfill. It is owned by the Client.

The Site is accessed off Botley Road. The haul road leads to an entrance area comprising the site offices, welfare and weighbridge office, weighbridge and staff car parking. The operational aggregates recycling facility is located down the haul road within a topographic bowl formed by the restored landfill to the south and an environmental screening bund to the north.

The aggregates recycling operation comprises import, crushing and screening of waste construction derived materials and export of recycled aggregate. The aggregates washing plant is no longer operational and undergoing decommissioning and removal from Site.

### 2.4 Existing Structures and Roads on the Subject Site

The Site is accessed via Botley Road. The main haul road runs down to the operational area via the weighbridge. Traffic within the operational area is directed in a circular hauling route to facilitate safe tipping and collection of materials.

There is a secondary access point located on the southern boundary beyond the landfill. This facilitates access to the Site from land to the south beyond the railway and motorway via a dedicated bridge. It is understood that this may have been part of a western relief road. The Client reported that this access was sealed to prevent unauthorised access.

There are unsealed tracks leading to the upper section of the restored landfill. These routes appear informal and accessible by four wheel drive or tracked vehicles only.

The site offices and welfare are the only occupied buildings at the Site. These are portacabin / container style units. Two storage containers are located within the operational area.

The aggregates washing plant is located in the centre of the operational area of the Site and is undergoing decommissioning and removal from Site.

There are no other structures identified on the Site.

## 3.0 Review of Publicly Accessible Information

### 3.1 Environmental Setting

The environmental setting of the Site can influence the susceptibility to, and relative magnitude of, environmental impacts and liabilities associated with on and off-site sources of contamination. The following section presents a summary of environmental reviews conducted via publically available records.

#### 3.1.1 Geology and Hydrogeology

British Geological Survey (BGS) geological mapping and Environment Agency (EA) hydrogeological mapping indicate the following geological progression beneath the Site:

**Table 2: Summary of Geology and Hydrogeology**

Geology	Geology Description	Aquifer Status	Aquifer Description
London Clay Formation	Clay	Unproductive Strata	These are rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow.

There are no published borehole records within the Site area. However, there are numerous record entries in close proximity, particularly along the southern boundary where borehole records are held for the M27 motorway. These records show that London Clay is present from the surface, but the clay thickness was not proven.

The database hold one deep borehole record dated for a Site located approximately 250m south of the southern Site boundary. The borehole, drilled in 1904, proved that the London Clay was approximately 112ft (circa 34m) thick, underlain by Reading Beds (defined by BGS as an interleaved red and variegated clays and sands). The Reading Beds had a proven thickness of 113ft (circa 34m) and were in turn underlain by Upper Chalk (thickness unproven).

The database indicates that there is one groundwater abstraction located within a 500m radius of the Site. The consent is for the abstraction of groundwater from a single location for horticultural uses. The permit is held for a site located 398m north of the Site.

The Environment Agency website indicates that the Site is not located within a groundwater Source Protection Zone.

#### 3.1.2 Coal Mining

The database indicates that the Site is not within an area affected by coal mining.

#### 3.1.3 Radon

BGS records indicate that the Site is located within a low probability radon area, as less than 1% of homes are above the action level. On this basis, the BGS states that “no radon protective measures are necessary in the construction of new dwellings or extensions”.

#### 3.1.4 Hydrology

Historical mapping records show that the Site drains to the west to the River Hamble approximately 1.5km west of the Site. Prior to the current land use a stream previously flowed from the approximate location of Rookery Farm across the Site in an east to west orientation.



Mapping records and Client provided information confirmed that the stream has been culverted and flows beneath the operational area of the Site from a pond just off the north-eastern boundary with Rookery Farm to a settling pond located on the western boundary. The Client reported that this pond is designed to overflow to a secondary holding pond and culvert beneath the M27 motorway. The Client noted that the pond has never flooded.

TRC note that aerial images for the Site show a small pond in the centre of the Site located in close proximity to the washing plant. The Client noted that this is a holding pond and hydraulically isolated from surrounding ground and culverts.

The EA records indicate that the Site is in Flood Zone 1 and has a low probability of flooding.

No surface water abstractions are identified within a 500m radius of the Site.

### 3.1.5 Sensitive Land Uses

The Site is located within a mixed light industrial, commercial and agricultural land use area. Environmental database records indicate that the Site lies within the Hamble Estuary Eutrophic Nitrate Vulnerable Zone (NVZ).

### 3.1.6 Summary of Site Sensitivity

The Site is considered to be of low to moderate environmental sensitivity, based on the following key factors:

- The published geology indicates that the Site immediately overlies the low permeability strata of the London Clay Formation.
- The EA has classified the London Clay Formation as an Unproductive Strata. The Site is not located within an EA designated Source Protection Zone (SPZ) and there are no potable water groundwater abstraction consents recorded within a 500m radius.
- Surface water features at the Site comprise ponds on the east and western boundaries and a culverted stream, which links the two features.
- The Site lies within a NVZ.

## 3.2 Environmental Regulatory Database Review

The following environmental data has been obtained from a Landmark Envirocheck Report (Annex B), which includes a search of databases held by regulatory bodies including the EA, BGS, the Department for the Environment, Food and Rural Affairs (DEFRA), City, District and Borough Councils and County Councils. The table below summarises key features identified on-site and within the 500m search radius.

**Table 3: Summary of Environmental Regulatory Database Review**

Database	On-site	0-500m	Description
Contaminated land register entries	0	0	Not applicable (N/A)
Current registered landfills	1	1	Database records are held for the closed landfill present at the Site. It is noted that the landfill extends to the north of Site beyond the staff car park area near to the weighbridge. The Client confirmed that this former landfill area was outside of their area of ownership.  Further details of the landfill are presented below this table.
Closed landfills	0	0	N/A

Database	On-site	0-500m	Description
Current registered waste transfer/ treatment facilities	1	1	<p>The database shows the following landfill and physical treatment facilities licences held by the Client for the Site.</p> <p>The database shows a dry cleaning facility located 348m southeast of the Site. The permit (ref: PG6/46) is held by Pressing Needs Limited.</p>
Closed waste transfer/ treatment facilities	0	0	N/A
Authorised industrial processes	1	0	The database entries note a permit held by the Client for co-incineration of hazardous waste (ref: MP3239BR, dated 9 <sup>th</sup> November 2015). The database shows that this was superseded by variation.
Licensed radioactive substances	0	0	N/A
Enforcements, prohibitions or prosecutions	0	0	N/A
Active Discharge consents	0	8	There are eight entries for discharge consents. The nearest consent is for a domestic site located 108m east. The consent is for a soakaway.
Pollution incidents	0	7	<p>The database records the following pollution incidents in the locality of the Site:</p> <ul style="list-style-type: none"> <li>• Location 155m southeast – minor incident involving general biodegradable pollutant. Incident date 23<sup>rd</sup> April 1999;</li> <li>• Location 157m southwest – significant incident involving crude sewage including stream discolouration. Note relates to landfill/waste disposal site, but no further details provided. Incident date 11<sup>th</sup> October 1994;</li> <li>• Location 194m northeast – significant incident at Rookery Farm involving gas oil on pond and dead fish. Incident dates 16<sup>th</sup> September 1993;</li> <li>• Location 325m northeast – minor incident involving petrol on surface of water. Incident dated 1<sup>st</sup> October 1993;</li> <li>• Location 370m west – minor incident involving crude sewage. Incident date 26<sup>th</sup> September 1994;</li> <li>• Location 372m west – minor incident involving a foul sewer failure and release of crude sewage and sewerage material. Incident dated 16<sup>th</sup> September 1999;</li> <li>• Location 448m west – significant incident involving crude sewage from a blocked sewer. Incident dated 1<sup>st</sup> November 1995.</li> </ul>

### 3.2.1 Landfill Permitting

As noted in Table 3 above, there is a closed inert landfill at the Site. The landfill covers the southern half of the property and extends to the north of the Site on land adjacent to the Site entrance, staff car parking and weighbridge.

The Client provided anecdotal information that noted that the owner of Rookery Farm was granted approval to establish the landfill around the time that the M27 was constructed. The records of landfill permits are summarised below:

The database records that the first landfill licence was held by J&W Landfill Limited (Ref: 10/30A) and was dated 16<sup>th</sup> November 1984. The licence details show that authorised wastes included construction and demolition wastes, excavated natural materials, foundry sand, road making materials, sands and silica. Prohibited wastes included biodegradable/putrescible waste, contaminated rubble, food waste, liquid/slurry/sludge, paper and cardboard, phenols, analogues/derivatives, poisonous, noxious, polluting wastes, special wastes and vegetable/processing waste.

The database shows that the above permit was superseded by permit reference 10/32, which was held by Leigh Environmental (Southern) Limited, dated 7<sup>th</sup> April 1988. This permit authorised disposal of inert wastes comprising construction and demolition wastes, highways maintenance wastes, sand, chalk, gravel and naturally occurring earth spoils. The schedule of prohibited wastes is similar to the above excluding degradable and contaminated materials and all fibrous forms of asbestos.

The database shows that the current operating permit reference FA 032A superseded the above on 11<sup>th</sup> May 1995 and is held by Raymond Brown Eco Bio Limited. In addition to the aforementioned approved wastes, this licence authorises the disposal of adhesive wastes, cork, cull, clays, pottery, china, enamels, ceramics, ebonite, kapok, kieselguhr, electrical fittings and fixtures, ferrous and non-ferrous metals, Hampshire Category A inert waste for recycling, natural manmade fibres, products of completed polymerisation, shot blast, boiler scale, iron oxide, hydrox and solid rubber. The prohibited wastes are generally as per previous licences and include degradable and contaminated materials.

## 3.3 History of the Site and the Surrounding Area

The history of development on the Site and immediate surrounding area was investigated with reference to historical Ordnance Survey (OS) mapping and aerial photographs. The findings are presented in subsequent sections below.

### 3.3.1 Historical Mapping

A summary of the development history of the Site and immediate surrounding area obtained from historic OS mapping and aerial photographs (Annex B) is detailed in the table below.

**Table 4: Summary of Historical Mapping**

Edition and Scale	On-site Activities	Off-site Activities (within ~ 250m)
1868 - 1871 (1:2,500 and 1:10,560)	The earliest available mapping shows the Site as undeveloped land.	<p>The Site is located within a predominantly rural / agricultural setting. Rookery Farm is present to the northeast of the Site as per its current location. Pond appears on mapping.</p> <p>An un-named road (now known as Botley Road) is present on the eastern boundary running in a north-south orientation.</p> <p>Well noted on an unnamed property to the east of road.</p>
1897 - 1898 (1:2,500 and 1:10,560)	The Site is covered in orchard type land use. Drainage streams shown running east to west.	<p>The orchard extends beyond the Site boundary surrounding Rookery Farm to the east and west.</p> <p>Yew Tree Farm now present to northeast of the Site.</p> <p>Netley and Fareham railway is present to the south of the Site boundary in its current location running in an east-west orientation. Track and bridge crossing present linking the Site to land south of the railway. Swanwick railway station is present on the map.</p> <p>Allotments and orchard located to the south of the railway.</p> <p>A clay pit is located to the south of Swanwick station near Beacon Bottom.</p>
1909 - 1910 (1:2,500 and 1:10,560)	No significant change, although part of an old clay pit is present extending into the southeast corner of the Site.	<p>An old clay pit is located to the southeast of the Site extending to the railway. An old brick kiln is recorded to the east of the Site beyond the clay pit and the road now known as Botley Road.</p> <p>Orchards are present to the south, beyond the railway.</p>
1931 - 1932 (1:2,500 and 1:10,560)	No significant change.	A sewage works is present to the south of the Site beyond the railway. Suspected residential properties are present to the east of the Site along the road now known as Botley Road.
1938-1942 (1:10,560)	No significant change.	No significant change.

Edition and Scale	On-site Activities	Off-site Activities (within ~ 250m)
1962 – 1963 (1:10,000)	Orchards now cover the entire Site area.	Orchards present around the Site and to the south of the railway.
1963-1968 (1:2,500 and 1:10,000)	Stream now named as a drain.	Yew Tree Farm no longer named.  Unnamed works present to the southeast of the Site to the north of the railway.  Sewage works to south are no longer present.  Residential properties currently present along Swanwick Road are now present on mapping.
1971 – 1983 (1:2,500 and 1:10,000)	No significant change.	The M27 motorway is present on the maps, located south of the Site between the Site and railway. The motorway runs in an east-west orientation. The former track and bridge has been extended to allow access from the Site to land south of the motorway and railway.
1990 – 1993 (1:10,000)	No significant change.	No significant changes. Works to southeast of the Site no longer present.
2000 (1:10,000)	Landfill now present on mapping	Significant residential development to east and northeast of the Site now shown on maps.
2017 (1: 10,000)	No significant change	No significant change.

### 3.3.2 Planning Records

The Client provided the following information relating to planning permissions for the Site.

- June 2006 – the Client obtained planning permission to retain the aggregate recycling facility for 15 years until 30<sup>th</sup> June 2021 (Ref: P/06/0443). The application involved the upgrading of the recycling plan and the agreement to complete landfilling by 31<sup>st</sup> December 2026;
- November 2014 – permanent planning permission granted for the inert recycling operations (Ref: P/14/0857/CC). The Client noted that this permission has not yet been implemented and current operations are still in accordance with the above permission dated June 2006.

**In 2015 a variation to condition 24 of P/14/0857/CC was submitted to allow for an extension of time for the submission of details. Permission expires 02/03/2019.**

### 3.3 Anecdotal Information

The Client provided the following anecdotal information relating to Site history:

- The Site was previously an orchard owned and managed by Rookery Farm;
- At the time of the M27 construction project, the owner of Rookery Farm agreed a change in land use to landfill operation. The Client understood that this was due to observed frost impacts to the orchard as a consequence of the adjacent motorway construction. It was understood that the motorway had created a 'frost hollow', which was impacting orchard productivity;
- Raymond Brown purchased the Site in 1999. At that time it was principally operated as an inert landfill with an aggregated recycling plant. The landfill had no time limit for completion and the aggregates recycling facility had a temporary permission with limited life;

- In June 2006 Raymond Brown obtained planning permission to retain the aggregate recycling facility for 15 years until 30<sup>th</sup> June 2021 (Ref: P/06/0443). The application involved the upgrading of the recycling plant and agreement to complete landfilling by 31<sup>st</sup> December 2026;
- On the 27<sup>th</sup> November 2014 permanent planning permission was granted for the inert recycling operations (ref: P/14/0857/CC). However, this permission has not yet been implemented and current operations continue under the permission reference P/06/0443;
- In 2015 a variation to condition 24 of P/14/0857/CC was submitted to allow for an extension of time for the submission of details. Permission expires 02/03/2019
- The washing plant has ceased operation, has been sold and is currently being decommissioned and removed from Site.
- Implementation of the 2014 permission would entail that the 2006 permission would be superseded and the landfilling would not need to be completed

### 3.3.4 Summary of the History of the Site and Surrounding Area

Based on the information obtained by TRC, the history of the Site and surrounding area can be summarised as follows:

- Historical mapping indicates the Site was undeveloped, suspected agricultural land from at least 1868. Rookery Farm was already established in its current location on the earliest available historical maps;
- Orchard land use is present from maps dated 1897 to 1898. The orchard land use continued on the Site until the 1980's/1990's;
- The M27 highway development is first recorded on mapping dated 1971-1983;
- According to the environmental permits database, landfilling commenced at the Site in 1984 and continued up until the Client's ownership of the property. The landfill is not shown on historical mapping until 2000;
- The Client acquired the Site in 1999 and still operates as an inert aggregates recycling facility with closed inert landfill.

## 3.4 Previous Environmental Assessments, Investigations or Remediation

### 3.4.1 Slope Stability

The Client noted that there had been reported slope failure on the southern face of the landfill along the boundary of the motorway in 2003. This triggered remediation and further assessment. TRC reviewed the following reports relating to slope stability:

- Robert Long Consultancy Limited (June 2003), Rookery Farm Landfill Site Southern Slope Remediation for Raymond Brown Eco-Bio Limited. Report ref: RBCL/RFL/SLP/01;
- Robert Long Consultancy Limited (May 2004), Rookery Farm Investigation for Raymond Brown Eco-Bio Limited. Letter reference JCC/jts/rb-1);
- WYG Environment (April 2009), Slope Stability Reassessment Report for Raymond Brown Minerals and Recycling Limited. Report reference: A055366;
- GWP Consultants (July 2014), Slope stability assessment for existing and future slopes at Rookery Farm Recycling Site for Raymond Brown Recycling. Report ref: 140108.

In summary, the reports document three areas of slope failure along the southern face of the inert landfill in 2002/2003. Investigations at the time of the failure noted that groundwater/leachate levels were causing destabilisation of the slope. Remediation works were carried out to reduce the level of groundwater/leachate, remove slipped material and regrade the slope using suitable material. French drains were constructed at this time.

The assessment carried out in 2014 inspected slopes on the former landfill and environmental bund on two occasions. The findings were as follows:

- Southern face of landfill – the site investigation concluded that there were three areas of concern which indicated possible movement and risk of future failure at the eastern end, west and western



end. The report concludes that whilst there were signs of distress and progressive failure, there was no evidence of deep seated slope failure where the volume of material involved in the failure would be significantly greater than the volume of material involved in localised shallow failures. The report noted that remedial works carried out in 2003 has stabilised the slope and there was no evidence of movement or distress in those areas.

- Northern slopes of landfill – the report observed that vegetation is improving slope stability and there is no evidence of slope failures. However, the report notes that shallow transitional slope failures would not be unexpected at the eastern end of this slope as the gradient becomes steeper than 1:2 (v:h);
- Northern screening bund – outer slopes appear in good condition and stable in the long term. Inner slopes contain unprocessed or post-processed material and limited vegetation. The report notes plans to remediate these slopes to ensure stability.

The conclusions of the report note further requirement to monitor and inspect slopes. Future slopes should be constructed to a recommended gradient of no steeper than 1:2.5 (v:h) or if above the motorway, no steeper than 1:3 (v:h). The report also notes plans for the Client to construct a gabion wall alongside the haul road at the toe of the inner side of the northern screening bund.

#### 3.4.2 Environmental Monitoring Data

The Client provided monitoring data for quarterly groundwater and ground monitoring carried out at the Site during 2017. The monitoring is carried out on designated locations across the inert landfill and wider site area. Parameters are screened against established trigger levels.

The data indicates that groundwater monitored does not contain any contamination that exceeds the agreed trigger levels.

Ground gas monitoring data generally did not detect significant concentrations of methane or carbon dioxide at any of the monitoring locations. Methane was typically less than 0.5% across the entire monitoring networks. Isolated hotspots were noted at GAS01 and Borehole 10 (July round only). The levels of methane detected were approximately 75%. These monitoring locations are located in the south of the Site on the upper section of the restored landfill and in close proximity to each other. It is assumed that these monitoring points are representative of ground gases derived from materials within the landfill.

## 4.0 Site Reconnaissance

### 4.1 Methodology and Limiting Conditions

Adam Sokolowski (TRC) carried out a site walkover on the 17<sup>th</sup> November 2017. The walkover was carried out with Lauren Finch (Planning and Development Manager), Steve Harman (Site Manager) and Mark Renault (Environmental Permitting Manager). On this reconnaissance every effort was made to inspect all areas of the Site.

Photographs of the site reconnaissance are included in Annex C.

### 4.2 General Site Setting and Observations

As noted in Section 2, the Site is split into two main areas:

- The aggregates recycling facility;
- The closed and restored inert landfill.

The Site operations comprise recycling of construction derived waste materials. The Site Representative reported that the Site imports and exports approximately 70,000 tonnes per annum (tpa), which is approximately half of the volume permitted under the planning permission (140,000tpa).

The Client reported that there are five full time staff comprising one site manager, one weighbridge operator, two shovel drivers and a plant operator. Recycling operations comprise crushing and screening of materials to generate various grades of soils including materials certified to British Standards.

Previous operations had included aggregates washing via a fixed plant. However, at the time of writing, the aggregate washing plant has ceased operation. The plant has been sold and is undergoing dismantling for removal from Site by the end of the year.

There are limited areas of hardstanding within the operational area. These areas are centred on the former washing plant. Materials are stored within dedicated stockpiles, either undergoing processing or in clearly defined stockpiles. There is some active landfilling to the immediate north of the operational area. This appears to be primarily associated with silt deposition.

The operational area is located within a topographic bowl, which is formed from the landfill (land raise) area in the southern half of the Site and the environmental screening bund along the northern boundary. The Client reported that the operational area is at near natural topographic level although some localised land raising may have occurred to aid drainage and create working platforms.

The closed landfill comprises a land raised portion of the Site, which is >10-14m above the ground level of the aggregates recycling operations. The surface of the former landfill is fully restored with managed grass top. The sides are formed of steep sided embankments with vegetation comprising small trees, shrubs and grasses. The Client reported that approximately 1 million tonnes of waste were deposited within the landfill.

The environmental bund to the north provides noise and visual screening from the residential properties along Swanwick Lane. The bunding is reportedly formed from inert recycled materials and is vegetated with small trees, shrubs and grass.

The Client also reported that the woodland area to the west of the Site also forms part of the ownership boundary.

There are open below ground tanks for water storage in the centre of the Site adjacent to the former aggregates washing plant. Two of the tanks are formed from steel tanks that have been buried just below

the surface with tops removed. There is a drainage pond on the western site boundary that receives water draining from the Site.

### 4.3 Environmental Management

The Client Representatives reported that the following environmental monitoring is carried out at the Site:

- Routine noise and dust monitoring carried out annually;
- Monthly monitoring of ground gas and groundwater at dedicated monitoring boreholes located around the Site. Monitoring carried out by UKAS accredited laboratory and data submitted to the EA.

The Client did not identify any concerns or regulatory enforcement relating to environmental monitoring.

TRC has reviewed quarterly groundwater and ground gas data from 2017. The data shows that the ground gas and groundwater quality was generally in compliance with the trigger thresholds. With the exception of some elevated methane and carbon dioxide (see Section 3.4.2), there are no significant concentrations that are elevated above the trigger thresholds.

### 4.4 Hazardous Substances and Petroleum Products Storage

The Site has the following Above Ground Storage Tanks (AST) for the storage of hazardous substances:

- 1 x AST for fuel oil storage. Steel constructed tank with double skinned secondary containment. Approximate capacity of 12m<sup>3</sup>;
- 1 x towable AST for fuel oil storage. Steel construction with double skinned secondary containment. Approximate capacity of 4.5m<sup>3</sup>;
- 1 x AST for waste oil storage. Steel construction with double skinned secondary containment. Approximately capacity of 2.5m<sup>3</sup>.

### 4.4 Underground Storage Tanks (UST)

The Client reported that there are three USTs (capacity unknown) at the Site located at the washing plant. The tanks are used to contain surface water runoff from the wash plant operations. The water was recycled within the washing operations.

There is one interceptor located adjacent to the site offices. The capacity is 5,000litres. The Client reported that this UST received wastewater from toilets and welfare. It is emptied annually.

### 4.5 Waste Management

The Site generates the following wastes:

- Floatation wastes from former washing processes – low density materials such as plastics and wood that were washed out of the aggregates during previous washing processes. These wastes were stockpiled in a designated storage area in the north of the Site awaiting removal from Site;
- Office and general waste – generated from Site offices and welfares. These wastes are placed within Client provided skips and deposited off-site at other Client managed waste management sites;
- Waste oils – stored within the waste oil tank (see Section 4.4) and removed by an accredited waste disposal contractor;
- Small volumes of greases and filters – generated by fitters during plant maintenance activities. These are removed from the Site and managed by the subcontract maintenance engineers.

### 4.5 Water and Wastewater

The Site is supplied by mains water which is used for Site welfare, wheel washing and dust suppression.

Foul wastewater is discharged to UST and emptied annually as reported above.

Surface water drainage is generally in a westerly direction with natural topographic slopes. The surface water drainage collects in the surface water pond. The Site Manager noted that this feature is designed to overflow into a secondary pond and discharge via a culvert beneath the motorway, which is the presumed natural course of previous streams. The Site Manager noted that he has never observed the pond to overflow.

There is a culverted stream/drain beneath the Site running in an east to west direction.

The Client reported a drainage ditch feature on the southern side of the landfill, which was associated with the motorway.

#### **4.6 Evidence of Spills, Staining or Corrosion on Floors or in External Areas**

There was no evidence of spills, staining or corrosion. The Client did not report any recorded incidents.

#### **4.7 Non-Natural Mounds or Depressions, Excavations and Fill**

There is evidence of land raising associated with the restored inert landfill to the south and north of the main entrance and environmental bund and silt deposits to the north. The Client noted that some local raising of levels had occurred within the operational area. It was noted that levels may have been raised by 2-3m in the south and 1-2m in the north. The Client reported that filling was with inert material associated with recycling operations.

There are mounds of materials associated with recycling operations and materials storage.

#### **4.8 Asbestos Containing Materials (ACM)**

TRC was not commissioned to perform an asbestos survey and no asbestos reports or management plans were provided for review. The Client did not report any ACMs present at the Site.

#### **4.9 Polychlorinated Biphenyls (PCB)**

Management are not aware of any PCBs on site and TRC would not expect there to be any given the age of the facility.

#### **4.10 Ozone Depleting Substances (ODS)**

There are air conditioning units associated with site offices. The Client reported that these are serviced annually by a specialist engineer. No records of ODSs were provided for review.

#### **4.11 Radioactive Materials**

Site management reported that no radioactive materials are stored at the subject property. There are no radioactive substances registered to the property address.

#### **4.12 Invasive Species**

This Phase I ESA did not include an invasive species survey. TRC did not observe any invasive plant species growing at the Site during the walkover.

#### **4.10 Summary of Site Walkover Observations**

The aggregate recycling operations have a low potential risk to the environment. The use of fuels and oils is managed appropriately and bulk fuels are stored within double skinned storage tanks in accordance with Oil Storage Regulations. Localised potential for leaks and spills from plant cannot be discounted.

---

The landfill received inert waste only. The monitoring data provided did not indicate significant presence of contamination.

## 5.0 Preliminary Environmental Risk Assessment

### 5.1 Conceptual Site Model

The methodology of this risk assessment uses the source-pathway-receptor pollutant linkage to provide a qualitative appraisal of environmental risks and potential liabilities associated with soil and groundwater contamination at the Site.

The conceptual site model (CSM) is prepared on the basis of proposed redevelopment to comprise residential end use across the operational area only. The restored landfill area would be designated as public open space.

### 5.2 Inputs

The following parameters have been considered within the CSM:

- **Sources** - There is limited potential for contamination within the operational area. It was observed that the operations use fuels, oils and grease for plant operations. However, it is considered that the Site operates under robust environmental stewardship and manages the storage and use of these potentially hazardous products appropriately.

The site operations manage recycling of inert aggregates. No contaminated soils are handled by the Site. The works are undertaken in accordance with environmental permits and have limited potential to cause contamination to underlying soils and groundwater.

The restored landfill is a potential source of contamination. The permits indicate that the landfill was authorised to accept various types of inert waste. However, leachates may contain contamination that could present a risk to human health and controlled waters.

The landfill is a potential source of ground gas (i.e. methane and carbon dioxide). However, it is noted that only the southern section of the landfill has boreholes that have detected significant concentrations.

- **Pathways** – TRC has considered human health risk pathways comprising dermal contact, ingestion, inhalation and plant uptake, leaching of contamination to ground, contact with buried services and migration of ground gases into proposed residential properties.
- **Receptors** – TRC has considered risks to human health (construction workers, future residents and general public accessing public open space) and controlled waters (surface water only as underlying soils are classified as unproductive).



### 5.3 Conceptual Site Model

**Table 5: Conceptual Site Model: Proposed Residential Development on the Current Operational Area**

Source	Pathway	Receptor	Risk
<b>On-Site Sources</b>			
<p>Potential localised hotspots of hydrocarbon contamination from plant refueling and maintenance</p> <p>Potentially infilling that may have the potential to generate ground gases</p>	Dermal contact, ingestion and inhalation pathways	Future site users	<p><b>Low</b></p> <p>Given the history of operations at the Site it is considered that there are no significant site sources. The geology comprises London Clay from near surface, which would limit contaminant migration.</p> <p>Hotspots of contamination would be remediated during redevelopment and engineering capping would be placed comprising hardstanding (building footprints and roadways) and subsoil/topsoil for gardens.</p>
		Neighbouring residents	<p><b>Very Low</b></p> <p>No significant site sources. Underlying geology is London Clay, which will mitigate risk of off-site migration.</p>
		Construction workers	<p><b>Very Low</b></p> <p>No significant site sources. Risk pathway to be mitigated via Personal Protective Equipment (PPE), good hygiene practices and construction site management.</p>
	Leaching of contaminants and vertical migration into groundwater	Controlled waters	<p><b>Very Low</b></p> <p>No significant site sources. Underlying geology is London Clay, which is classified as Unproductive Strata</p>
	Contact with buried services	Buried services	<p><b>Low</b></p> <p>Proposed development to consider risk of residual contamination and incorporate</p>

Source	Pathway	Receptor	Risk
			protective measures as appropriate.
	Migration of ground gases onto Site and ingress into buildings	Future site users	<b>Low to Moderate</b> Any risks to be mitigated through building design if required e.g. membrane or ventilation methods.
		Construction workers	<b>Low</b> Pathway to be managed through good construction practices and mitigation of risks when working in confined spaces.
Off-Site Sources			
Former inert landfill – potential for ground gas and leachate migration	Dermal contact, ingestion and inhalation pathways	Future site users	<b>Low</b> Landfill comprises inert waste. No significant contamination observed in groundwater data. Low permeability London Clay will mitigate potential for uncontrolled leachate or ground gas migration off site.
		Construction workers	<b>Low</b> As previous – risk pathways to be mitigated via PPE.
	Leaching of contaminants and infiltration into groundwater	Controlled waters	<b>Low</b> Near surface London Clay Formation is classified as Unproductive Strata. The presence of low permeability deposits would likely prevent migration into any groundwater.

**Table 6: Conceptual Site Model: Proposed Open Public Space on the Restored Landfill**

Source	Pathway	Receptor	Risk
<b>On-Site Sources</b>			
Inert waste deposits within the landfill. Potential source of leachate and ground gas.	Dermal contact, ingestion and inhalation pathways	Future site users	<b>Low</b> Site is capped and restored thereby removing pathway. Leachate drains and other drainage features that may contain contamination are fenced and isolated.
		Neighbouring residents	<b>Low</b> Underlying geology is London Clay, which will mitigate risk of off-site migration.
		Construction workers	<b>Not Applicable</b> No proposed development.
	Leaching of contaminants and vertical migration into groundwater	Controlled waters	<b>Very Low</b> Underlying geology is London Clay, which is classified as Unproductive Strata. Leachate managed via existing drainage at the Site.
	Contact with buried services	Buried services	<b>Not Applicable</b> No proposed development
	Migration of ground gases onto Site and ingress into buildings	Future site users	<b>Not applicable</b> No proposed development.
		Neighbouring residents	<b>Low to Moderate</b> London Clay to limit potential migration. However, any risks to be mitigated through building design if required e.g. membrane or ventilation methods.
		Construction workers	<b>Not applicable</b> No proposed development

## 5.4 Other Property Related Environmental Issues

### 5.4.1 Slope Stability

Geotechnical stability of slopes should be considered within the future development at the Site. Potential for future slope failure may create a potential hazard to the development or future Site users.

It is considered that the slopes to be considered would be the north and south elevation of the restored landfill only. It is considered that materials stockpiles and the environmental bund would be re-engineered to create a suitable platform for development.

To mitigate potential risk of slope failure, the existing geotechnical and slope assessment reviews prepared by others recommend monitoring and inspection of slopes to identify potential signs of failure and potential re-engineering of the slopes to improve drainage and stability. TRC consider that the most appropriate method of ensuring future slope stability would be to undertake re-engineering of the slopes to improve the gradients and drainage.

Engineering techniques could be employed to stabilise the slope could include passive methodologies such as tree planting and other such vegetation based methods to stabilise the surface of the soils, reinforced soil structures, piled solutions, ground anchors or retaining walls.

TRC recommend further assessment of the development plan to establish final site levels and distances of development from the slopes. This would then inform required slope stabilisation requirements and will identify appropriate methodologies.

### 5.4.2 Other Key Considerations

Other key environmental conditions for the proposed development.

**Table 7: Summary of Other Potential Environmental Issues**

Issue	Detail
Asbestos Containing Materials	There is limited potential for asbestos containing materials at the Site.
Coal Mining	Coal Authority records indicate that the Site is not located in an area that is affected by coal mining.
Radon	BGS records indicate that the Site is not in a radon affected area, as below 1% of homes are above the action level. On this basis, the BGS states that “no radon protective measures are necessary in the construction of new dwellings or extensions”.
Flood Risk	The database records indicate that the Site is located within an area that has limited potential for groundwater flooding to occur. The Environment Agency indicates that the Site is not within a flood risk zone (from surface water).

## 6.0 Conclusions

### 6.1 Findings

The Site has a history of agricultural / orchard land use until the 1980's when landfill was permitted at the property. The Client acquired the property in 1999 and operates it as an aggregates recycling facility and closed landfill.

The landfill is formed of a land raise and is >10-14m above the aggregates recycling area of the Site. The landfill received 1 million tonnes of inert waste. It is fully restored and closed.

The aggregates recycling operations comprise crushing and screening of imported construction derived materials. The aggregates washing plant is undergoing decommissioning and removal from Site.

### 6.2 Summary of Environmental Risk

TRC considers the operational area of the Site to be generally low with respect to contaminated land liability. The Site is situated on London Clay Formation from near surface and the operations appear to have limited potential for contaminant release. Use of hydrocarbon fuels, oils and grease is limited to plant fuelling and maintenance operations and has limited potential for site wide release.

The proposed residential development in this area has a high environmental sensitivity. However, it is considered that residual risks will be mitigated through the development design features such as placement of capping in gardens and landscaping (currently required for growing medium) and presence of hardstanding in building footprints and highways. Ground gas mitigation could also be engineered into the building design if required.

The landfill was operated as an inert landfill and is fully restored. Environmental data show no significant contamination within the leachate and no significant concentrations of ground gas. There are noted hotspots of ground gas in monitoring locations within the centre of the landfill mass.

Potential for leachate and ground gas migration is limited given that the landfill is situated on London Clay and raised above ground. Leachate is managed through drainage, which is fenced and isolated from unauthorised persons. Any future development surrounding the landfill should appraise and consider potential ground gas risks to ensure that appropriate mitigation measures are incorporated into the development design.

The landfill slopes are steep and well vegetated. Slope failure has been observed in the past and the Client has commissioned specialist engineers to undertake assessments and remedial work. Routine inspections are performed currently. Future development should consider the potential for future slope failure. The development design should consider the distance of proposed properties from the slopes and potential slope hazard. The development design should incorporate slope improvement works to either re-engineer to a shallower angle or undertake engineering works to retain and stabilise the current slopes.

Proposed open public land use on the restored landfill presents no significant contaminant linkage. The site restoration observed at the property includes capping and segregation layers. Drainage channels that may contain leachate are fenced and isolated from third parties thereby removing potential risk pathways.

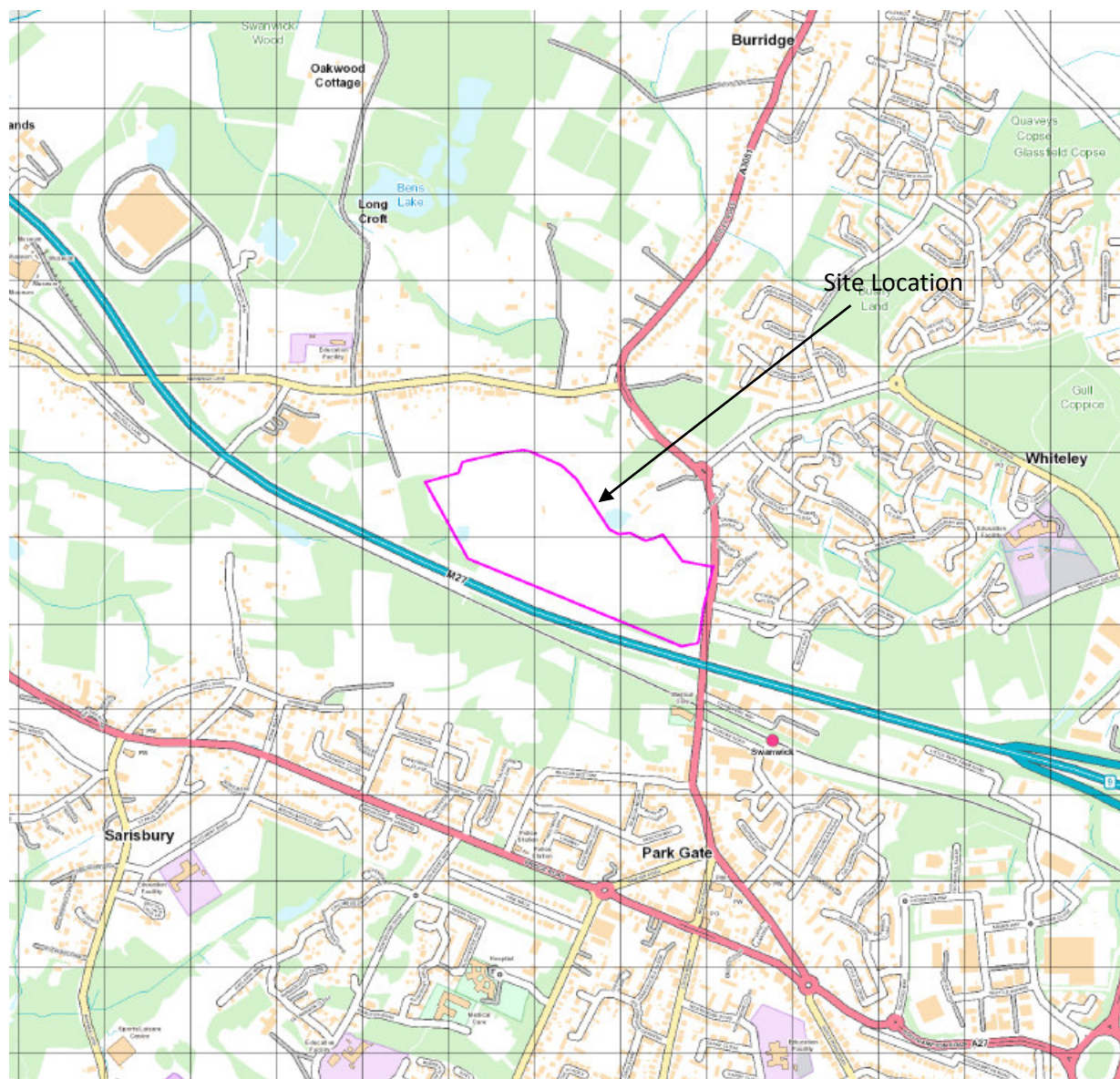
### 5.3 Recommendations

On the basis of this assessment, TRC consider that further investigation and assessment would be required upon completion of the proposed development design. Investigation would be required to appraise soil properties for geotechnical purposes to aid foundation design, during those works environmental assessment could be undertaken to appraise environmental condition including potential for soil and ground gases. A ground gas risk assessment will be required to appraise risks to proposed dwellings and scope of mitigation should this be required.

TRC recommend further assessment of slope stability upon completion of the development design and final formation levels to ensure that a robust restoration strategy is implemented to mitigate risks of slope failures along the northern boundary of the landfill, which will be adjacent to residential development. Specialist advice should be sought to identify the most appropriate methodology for stabilisation that meets the requirements of the development proposals.



## **Annex A: Figures**



Plan from Envirocheck Report


CLIENT: <b>RAYMOND BROWN MINERALS AND RECYCLING LIMITED</b>	DRAWN BY: <b>SN</b>	PROJECT NO.: <b>291027.0000.0000</b>	DATE: <b>NOV 2017</b>	<b>ROOKERY FARM, SWANWICK</b>
 <a href="http://www.trcsolutions.com/">http://www.trcsolutions.com/</a>	Data Copyright © 2012, TRC Environmental, Inc. This map does not represent a legal document. It is intended to serve as an aid in graphical representation only. Information shown on this map is not warranted for accuracy or fitness for any particular purpose.			

FIGURE:

1

## **Annex B: Envirocheck Report**

# Envirocheck<sup>®</sup> Report:

## Datasheet

### Order Details:

**Order Number:**

145633529\_1\_1

**Customer Reference:**

C289128

**National Grid Reference:**

451290, 109180

**Slice:**

A

**Site Area (Ha):**

14.84

**Search Buffer (m):**

1000

### Site Details:

Site at

Swanwick

Hampshire



Report Section	Page Number
Summary	-
Agency & Hydrological	1
Waste	26
Hazardous Substances	-
Geological	31
Industrial Land Use	34
Sensitive Land Use	47
Data Currency	48
Data Suppliers	53
Useful Contacts	54

## Introduction

The Environment Act 1995 has made site sensitivity a key issue, as the legislation pays as much attention to the pathways by which contamination could spread, and to the vulnerable targets of contamination, as it does the potential sources of contamination. For this reason, Landmark's Site Sensitivity maps and Datasheet(s) place great emphasis on statutory data provided by the Environment Agency/Natural Resources Wales and the Scottish Environment Protection Agency; it also incorporates data from Natural England (and the Scottish and Welsh equivalents) and Local Authorities; and highlights hydrogeological features required by environmental and geotechnical consultants. It does not include any information concerning past uses of land. The datasheet is produced by querying the Landmark database to a distance defined by the client from a site boundary provided by the client.

In the attached datasheet the National Grid References (NGRs) are rounded to the nearest 10m in accordance with Landmark's agreements with a number of Data Suppliers.

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## Report Version v53.0

Data Type	Page Number	On Site	0 to 250m	251 to 500m	501 to 1000m (*up to 2000m)
<b>Agency &amp; Hydrological</b>					
BGS Groundwater Flooding Susceptibility	pg 1		Yes	Yes	n/a
Contaminated Land Register Entries and Notices					
Discharge Consents	pg 1		2	6	13
Prosecutions Relating to Controlled Waters			n/a	n/a	n/a
Enforcement and Prohibition Notices					
Integrated Pollution Controls					
Integrated Pollution Prevention And Control	pg 6	1	2		
Local Authority Integrated Pollution Prevention And Control					
Local Authority Pollution Prevention and Controls	pg 7			1	4
Local Authority Pollution Prevention and Control Enforcements					
Nearest Surface Water Feature	pg 7	Yes			
Pollution Incidents to Controlled Waters	pg 8		3	4	6
Prosecutions Relating to Authorised Processes					
Registered Radioactive Substances					
River Quality	pg 10				1
River Quality Biology Sampling Points					
River Quality Chemistry Sampling Points					
Substantiated Pollution Incident Register	pg 10			1	
Water Abstractions	pg 10			1	1 (*7)
Water Industry Act Referrals					
Groundwater Vulnerability	pg 12	Yes	n/a	n/a	n/a
Drift Deposits			n/a	n/a	n/a
Bedrock Aquifer Designations	pg 12	Yes	n/a	n/a	n/a
Superficial Aquifer Designations			n/a	n/a	n/a
Source Protection Zones					
Extreme Flooding from Rivers or Sea without Defences				n/a	n/a
Flooding from Rivers or Sea without Defences				n/a	n/a
Areas Benefiting from Flood Defences				n/a	n/a
Flood Water Storage Areas				n/a	n/a
Flood Defences				n/a	n/a
OS Water Network Lines	pg 13	1	14	37	65



Data Type	Page Number	On Site	0 to 250m	251 to 500m	501 to 1000m (*up to 2000m)
<b>Waste</b>					
BGS Recorded Landfill Sites					
Historical Landfill Sites	pg 26				1
Integrated Pollution Control Registered Waste Sites					
Licensed Waste Management Facilities (Landfill Boundaries)	pg 26	3			
Licensed Waste Management Facilities (Locations)	pg 26	3			2
Local Authority Landfill Coverage		2	n/a	n/a	n/a
Local Authority Recorded Landfill Sites					
Registered Landfill Sites	pg 28	3			1
Registered Waste Transfer Sites	pg 30				1
Registered Waste Treatment or Disposal Sites					
<b>Hazardous Substances</b>					
Control of Major Accident Hazards Sites (COMAH)					
Explosive Sites					
Notification of Installations Handling Hazardous Substances (NIHHS)					
Planning Hazardous Substance Consents					
Planning Hazardous Substance Enforcements					
<b>Geological</b>					
BGS 1:625,000 Solid Geology	pg 31	Yes	n/a	n/a	n/a
BGS Recorded Mineral Sites	pg 31		2	2	3
CBSCB Compensation District			n/a	n/a	n/a
Coal Mining Affected Areas			n/a	n/a	n/a
Mining Instability			n/a	n/a	n/a
Man-Made Mining Cavities					
Natural Cavities					
Non Coal Mining Areas of Great Britain				n/a	n/a
Potential for Collapsible Ground Stability Hazards	pg 32	Yes		n/a	n/a
Potential for Compressible Ground Stability Hazards				n/a	n/a
Potential for Ground Dissolution Stability Hazards				n/a	n/a
Potential for Landslide Ground Stability Hazards	pg 32	Yes	Yes	n/a	n/a
Potential for Running Sand Ground Stability Hazards	pg 32		Yes	n/a	n/a
Potential for Shrinking or Swelling Clay Ground Stability Hazards	pg 33	Yes	Yes	n/a	n/a
Radon Potential - Radon Affected Areas			n/a	n/a	n/a
Radon Potential - Radon Protection Measures			n/a	n/a	n/a

Data Type	Page Number	On Site	0 to 250m	251 to 500m	501 to 1000m (*up to 2000m)
<b>Industrial Land Use</b>					
Contemporary Trade Directory Entries	pg 34		11	57	72
Fuel Station Entries	pg 46				2
Gas Pipelines					
Underground Electrical Cables					
<b>Sensitive Land Use</b>					
Ancient Woodland	pg 47			2	5
Areas of Adopted Green Belt					
Areas of Unadopted Green Belt					
Areas of Outstanding Natural Beauty					
Environmentally Sensitive Areas					
Forest Parks					
Local Nature Reserves	pg 47				1
Marine Nature Reserves					
National Nature Reserves					
National Parks					
Nitrate Sensitive Areas					
Nitrate Vulnerable Zones	pg 47	1			
Ramsar Sites					
Sites of Special Scientific Interest					
Special Areas of Conservation					
Special Protection Areas					
World Heritage Sites					

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A10SE (SW)	119	1	451100 109000
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A11NW (NE)	232	1	451500 109450
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A6NE (S)	247	1	451250 108800
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A10SE (SW)	269	1	451000 108850
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A7NW (S)	275	1	451293 108750
	<b>BGS Groundwater Flooding Susceptibility</b> Flooding Type: Limited Potential for Groundwater Flooding to Occur	A7NW (S)	283	1	451300 108700
1	<b>Discharge Consents</b> Operator: L Hughes Esq Property Type: Not Given Location: On House Adjoining, The Orchard, Botley Road, SOUTHWICK Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: UV63/2553 Permit Version: Not Supplied Effective Date: Not Supplied Issued Date: 21st June 1979 Revocation Date: Not Supplied Discharge Type: Unknown Discharge: Land/Soakaway Environment: Receiving Water: Not Supplied <b>Status: Not Supplied</b> Positional Accuracy: Located by supplier to within 100m	A11NE (E)	108	2	451700 109200
2	<b>Discharge Consents</b> Operator: P A Trussler Property Type: Undefined Or Other Location: Yew Tree Farm, Swanwick, Southampton, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Supplied Reference: H00071 Permit Version: 1 Effective Date: 22nd January 1965 Issued Date: 22nd January 1965 Revocation Date: 1st July 1991 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status: Pre National Rivers Authority Legislation where issue date &lt; 01/09/1989</b> Positional Accuracy: Located by supplier to within 10m	A11NE (NE)	218	2	451680 109340
3	<b>Discharge Consents</b> Operator: W Dugan & Sons Ltd. Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: 94 Botley Road, Park Gate, Fareham, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P03830 Permit Version: 1 Effective Date: 22nd October 1991 Issued Date: 22nd October 1991 Revocation Date: 31st March 1997 Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status: Lapsed (under Environment Act 1995, Schedule 23)</b> Positional Accuracy: Located by supplier to within 100m	A7NW (SE)	302	2	451600 108650

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
4	<b>Discharge Consents</b> Operator: P.G.Hartmann Esq. Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: P.G.Hartmann Esq., 96 Swanwick Lane, Swanwick Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P00322 Permit Version: 1 Effective Date: 26th March 1986 Issued Date: 26th March 1986 Revocation Date: 31st March 1997 Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status: Lapsed (under Environment Act 1995, Schedule 23)</b> Positional Accuracy: Located by supplier to within 100m	A14SW (NW)	312	2	450750 109570
5	<b>Discharge Consents</b> Operator: Mr R J Skinner Property Type: Undefined Or Other Location: Colombo, Swanwick Lane, Swanwick, Southampton Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P00133 Permit Version: 1 Effective Date: 1st October 1985 Issued Date: 1st October 1985 Revocation Date: Not Supplied Discharge Type: Non Water Company (Private) Sewage Discharge: Saline Estuary Environment: Receiving Water: Saline Estuary <b>Status: Pre National Rivers Authority Legislation where issue date &lt; 01/09/1989</b> Positional Accuracy: Located by supplier to within 100m	A14SW (NW)	427	2	450930 109790
6	<b>Discharge Consents</b> Operator: Mr & Mrs.C.E.Walford Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: 139 Swanwick Lane, Lower Swanwick 139 Swanwick Lane, Sarisbury, Lower Swanwick, Hampshire, So31 7hb Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P00233 Permit Version: 1 Effective Date: 14th November 1985 Issued Date: 14th November 1985 Revocation Date: 31st March 1997 Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status: Lapsed (under Environment Act 1995, Schedule 23)</b> Positional Accuracy: Located by supplier to within 100m	A13SE (NW)	463	2	450530 109530
6	<b>Discharge Consents</b> Operator: P.C.Markwick Esq. Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: P.C.Markwick Esq., 133 Swanwick Lane, Swanwick, Southampton Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P00208 Permit Version: 1 Effective Date: 26th September 1985 Issued Date: 26th September 1985 Revocation Date: Not Supplied Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status: Pre National Rivers Authority Legislation where issue date &lt; 01/09/1989</b> Positional Accuracy: Located by supplier to within 100m	A13SE (NW)	472	2	450520 109530

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
6	<b>Discharge Consents</b> Operator: Southern Water Services Ltd (H) Property Type: STORM TANK/CSO ON SEWERAGE NETWORK (WATER COMPANY) Location: Swanwick Lane, Sarisbury, Fareham, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: A00368 Permit Version: 1 Effective Date: 1st April 1991 Issued Date: 1st April 1991 Revocation Date: 6th March 1996 Discharge Type: Public Sewage: Storm Sewage Overflow Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> Post National Rivers Authority Legislation where issue date > 31/08/1989 Positional Accuracy: Located by supplier to within 100m	A9NE (W)	479	2	450500 109500
7	<b>Discharge Consents</b> Operator: Hampshire County Council Property Type: REAL ESTATE ACTIVITIES/BUYING/SELLING/RENTING Location: Segensworth West Employment Area, Locks Heath, Fareham, Hampshire, Po15 5** Authority: Environment Agency, Southern Region Catchment Area: Old-R Hamble Bishop Wal Reference: N01174 Permit Version: 1 Effective Date: 24th March 1982 Issued Date: 24th March 1982 Revocation Date: 4th May 1995 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Unnamed Trib Of River Hamble <b>Status:</b> Pre National Rivers Authority Legislation where issue date < 01/09/1989 Positional Accuracy: Located by supplier to within 10m	A8NW (SE)	712	2	452160 108540
8	<b>Discharge Consents</b> Operator: Norwest Holst Construction Ltd. Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: Norwest Holst Construction Ltd., Whiteley Pk Proj Ofces, Contractors Temporary Offices Wh, Fareham Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P01751 Permit Version: 1 Effective Date: 2nd August 1988 Issued Date: 2nd August 1988 Revocation Date: 31st March 1997 Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status:</b> Lapsed (under Environment Act 1995, Schedule 23) Positional Accuracy: Located by supplier to within 100m	A12NE (E)	761	2	452370 109230
9	<b>Discharge Consents</b> Operator: Hampshire County Council Property Type: REAL ESTATE ACTIVITIES/BUYING/SELLING/RENTING Location: Segensworth West Employment Area, Locks Heath, Fareham, Hampshire, Po15 5** Authority: Environment Agency, Southern Region Catchment Area: Old-R Hamble Bishop Wal Reference: N01174 Permit Version: 4 Effective Date: 29th May 1996 Issued Date: 29th May 1996 Revocation Date: 10th September 2002 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Unnamed Trib Of River Hamble <b>Status:</b> Revoked (Water Resources Act 1991, Section 88 & Schedule 10 as amended by Environment Act 1995) Positional Accuracy: Located by supplier to within 10m	A8NE (SE)	781	2	452300 108650

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
9	<b>Discharge Consents</b> Operator: Hampshire County Council Property Type: REAL ESTATE ACTIVITIES/BUYING/SELLING/RENTING Location: Segensworth West Employment Area, Locks Heath, Fareham, Hampshire, Po15 5** Authority: Environment Agency, Southern Region Catchment Area: Old-R Hamble Bishop Wal Reference: N01174 Permit Version: 2 Effective Date: 5th May 1995 Issued Date: 5th May 1995 Revocation Date: 29th June 1995 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Unnamed Trib Of River Hamble <b>Status:</b> <b>Modified (Water Resources Act 1991, Schedule 10 as amended by Environment Act 1995)</b> Positional Accuracy: Located by supplier to within 10m	A8NE (SE)	781	2	452300 108650
10	<b>Discharge Consents</b> Operator: Pelham Homes (Whiteley Park) Ltd. Property Type: Undefined Or Other Location: Whiteley Park North, Fareham, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P02043 Permit Version: 1 Effective Date: 2nd December 1988 Issued Date: 2nd December 1988 Revocation Date: 28th March 1996 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> <b>Pre National Rivers Authority Legislation where issue date &lt; 01/09/1989</b> Positional Accuracy: Located by supplier to within 100m	A16SW (NE)	783	2	451990 109820
11	<b>Discharge Consents</b> Operator: B.Richardson Esq. Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: B.Richardson Esq., 159 Swanwick Lane, Swanwick, Fareham Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P00263 Permit Version: 1 Effective Date: 7th February 1986 Issued Date: 7th February 1986 Revocation Date: 31st March 1997 Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status:</b> <b>Lapsed (under Environment Act 1995, Schedule 23)</b> Positional Accuracy: Located by supplier to within 100m	A13SW (W)	812	2	450160 109530
12	<b>Discharge Consents</b> Operator: Hampshire County Council Property Type: REAL ESTATE ACTIVITIES/BUYING/SELLING/RENTING Location: Segensworth West Employment Area, Locks Heath, Fareham, Hampshire, Po15 5** Authority: Environment Agency, Southern Region Catchment Area: Old-R Hamble Bishop Wal Reference: N01174 Permit Version: 3 Effective Date: 30th June 1995 Issued Date: 30th June 1995 Revocation Date: 28th May 1996 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Unnamed Trib Of River Hamble <b>Status:</b> <b>Modified (Water Resources Act 1991, Schedule 10 as amended by Environment Act 1995)</b> Positional Accuracy: Located by supplier to within 10m	A8NE (SE)	820	2	452300 108560



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
13	<b>Discharge Consents</b> Operator: Pelham Homes (Whiteley Park) Ltd. Property Type: Undefined Or Other Location: Whiteley Park North, Fareham, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P02043 Permit Version: 1 Effective Date: 2nd December 1988 Issued Date: 2nd December 1988 Revocation Date: 28th March 1996 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> Pre National Rivers Authority Legislation where issue date < 01/09/1989 Positional Accuracy: Located by supplier to within 100m	A16NW (NE)	870	2	452060 109880
14	<b>Discharge Consents</b> Operator: N R Trickett Ltd Property Type: CONSTRUCTION OF BUILDINGS Location: Housing Estate Sewage Works, Allotment Road, Sarisbury Green Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Supplied Reference: H01015 Permit Version: 1 Effective Date: 18th October 1963 Issued Date: 18th October 1963 Revocation Date: 1st July 1991 Discharge Type: Non Water Company (Private) Sewage Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> Pre National Rivers Authority Legislation where issue date < 01/09/1989 Positional Accuracy: Located by supplier to within 100m	A5NE (SW)	917	2	450400 108500
15	<b>Discharge Consents</b> Operator: Pelham Homes (Whiteley Park) Ltd. Property Type: Undefined Or Other Location: Whiteley Park North, Fareham, Hampshire Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: P02043 Permit Version: 1 Effective Date: 2nd December 1988 Issued Date: 2nd December 1988 Revocation Date: 28th March 1996 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> Pre National Rivers Authority Legislation where issue date < 01/09/1989 Positional Accuracy: Located by supplier to within 100m	A16NW (NE)	949	2	452130 109930
16	<b>Discharge Consents</b> Operator: Kier Highways Limited Property Type: LAND TRANSPORT + VIA PIPELINES/FREIGHT Location: Hcc Road Depot, Near M27 Parkgate Interchange, Parkgate, Hampshire, Po15 7** Authority: Environment Agency, Southern Region Catchment Area: Not Supplied Reference: P06671r Permit Version: 1 Effective Date: 1st April 1997 Issued Date: 1st April 1997 Revocation Date: Not Supplied Discharge Type: Trade Effluent Discharge-Site Drainage Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> New Consent (Water Resources Act 1991, Section 88 & Schedule 10 as amended by Environment Act 1995) Positional Accuracy: Located by supplier to within 10m	A12SE (E)	972	2	452560 108900

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
16	<b>Discharge Consents</b> Operator: Raynesway Construction Southern Property Type: LAND TRANSPORT + VIA PIPELINES/FREIGHT Location: H.C.C. Road Depot, Parkgate I/Change @ M27, Parkgate, Hampshire, Po15 7** Authority: Environment Agency, Southern Region Catchment Area: Not Given Reference: N01119I Permit Version: 1 Effective Date: 8th December 1980 Issued Date: 8th December 1980 Revocation Date: 31st March 1997 Discharge Type: Discharge Of Other Matter-Surface Water Discharge: Freshwater Stream/River Environment: Receiving Water: Freshwater River <b>Status:</b> Lapsed (under Environment Act 1995, Schedule 23) Positional Accuracy: Located by supplier to within 100m	A12SE (E)	972	2	452560 108900
17	<b>Discharge Consents</b> Operator: Mr & Mrs Rose Property Type: DOMESTIC PROPERTY (SINGLE) (INCL FARM HOUSE) Location: The Bungalow, Woodbarn Nurseries, New Road, Swanwick, Hants, So31 Authority: Environment Agency, Southern Region Catchment Area: Not Supplied Reference: P010520 Permit Version: 1 Effective Date: 17th December 2001 Issued Date: 17th December 2001 Revocation Date: Not Supplied Discharge Type: Sewage Discharges - Final/Treated Effluent - Not Water Company Discharge: Into Land Environment: Receiving Water: Into Land <b>Status:</b> Pre National Rivers Authority Legislation where issue date < 01/09/1989 Positional Accuracy: Located by supplier to within 10m	A18SW (NW)	982	2	450650 110280
18	<b>Prosecutions Relating to Controlled Waters</b> Location: Sewage Treatment Works, SARISBURY, Hampshire, . Prosecution Text: Environment Times Volume 6 Issue 1 (Autumn 1999), Discharging Sewage Into An Unnamed Tributary Of The River Hambleon The 20th August 1998. Prosecution Act: Wra91 Hearing Date: 10th August 1999 Verdict: Guilty Fine: 2500 Cost: 670 Positional Accuracy: Manually positioned within the geographical locality	A5NW (SW)	895	2	450253 108734
19	<b>Integrated Pollution Prevention And Control</b> Name: Raymond Brown Eco Bio Limited Location: Rookery Farm Landfill Site, Rookery Farm Landfill Site, Botley Road,,Burridge, SOUTHAMPTON, Hampshire, SO31 1BL Authority: Environment Agency - South East Region, Solent & South Downs Area Permit Reference: MP3239BR Original Permit Ref: Mp3239br Effective Date: 9th November 2005 <b>Status:</b> Superseded By Variation Application Type: Application App. Sub Type: New Positional Accuracy: Located by supplier to within 100m Activity Code: 5.1 A(1) (B) Activity Description: Co-Incineration Of Hazardous Waste Primary Activity: Y	A10NE (W)	0	2	451100 109200
20	<b>Integrated Pollution Prevention And Control</b> Name: Raymond Brown Eco Bio Limited Location: Rookery Farm Landfill Site, Rookery Farm Landfill Site, Botley Road,,Burridge, SOUTHAMPTON, Hampshire, SO31 1BL Authority: Environment Agency, Southern Region Permit Reference: AP3339UM Original Permit Ref: Mp3239br Effective Date: 31st March 2008 <b>Status:</b> Revoked Application Type: Variation App. Sub Type: Minor Positional Accuracy: Manually positioned to the address or location Activity Code: 5.1 A(1) (B) Activity Description: Co-Incineration Of Hazardous Waste Primary Activity: Y	A11NW (NE)	72	2	451437 109280

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
20	<b>Integrated Pollution Prevention And Control</b> Name: Raymond Brown Eco Bio Limited Location: Rookery Farm Landfill Site, Rookery Farm Landfill Site, Botley Road, Burridge, SOUTHAMPTON, Hampshire, SO31 1BL Authority: Environment Agency, Southern Region Permit Reference: Mp3239br Original Permit Ref: Mp3239br Effective Date: 9th November 2005 <b>Status: Superseded By Variation</b> Application Type: Application App. Sub Type: New Positional Accuracy: Manually positioned to the address or location Activity Code: 5.1 A(1) (B) Activity Description: Co-Incineration Of Hazardous Waste Primary Activity: Y	A11NW (NE)	115	2	451466 109316
21	<b>Local Authority Pollution Prevention and Controls</b> Name: Pressing Needs Ltd Location: Unit 2 Duncan Road, Park Gate, Fareham, So31 1bd Authority: Fareham Borough Council, Environmental Health Department Permit Reference: 1599 Dated: 31st August 2007 Process Type: Local Authority Pollution Prevention and Control Description: PG6/46 Dry cleaning <b>Status: Permitted</b> Positional Accuracy: Manually positioned to the address or location	A7NE (SE)	348	3	451769 108661
22	<b>Local Authority Pollution Prevention and Controls</b> Name: South Coast Cleaners Location: 9 Middle Road, Park Gate, Southampton, So31 7gh Authority: Fareham Borough Council, Environmental Health Department Permit Reference: 1551 Dated: 31st August 2007 Process Type: Local Authority Pollution Prevention and Control Description: PG6/46 Dry cleaning <b>Status: Permitted</b> Positional Accuracy: Manually positioned to the address or location	A7SW (S)	617	3	451571 108331
23	<b>Local Authority Pollution Prevention and Controls</b> Name: Locksheath Service Station Location: Bridge Road, Park Gate, FAREHAM, Hampshire, SO3 7ZE Authority: Fareham Borough Council, Environmental Health Department Permit Reference: 1515 Dated: 30th November 1998 Process Type: Local Authority Pollution Prevention and Control Description: PG1/14 Petrol filling station <b>Status: Permitted</b> Positional Accuracy: Manually positioned to the address or location	A7SW (S)	642	3	451369 108329
24	<b>Local Authority Pollution Prevention and Controls</b> Name: Park Gate Service Station Location: 2 Bridge Road, Park Gate, SOUTHAMPTON, Hampshire, SO31 7GE Authority: Fareham Borough Council, Environmental Health Department Permit Reference: 1519 Dated: 23rd December 1998 Process Type: Local Authority Pollution Prevention and Control Description: PG1/14 Petrol filling station <b>Status: Permitted</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	778	3	451799 108207
25	<b>Local Authority Pollution Prevention and Controls</b> Name: Solent Body Builders & Repairers Ltd. Location: 11 Cockerell Close, Segensworth West, FAREHAM, Hampshire, PO15 5SR Authority: Fareham Borough Council, Environmental Health Department Permit Reference: 1506 Dated: 22nd December 1993 Process Type: Local Authority Pollution Prevention and Control Description: PG6/34 Respraying of road vehicles <b>Status: Permitted</b> Positional Accuracy: Located by supplier to within 10m	A8SW (SE)	836	3	452226 108423
	<b>Nearest Surface Water Feature</b>	A11SW (SE)	0	-	451587 109037

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
26	<b>Pollution Incidents to Controlled Waters</b> Property Type: Wholesale & Retail Trade Location: Chandlers Way, Park Gate, SOUTHAMPTON Authority: Environment Agency, Southern Region Pollutant: General Biodegradable : Industrial & Commercial Waste Note: Not Supplied Incident Date: 23rd April 1999 Incident Reference: 1081 Catchment Area: Hamble Receiving Water: Potential River Cause of Incident: Deliberate Action Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 10m	A7NW (SE)	155	2	451600 108800
27	<b>Pollution Incidents to Controlled Waters</b> Property Type: Industrial: Other Location: Glen Road, SWANWICK Authority: Environment Agency, Southern Region Pollutant: Crude Sewage Note: Stream Discoloured; Landfill/Waste Disposal Site Incident Date: 11th October 1994 Incident Reference: 1507 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Plc Sewage Other Incident Severity: Category 2 - Significant Incident Positional Accuracy: Located by supplier to within 100m	A10SE (SW)	157	2	451000 109000
28	<b>Pollution Incidents to Controlled Waters</b> Property Type: Domestic/Residential Location: Rookery Farm, Park Gate Authority: Environment Agency, Southern Region Pollutant: Oils - Gas Oil Note: Diesel On Pond And Dead Fish Incident Date: 16th September 1993 Incident Reference: 858 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Oils/Related Products Incident Severity: Category 2 - Significant Incident Positional Accuracy: Located by supplier to within 100m	A11NW (NE)	194	2	451500 109400
29	<b>Pollution Incidents to Controlled Waters</b> Property Type: Construction/Demolition Location: Location Description Not Available Authority: Environment Agency, Southern Region Pollutant: Oils - Petrol Note: Oil On The Surface Of Water Incident Date: 1st October 1993 Incident Reference: 876 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Oils/Related Products Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A11NE (NE)	325	2	451800 109400
30	<b>Pollution Incidents to Controlled Waters</b> Property Type: Water Company Sewage: Other Location: Location Description Not Available Authority: Environment Agency, Southern Region Pollutant: Crude Sewage Note: Sewer Surcharging At Above Premises; Water Company Sewage: Foul Sewer Incident Date: 26th September 1994 Incident Reference: 1474 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Plc Sewage Other Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A9NE (W)	370	2	450600 109200
30	<b>Pollution Incidents to Controlled Waters</b> Property Type: WSC Sewage, Sewerage & Supply Location: Glen Road, Sarisbury Green, SOUTHAMPTON Authority: Environment Agency, Southern Region Pollutant: General Biodegradable : Crude Sewage & Sewerage Material Note: Not Supplied Incident Date: 16th September 1999 Incident Reference: 2751 Catchment Area: Hamble Receiving Water: Potential River Cause of Incident: Drainage Failures : Foul Sewer Failure Incident Severity: Category 3 - Minor Incident Positional Accuracy: Approximate location provided by supplier	A9NE (W)	372	2	450600 109195

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
31	<b>Pollution Incidents to Controlled Waters</b> Property Type: Water Company Sewage: Other Location: Glen Road, Sarisbury, Locksheath Authority: Environment Agency, Southern Region Pollutant: Crude Sewage Note: Discharge From Blocked Sewer; Water Company Sewage: Foul Sewer Incident Date: 1st November 1995 Incident Reference: 2135 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Plc Sewage Other Incident Severity: Category 2 - Significant Incident Positional Accuracy: Located by supplier to within 100m	A9NE (W)	448	2	450500 109300
32	<b>Pollution Incidents to Controlled Waters</b> Property Type: Not Given Location: Into Watercourse At, SWANWICK Authority: Environment Agency, Southern Region Pollutant: Miscellaneous - Urban Runoff Note: Discharge Of Oil Contaminated Storm Water Incident Date: 17th May 1993 Incident Reference: 675 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Oils/Related Products Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A7SE (SE)	728	2	451900 108300
33	<b>Pollution Incidents to Controlled Waters</b> Property Type: Water Company Sewage: Foul Sewer Location: 14 Burrridge Road, BURRRIDGE Authority: Environment Agency, Southern Region Pollutant: Sewage - Septic Tank Effluent Note: Discharge From Blocked Sewer Incident Date: 27th October 1997 Incident Reference: 797530 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Not Given Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A15NW (N)	762	2	451600 110050
34	<b>Pollution Incidents to Controlled Waters</b> Property Type: Water Company Sewage: Other Location: Stream At Foot Of Motoring Embankment Authority: Environment Agency, Southern Region Pollutant: Chemicals - Unknown Note: Oil In Stream; Water Company Sewage: Surface Water Outfall Incident Date: 15th February 1994 Incident Reference: 1084 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Oils/Related Products Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A8NE (SE)	763	2	452300 108700
35	<b>Pollution Incidents to Controlled Waters</b> Property Type: Not Given Location: Location Description Not Available Authority: Environment Agency, Southern Region Pollutant: Miscellaneous - Natural Note: Scummy Stream With Oil Incident Date: 9th June 1994 Incident Reference: 1297 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Miscellaneous/Other Pollution Type Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A5NE (SW)	775	2	450500 108600
36	<b>Pollution Incidents to Controlled Waters</b> Property Type: Other General Premises Location: Lower Duncan Road, PARKGATE Authority: Environment Agency, Southern Region Pollutant: Oils - Unknown Note: Oil In Stream; Domestic/Residential Incident Date: 4th February 1995 Incident Reference: 1668 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Oils/Related Products Incident Severity: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 100m	A7SE (SE)	819	2	451900 108200

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
37	<b>Pollution Incidents to Controlled Waters</b> Property Type: Domestic/Residential Location: Brooklands, Bridge Road, SARISBURY Authority: Environment Agency, Southern Region Pollutant: Crude Sewage Note: Fish Kill In Pond Incident Date: 7th May 1996 Incident Reference: 796216 Catchment Area: Not Given Receiving Water: Not Given Cause of Incident: Unknown Incident Severity: Category 2 - Significant Incident Positional Accuracy: Located by supplier to within 100m	A5NW (SW)	958	2	450200 108700
	<b>River Quality</b> Name: Curbridge Strm GQA Grade: River Quality D Reach: Tidal R. Hamble Conf - Park Gate Estimated Distance (km): 6 Flow Rate: Flow less than 0.31 cumecs Flow Type: River Year: 2000	A8NE (E)	835	2	452398 108760
38	<b>Substantiated Pollution Incident Register</b> Authority: Environment Agency - Southern Region, Solent and South Downs Incident Date: 22nd August 2006 Incident Reference: 429385 Water Impact: Category 2 - Significant Incident Air Impact: Category 4 - No Impact Land Impact: Category 3 - Minor Incident Positional Accuracy: Located by supplier to within 10m Pollutant: Oils And Fuel: Gas And Fuel Oils	A9NE (NW)	386	2	450599 109496
39	<b>Water Abstractions</b> Operator: Mr V Goodfellow Esq Licence Number: 11/42/25.9/44 Permit Version: 100 Location: Midfield Nursery Authority: Environment Agency, Southern Region Abstraction: Agriculture: Horticultural Watering Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 23rd December 1965 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 100m	A14SE (N)	398	2	451190 109800
40	<b>Water Abstractions</b> Operator: Land & Water Services Limited Licence Number: So/042/0030/001 Permit Version: 1 Location: Lower Swanwick Borehole Authority: Environment Agency, Southern Region Abstraction: Sports Grounds/Facilities: General Use (Medium Loss) Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: Andark Diving Lake, Lower Swanwick Authorised Start: 27 March Authorised End: 22 April Permit Start Date: 27th March 2013 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 10m	A9NW (W)	970	2	449985 109203



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
	<b>Water Abstractions</b> Operator: A J Cardigan Esq Licence Number: 11/42/25.8/42 Permit Version: 100 Location: Birch Glade, Hill Coppice Authority: Environment Agency, Southern Region Abstraction: General Farming And Domestic Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 23rd December 1965 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 100m	(E)	1314	2	452840 108580
	<b>Water Abstractions</b> Operator: John Willment Marine Limited Licence Number: 30/043ca Permit Version: 102 Location: Crableck Lane Nurseries Authority: Environment Agency, Southern Region Abstraction: Aquaculture: Fish Farm/Cress Pond Throughflow Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 9th June 2017 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 100m	(SW)	1764	2	449500 108300
	<b>Water Abstractions</b> Operator: J R G Purkiss Licence Number: 30/043ca Permit Version: 101 Location: Crableck Lane Nurseries Authority: Environment Agency, Southern Region Abstraction: Aquaculture: Fish Farm/Cress Pond Throughflow Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 31st March 2016 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 100m	(SW)	1764	2	449500 108300
	<b>Water Abstractions</b> Operator: J R G Purkiss Licence Number: 30/043ca Permit Version: 100 Location: Crableck Lane Nurseries Authority: Environment Agency, Southern Region Abstraction: Aquaculture: Fish Farm/Cress Pond Throughflow Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): 172 Yearly Rate (m3): 62780 Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 24th June 2004 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 10m	(SW)	1764	2	449500 108300

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
	<b>Water Abstractions</b> Operator: S B P Management Ltd Licence Number: 30/044 Permit Version: 100 Location: Whiteley, Fareham Authority: Environment Agency, Southern Region Abstraction: Private Non-Industrial Amenity: Spray Irrigation - Direct Abstraction Type: Water may be abstracted from a single point Source: Surface Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 April Authorised End: 31 October Permit Start Date: 1st April 2016 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 10m	(E)	1804	2	453400 109400
	<b>Water Abstractions</b> Operator: S B P Management Ltd Licence Number: 30/044 Permit Version: 100 Location: Whiteley, Fareham Authority: Environment Agency, Southern Region Abstraction: Private Non-Industrial Amenity: Make-Up Or Top Up Water Abstraction Type: Water may be abstracted from a single point Source: Surface Daily Rate (m3): 218 Yearly Rate (m3): 7500 Details: See Licence Map Authorised Start: 01 April Authorised End: 31 October Permit Start Date: 1st April 2016 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 10m	(E)	1804	2	453400 109400
	<b>Water Abstractions</b> Operator: Messrs Game Bros Licence Number: 11/42/25.10/49 Permit Version: 100 Location: Brixedone Farm Wishing Well Authority: Environment Agency, Southern Region Abstraction: General Farming And Domestic Abstraction Type: Water may be abstracted from a single point Source: Groundwater Daily Rate (m3): Not Supplied Yearly Rate (m3): Not Supplied Details: See Licence Map Authorised Start: 01 January Authorised End: 31 December Permit Start Date: 23rd December 1965 Permit End Date: Not Supplied Positional Accuracy: Located by supplier to within 100m	(NW)	1982	2	449470 110650
	<b>Groundwater Vulnerability</b> Soil Classification: Not classified Map Sheet: Sheet 52 Southern Hampshire Scale: 1:100,000	A11NW (NE)	0	2	451293 109179
	<b>Drift Deposits</b> None				
	<b>Bedrock Aquifer Designations</b> Aquifer Designation: Unproductive Strata	A11NW (NE)	0	1	451293 109179
	<b>Superficial Aquifer Designations</b> No Data Available				
	<b>Extreme Flooding from Rivers or Sea without Defences</b> None				
	<b>Flooding from Rivers or Sea without Defences</b> None				
	<b>Areas Benefiting from Flood Defences</b> None				
	<b>Flood Water Storage Areas</b> None				
	<b>Flood Defences</b> None				

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
41	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 52.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (E)	0	4	451578 109084
42	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 60.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NW (NE)	9	4	451355 109295
43	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 46.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NE (W)	20	4	450994 109197
44	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 239.3 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NE (W)	62	4	450957 109183
45	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	87	4	451302 108952
46	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 20.3 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	91	4	451301 108949
47	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 1.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	110	4	451297 108929
48	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.2 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	112	4	451297 108927
49	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 43.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	116	4	451297 108922

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
50	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 120.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (NW)	134	4	450862 109432
51	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.5 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	157	4	451292 108880
52	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 87.2 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SW (S)	161	4	451289 108877
53	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 50.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (NW)	230	4	450745 109438
54	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.4 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6NE (S)	244	4	451280 108791
55	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 11.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6NE (S)	249	4	451280 108786
56	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 75.6 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (E)	257	4	451868 109182
57	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 4.4 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (E)	257	4	451869 109178
58	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 37.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A11SE (E)	260	4	451873 109172

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
59	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 39.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (E)	261	4	451873 109176
60	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 251.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SE (E)	266	4	451856 108989
61	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 50.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	268	4	450718 109190
62	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 39.9 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (NW)	270	4	450697 109430
63	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 351.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A14SE (N)	274	4	451120 109672
64	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 89.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SE (E)	293	4	451908 109157
65	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 25.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	296	4	450662 109410
66	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 92.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	307	4	450669 109198
67	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 12.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	312	4	450642 109395

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
68	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 23.2 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	320	4	450632 109387
69	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 19.7 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11SE (E)	336	4	451950 109100
70	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 30.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A10NW (W)	336	4	450613 109373
71	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 55.6 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	348	4	451960 109083
72	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 111.8 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A9NE (W)	359	4	450589 109355
73	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.4 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	360	4	451829 109423
74	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 40.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	360	4	451831 109421
75	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 12.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	361	4	451829 109423
76	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 198.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12SW (E)	369	4	451984 109159



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
77	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 33.9 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	371	4	451830 109435
78	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 99.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A9NE (W)	372	4	450586 109240
79	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 49.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	390	4	451871 109428
80	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 188.1 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A14SE (NW)	401	4	450949 109767
81	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 86.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	402	4	452011 109061
82	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 42.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (NE)	405	4	451846 109464
83	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 56.2 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (E)	406	4	451918 109416
84	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 140.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A11NE (E)	406	4	451947 109368
85	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 10.9 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	423	4	452035 109183

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
86	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 37.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	433	4	452046 109185
87	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 632.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A9NE (W)	449	4	450500 109288
88	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 17.2 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	476	4	452063 109295
89	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.7 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	479	4	452080 109016
90	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 2.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	482	4	452085 109019
91	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 154.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	485	4	452087 109021
92	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 47.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	493	4	452080 109297
93	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.3 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	534	4	452126 109287
94	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 17.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	536	4	452130 109286

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
95	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 135.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	551	4	452146 109282
96	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 159.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	551	4	452146 109282
97	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 879.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A14NW (NW)	572	4	450825 109909
98	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 91.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	600	4	451862 109683
99	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 10.2 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	600	4	452215 109102
100	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 94.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	609	4	452224 109108
101	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 18.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	649	4	452251 109264
102	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 0.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	653	4	452252 109275
103	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.7 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	653	4	452253 109275

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
104	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 7.4 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	655	4	452257 109266
105	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 21.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5NE (SW)	655	4	450559 108712
106	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 4.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	659	4	452258 109277
107	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.5 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	662	4	452265 109266
108	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 109.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	662	4	452262 109275
109	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 9.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	662	4	452262 109275
110	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 53.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	663	4	452266 109262
111	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 284.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	666	4	451788 109810
112	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 10.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	667	4	452279 109194

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
113	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 46.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	667	4	452279 109194
114	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 35.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NW (E)	667	4	452279 109192
115	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 6.8 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NW (E)	668	4	452280 109204
116	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.7 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	670	4	452285 109155
117	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 8.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SW (E)	674	4	452289 109160
118	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 25.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SE (E)	679	4	452294 109165
119	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 923.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15NW (N)	681	4	451597 109960
120	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 3.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	683	4	451877 109774
121	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 5.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	684	4	451881 109773

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
122	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 12.0 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	686	4	451886 109772
123	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 129.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15SE (NE)	688	4	451897 109766
124	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 33.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A13SE (NW)	697	4	450449 109817
125	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 38.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A13SE (NW)	699	4	450425 109794
126	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 44.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SE (E)	704	4	452318 109169
127	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 652.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A9SE (W)	732	4	450301 108968
128	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 27.9 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5NE (SW)	738	4	450488 108667
129	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 12.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NE (E)	747	4	452361 109177
130	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 50.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6SW (SW)	749	4	450758 108460



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
131	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 115.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 2	A12NE (E)	759	4	452373 109181
132	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 424.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12NE (E)	759	4	452373 109181
133	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 17.0 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5NE (SW)	765	4	450465 108653
134	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 177.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15NE (NE)	777	4	451836 109906
135	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 21.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6SW (SW)	777	4	450771 108424
136	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 9.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5NE (SW)	782	4	450450 108644
137	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 2.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (SE)	784	4	452304 108652
138	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 299.3 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5NE (SW)	792	4	450442 108638
139	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 59.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6SW (SW)	796	4	450755 108410

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
140	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 150.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A16SW (NE)	802	4	451999 109836
141	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 261.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (E)	819	4	452371 108739
142	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 253.9 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (E)	819	4	452371 108739
143	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 130.7 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A6SW (SW)	849	4	450710 108371
144	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 13.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8SE (SE)	879	4	452326 108489
145	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 108.2 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8SE (SE)	883	4	452323 108476
146	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 36.4 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15NE (NE)	900	4	451892 110015
147	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 7.0 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15NE (NE)	905	4	451923 110004
148	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 73.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A15NE (NE)	906	4	451930 110003

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
149	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 2.0 Watercourse Level: Underground Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A16NW (NE)	919	4	451998 109977
150	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 123.5 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A16NW (NE)	920	4	452000 109977
151	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 101.0 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A16NW (NE)	940	4	452114 109929
152	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 213.2 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A5SE (SW)	951	4	450599 108312
153	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 126.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (E)	975	4	452536 108752
154	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 161.3 Watercourse Level: Not Supplied Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (E)	975	4	452531 108736
155	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 111.3 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A12SE (E)	979	4	452564 108890
156	<b>OS Water Network Lines</b> Watercourse Form: Inland river Watercourse Length: 17.1 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (SE)	992	4	452495 108569
157	<b>OS Water Network Lines</b> Watercourse Form: Lake Watercourse Length: 31.8 Watercourse Level: On ground surface Permanent: True Watercourse Name: Not Supplied Catchment Name: East Hampshire Primacy: 1	A8NE (SE)	994	4	452494 108563

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
158	<b>Historical Landfill Sites</b> Licence Holder: Civil Aviation Authority Location: Bursledon Brickworks, Swanwick, Hampshire Name: Land at Bursledon Brickworks Operator Location: Not Supplied Boundary Accuracy: As Supplied Provider Reference: EAHLD20946 First Input Date: Not Supplied Last Input Date: Not Supplied Specified Waste: Deposited Waste included Inert Waste Type: EA Waste Ref: 0 Regis Ref: Not Supplied WRC Ref: Not Supplied BGS Ref: Not Supplied Other Ref: 10/42, FFA25	A14NE (N)	536	2	450993 109923
159	<b>Licensed Waste Management Facilities (Landfill Boundaries)</b> Name: Rookery Farm Landfill Site Licence Number: 210063 Location: Rookery Farm Landfill Site, Botley Road, Swanwick, Fareham, Hampshire, SO31 1BL Licence Holder: Raymond Brown Minerals & Recycling Ltd Authority: Environment Agency - South East Region, Solent & South Downs Area Site Category: Inert LF Max Input Rate: Not Supplied <b>Licence Status: Modified</b> Issued: 9th November 2005 Positional Accuracy: Positioned by the supplier Boundary Accuracy: As Supplied	A11NW (NE)	0	2	451293 109179
160	<b>Licensed Waste Management Facilities (Landfill Boundaries)</b> Name: Rookery Farm Landfill Site Licence Number: 10281 Location: Rookery Farm, Botley Road, Swanwick, Hants, SO31 1BL Licence Holder: Raymond Brown Eco Bio Ltd Authority: Environment Agency - Southern Region, Hampshire and Isle of Wight Area Office Site Category: Landfills Taking Non-biodegradable Wastes (Not Construction) Max Input Rate: Not Supplied <b>Licence Status: Inactive</b> Issued: 9th November 2005 Positional Accuracy: Positioned by the supplier Boundary Accuracy: As Supplied	A11NW (NE)	0	2	451293 109179
161	<b>Licensed Waste Management Facilities (Landfill Boundaries)</b> Name: Rookery Farm Landfill Site And Recycling Licence Number: 19941 Location: Rookery Farm, Botley Road, Swanwick, Hampshire, SO31 1BL Licence Holder: Raymond Brown Eco-Bio Ltd Authority: Environment Agency - Southern Region, Hampshire and Isle of Wight Area Office Site Category: Household, Commercial And Industrial Waste Landfills Max Input Rate: Not Supplied <b>Licence Status: Inactive</b> Issued: Not Supplied Positional Accuracy: Positioned by the supplier Boundary Accuracy: As Supplied	A11NW (NE)	0	2	451293 109179
162	<b>Licensed Waste Management Facilities (Locations)</b> Licence Number: 10281 Location: Rookery Farm, Botley Road, Swanwick, Hampshire, SO31 1BL Operator Name: Raymond Brown Eco Bio Ltd Operator Location: Not Supplied Authority: Environment Agency - South East Region, Solent & South Downs Area Site Category: Landfills Taking Non-biodegradable Wastes (Not Construction) <b>Licence Status: Issued</b> Issued: 9th November 2005 Last Modified: Not Supplied Expires: Not Supplied Suspended: Not Supplied Revoked: Not Supplied Surrendered: Not Supplied IPPC Reference: MP3239BR Positional Accuracy: Located by supplier to within 10m	A11SW (SE)	0	2	451400 109110

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
162	<b>Licensed Waste Management Facilities (Locations)</b> Licence Number: 19941 Location: Rookery Farm, Botley Road, Swanwick, Fareham, Hampshire, SO31 1BL Operator Name: Raymond Brown Minerals & Recycling Ltd Operator Location: Not Supplied Authority: Environment Agency - Southern Region, Solent and South Downs Site Category: Physical Treatment Facilities <b>Licence Status: Modified</b> Issued: 11th May 1995 Last Modified: 24th October 2016 Expires: Not Supplied Suspended: Not Supplied Revoked: Not Supplied Surrendered: Not Supplied IPPC Reference: Not Supplied Positional Accuracy: Located by supplier to within 10m	A11SW (SE)	0	2	451400 109110
163	<b>Licensed Waste Management Facilities (Locations)</b> Licence Number: 210063 Location: Rookery Farm Landfill Site, Botley Road, Swanwick, Fareham, Hampshire, SO31 1BL Operator Name: Raymond Brown Minerals & Recycling Ltd Operator Location: Not Supplied Authority: Environment Agency - South East Region, Solent & South Downs Area Site Category: Inert LF <b>Licence Status: Modified</b> Issued: 9th November 2005 Last Modified: 24th October 2016 Expires: Not Supplied Suspended: Not Supplied Revoked: Not Supplied Surrendered: Not Supplied IPPC Reference: Not Supplied Positional Accuracy: Located by supplier to within 100m	A10NE (W)	0	2	451100 109200
164	<b>Licensed Waste Management Facilities (Locations)</b> Licence Number: 10211 Location: 6 Crompton Way , Segensworth West Ind Est, Fareham, Hampshire, PO15 5SP Operator Name: Rentokil Initial U K Limited Operator Location: Not Supplied Authority: Environment Agency - South East Region, Solent & South Downs Area Site Category: Special Waste Transfer Stations <b>Licence Status: Modified</b> Issued: 21st May 1999 Last Modified: 15th August 2014 Expires: Not Supplied Suspended: Not Supplied Revoked: Not Supplied Surrendered: Not Supplied IPPC Reference: Not Supplied Positional Accuracy: Located by supplier to within 10m	A8SW (SE)	913	2	452249 108332
165	<b>Licensed Waste Management Facilities (Locations)</b> Licence Number: 10255 Location: Mobile Plant Operator Name: Westminster Dredging Company Limited Operator Location: Not Supplied Authority: Environment Agency - South East Region, Solent & South Downs Area Site Category: Mobile Plant <b>Licence Status: Modified</b> Issued: 8th December 2004 Last Modified: 10th April 2006 Expires: Not Supplied Suspended: Not Supplied Revoked: Not Supplied Surrendered: Not Supplied IPPC Reference: Not Supplied Positional Accuracy: Located by supplier to within 10m	A8SW (SE)	983	2	452264 108247
	<b>Local Authority Landfill Coverage</b> Name: Fareham Borough Council - Has no landfill data to supply		0	3	451293 109179
	<b>Local Authority Landfill Coverage</b> Name: Hampshire County Council - Had landfill data but passed it to the relevant environment agency		0	5	451293 109179
	<b>Local Authority Landfill Coverage</b> Name: Winchester City Council - Has supplied landfill data		797	6	452397 109289

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
166	<b>Registered Landfill Sites</b> Licence Holder: Raymond Brown Eco Bio Ltd Licence Reference: FA 032A Site Location: Rookery Farm, Botley Road, Swanwick, SOUTHAMPTON, Hampshire, SO31 1BL Licence Easting: 451250 Licence Northing: 109200 Operator Location: 160 Christchurch Road, RINGWOOD, Hampshire, BH24 3AR Authority: Environment Agency - Southern Region, Hampshire Area Site Category: Landfill - with treatment Max Input Rate: Very Large (Equal to or greater than 250,000 tonnes per year) Waste Source: No known restriction on source of waste Restrictions: Status: Operational as far as is known Dated: 11th May 1995 Preceded By: 10/ 32 Licence: Superseded By: Not Given Licence: Positional Accuracy: Manually positioned to the address or location Boundary Accuracy: Not Applicable Authorised Waste Adhesive Wastes Construction And Demolition Wastes Cork Cull,Clays,Pottery,China,Enamels,Ceram Ebonite,Kapok Kieselguhr (Diatom.Earth Electrical Fitt/Fixt/Appliances Ferrous & Non-Ferrous Metals Hants Cat.A - Inert/ Waste For Recycl' Max.Waste Permitted By Licence Natural/Manmade Fibres Prods. Of Completed Polymerisation Sand,Chalk,Gravel,Nat.Occ.Earth Spoils Sands (Incl.Foundry/Moulding), Silica Shot Blast/Boiler Scale/Iron Ox/Hydrox Solid Rubber <b>Prohibited Waste</b> All Fibrous Forms Of Asbestos Biodegradable Waste Contam.Heavy Metal/Salts Of Heavy Met. Contaminated Rubble With Concs.>List 1 Food Waste Liquid/Slurry/Sludge Wastes Old Cars/Vehicles/Tractors Paper/Cardboard/Packaging Phenols, Analogues/Derivatives Poisonous, Noxious, Polluting Wastes Potentially Hazardous Wastes Potentially Polluting Wastes Rubble-Ex.Premis.Use Tox/Water Sol.Chem Spec.Waste (Epa'90:S62/1996 Regs) Vegetable Matter Waste N.O.S.	A10NE (NW)	0	2	451250 109200



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
167	<p><b>Registered Landfill Sites</b></p> <p>Licence Holder: Leigh Environmental (Southern) Ltd  Licence Reference: 10/ 32  Site Location: Rookery Farm, Botley Road, Swanwick, SOUTHAMPTON, Hampshire, SO31 1BL  Licence Easting: Not Supplied  Licence Northing: Not Supplied  Operator Location: Dundas Spur, Dundas Lane, Copnor, PORTSMOUTH, Hampshire, PO3 5NY  Authority: Environment Agency - Southern Region, Hampshire Area  Site Category: Landfill  Max Input Rate: Large (Equal to or greater than 75,000 and less than 250,000 tonnes per year)  Waste Source: No known restriction on source of waste  Restrictions:  Status: Record supersededSuperseded  Dated: 7th April 1988  Preceded By: 10/ 30A  Licence:  Superseded By: FA 032A  Licence:  Positional Accuracy: Positioned by the supplier  Boundary Accuracy: Moderate  Authorised Waste: Construction And Demolition Wastes  Highways Maintenance Wastes  Max.Waste Permitted By Licence(Stated)  Sand,Chalk,Gravel,Nat.Occ.Earth Spoils  Prohibited Waste: All Fibrous Forms Of Asbestos  Biodegradable Waste  Contam.Rubble Ex Prems Using Tox/Chems  Food Waste  Liquid/Sludge Wastes  Mat'Ls Cont. Phenols  Paper/Cardboard/Packaging Waste  Phenols Or Mat'Ls Cont Phenol  Poisonous, Noxious, Polluting Wastes  Special Wastes  Vegetable Matter  Waste N.O.S.</p>	A11NW (NE)	0	2	451293 109179
168	<p><b>Registered Landfill Sites</b></p> <p>Licence Holder: J &amp; W Landfill Ltd  Licence Reference: 10/ 30A  Site Location: Rookery Farm, Botley Road, Swanwick, SOUTHAMPTON, Hampshire, SO31 1BL  Licence Easting: Not Supplied  Licence Northing: Not Supplied  Operator Location: Sandy Lane, Fair Oak, Eastleigh, Hampshire  Authority: Environment Agency - Southern Region, Hampshire Area  Site Category: Landfill  Max Input Rate: Undefined  Waste Source: No known restriction on source of waste  Restrictions:  Status: Record supersededSuperseded  Dated: 16th November 1984  Preceded By: Not Given  Licence:  Superseded By: 10/ 32  Licence:  Positional Accuracy: Positioned by the supplier  Boundary Accuracy: Moderate  Authorised Waste: Construction And Demolition Wastes  Excavated Natural Materials \$  Foundry Sand  Road Making Materials  Sands,Silica  Prohibited Waste: Biodegradable/Putrescible Waste  Contaminated Rubble  Fibrous Forms Of Asbestos  Food Waste  Liquid/Slurry/Sludge Wastes  Paper/Cardboard Waste  Phenols, Analogues/Derivatives  Poisonous, Noxious, Polluting Wastes  Special Wastes  Toxic/Poisonous Wastes  Vegetable/Processing Waste</p>	A10NE (N)	0	2	451281 109231

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
169	<b>Registered Landfill Sites</b> Licence Holder: Civil Aviation Authority Licence Reference: 10/ 42A Site Location: Burlesden Brickworks, Swanwick, Southampton, Hampshire Licence Easting: 450501 Licence Northing: 110001 Operator Location: Caa House, 45-49 Kingsway, LONDON, Greater London, WC2B 6TE Authority: Environment Agency - Southern Region, Hampshire Area Site Category: Landfill Max Input Rate: Undefined Waste Source: No known restriction on source of waste Restrictions: Status: Licence lapsed/cancelled/defunct/not applicable/surrenderedCancelled Dated: 1st June 1991 Preceded By: Not Given Licence: Superseded By: Not Given Licence: Positional Accuracy: Manually positioned to the address or location Boundary Accuracy: Not Applicable Authorised Waste: Sand,Chalk,Gravel,Nat'L Occ.Earthspoil Prohibited Waste: All Clinical Wastes (As In Wmp 25) Biodegradable Waste Brick, Concrete Rubble Constr'N/Demol. Waste Food Liquid/Slurry/Sludge Wastes Metal Paper/Cardboard/Packaging Phenols Or Mat'ls Containing Them Plaster Poisonous, Noxious, Polluting Wastes Rubble -Prems Use Toxic/Water Sol.Chem Special Wastes Timber Vegetable Matter Waste N.O.S.	A13NE (NW)	807	2	450501 110001
170	<b>Registered Waste Transfer Sites</b> Licence Holder: Rentokil Initial Plc Licence Reference: EAWML10211 Site Location: 6 Crompton Way, Segensworth West Industrial Estate, FAREHAM, Hampshire, PO15 5SP Operator Location: Felcourt, EAST GRINSTEAD, West Sussex, RH19 2JY Authority: Environment Agency - Southern Region, Hampshire Area Site Category: Transfer Max Input Rate: Very Small (Less than 10,000 tonnes per year) Waste Source: No known restriction on source of waste Restrictions: Licence Status: Operational as far as is knownOperational Dated: 21st May 1999 Preceded By: Not Given Licence: Superseded By: Not Given Licence: Positional Accuracy: Manually positioned to the address or location Boundary Quality: Not Supplied Authorised Waste: Maximum Waste Permitted By Licence Soiled Nappies Soiled Sanitary Dressings Prohibited Waste: Liquid Wastes Material With Any Haz.Code (H1, H2, H3a,H3b,H4,H5,H6,H7,H8,H9,H10,H11,H12,H13,H14) Powders Sludge Wastes Special Waste (As In Epa 1990:S62 Of 1996 Regs) Waste Not Otherwise Specified	A8SW (SE)	902	2	452250 108350

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
	<b>BGS 1:625,000 Solid Geology</b> Description: Thames Group	A11NW (NE)	0	1	451293 109179
171	<b>BGS Recorded Mineral Sites</b> Site Name: Beacon Bottom Clay Pits Location: Sarisbury, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162944 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A11SE (SE)	64	1	451641 108934
172	<b>BGS Recorded Mineral Sites</b> Site Name: Beacon Bottom Clay Pits Location: Sarisbury, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162943 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A11SW (SE)	73	1	451616 108890
173	<b>BGS Recorded Mineral Sites</b> Site Name: Beacon Bush Hill Clay Pit Location: Sarisbury, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162930 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Ypresian - Lutetian Geology: Wittering Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A7NW (S)	338	1	451501 108612
174	<b>BGS Recorded Mineral Sites</b> Site Name: Park Gate Brick Kilns Location: Park Gate, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162964 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A7NE (SE)	408	1	451832 108633
175	<b>BGS Recorded Mineral Sites</b> Site Name: Sarisbury Brick & Tile Works Location: Sarisbury, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162929 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A9NW (W)	897	1	450063 109176

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
176	<b>BGS Recorded Mineral Sites</b> Site Name: Swanwick Brick Works Location: Swanwick, Southampton, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162505 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A13NW (NW)	923	1	450191 109858
177	<b>BGS Recorded Mineral Sites</b> Site Name: Sarisbury Brick & Tile Works Location: Sarisbury, Fareham, Hampshire Source: British Geological Survey, National Geoscience Information Service Reference: 162942 Type: Opencast <b>Status: Ceased</b> Operator: Not Supplied Operator Location: Not Supplied Periodic Type: Palaeogene Geology: London Clay Formation Commodity: Common Clay and Shale Positional Accuracy: Located by supplier to within 10m	A9NW (W)	977	1	449972 109261
	<b>Coal Mining Affected Areas</b> In an area that might not be affected by coal mining				
	<b>Non Coal Mining Areas of Great Britain</b> No Hazard				
	<b>Potential for Collapsible Ground Stability Hazards</b> Hazard Potential: Very Low Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Potential for Compressible Ground Stability Hazards</b> Hazard Potential: No Hazard Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Potential for Ground Dissolution Stability Hazards</b> Hazard Potential: No Hazard Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Very Low Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A11NW (SE)	0	1	451297 109175
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Moderate Source: British Geological Survey, National Geoscience Information Service	A11SW (SE)	0	1	451528 108963
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Moderate Source: British Geological Survey, National Geoscience Information Service	A11SW (S)	0	1	451290 109093
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Moderate Source: British Geological Survey, National Geoscience Information Service	A11SW (E)	0	1	451366 109160
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A10SE (SW)	75	1	451077 109049
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A11SE (E)	160	1	451753 109014
	<b>Potential for Landslide Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	176	1	451428 109454
	<b>Potential for Running Sand Ground Stability Hazards</b> Hazard Potential: No Hazard Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
	<b>Potential for Running Sand Ground Stability Hazards</b> Hazard Potential: Very Low Source: British Geological Survey, National Geoscience Information Service	A10SE (SW)	115	1	451085 109006
	<b>Potential for Running Sand Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	231	1	451506 109453
	<b>Potential for Shrinking or Swelling Clay Ground Stability Hazards</b> Hazard Potential: Low Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Potential for Shrinking or Swelling Clay Ground Stability Hazards</b> Hazard Potential: Moderate Source: British Geological Survey, National Geoscience Information Service	A10SE (SW)	115	1	451085 109006
	<b>Radon Potential - Radon Affected Areas</b> Affected Area: The property is in a Lower probability radon area (less than 1% of homes are estimated to be at or above the Action Level). Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179
	<b>Radon Potential - Radon Protection Measures</b> Protection Measure: No radon protective measures are necessary in the construction of new dwellings or extensions Source: British Geological Survey, National Geoscience Information Service	A11NW (NE)	0	1	451293 109179

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
178	<b>Contemporary Trade Directory Entries</b> Name: Ecobio Ltd Location: Botley Rd, Park Gate, Southampton, Hampshire, SO31 1BB Classification: Recycling Centres <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the road within the address or location	A11SW (SE)	10	-	451602 109026
179	<b>Contemporary Trade Directory Entries</b> Name: P R O Cars Southampton Ltd Location: 83, Swanwick Lane, Swanwick, SOUTHAMPTON, SO31 7DX Classification: Car Dealers <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A10NW (W)	93	-	450858 109302
180	<b>Contemporary Trade Directory Entries</b> Name: BurrIDGE Body Shop Location: Unit 3 116 Botley rd, Park Gate, Southampton, Hampshire, SO31 1BA Classification: Car Body Repairs <b>Status:</b> Active Positional Accuracy: Manually positioned to the address or location	A7NE (SE)	143	-	451641 108824
180	<b>Contemporary Trade Directory Entries</b> Name: Flintstone Tyres Location: Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Tyre Dealers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	143	-	451642 108825
181	<b>Contemporary Trade Directory Entries</b> Name: H H Aluminium Location: Unit 1-3, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Aluminium Fabricators <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	170	-	451690 108824
181	<b>Contemporary Trade Directory Entries</b> Name: Glass Processing Services Location: Unit 3, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Glass Products - Manufacturers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	176	-	451683 108812
181	<b>Contemporary Trade Directory Entries</b> Name: Beacon Joinery Location: Unit 7, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Joinery Manufacturers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	179	-	451704 108825
181	<b>Contemporary Trade Directory Entries</b> Name: In House Encapsulation Location: Unit 6, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, Hampshire, SO31 1FQ Classification: Lamination & Encapsulation Services <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	184	-	451699 108814
181	<b>Contemporary Trade Directory Entries</b> Name: Speedy Pack Location: Unit 8, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Packaging & Wrapping Equipment & Supplies <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	188	-	451717 108825
181	<b>Contemporary Trade Directory Entries</b> Name: Gilmark Fire Protection Services Location: Unit 8, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, Hampshire, SO31 1FQ Classification: Firefighting Equipment <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the address or location	A7NE (SE)	188	-	451717 108825



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
181	<b>Contemporary Trade Directory Entries</b> Name: Comar Services Ltd Location: Unit 9, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Air Conditioning & Refrigeration Contractors <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	194	-	451723 108822
182	<b>Contemporary Trade Directory Entries</b> Name: N F Refrigeration Services Location: Unit 12, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Refrigeration Equipment - Commercial <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	254	-	451787 108807
182	<b>Contemporary Trade Directory Entries</b> Name: Greencool Refrigerants Location: Unit 12, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Refrigeration Equipment - Commercial <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	254	-	451787 108807
182	<b>Contemporary Trade Directory Entries</b> Name: Burridge Motorworks Location: Bridge House, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Garage Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	263	-	451780 108783
182	<b>Contemporary Trade Directory Entries</b> Name: Station Garage Location: Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Garage Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	263	-	451780 108783
182	<b>Contemporary Trade Directory Entries</b> Name: Burridge Motorworks Location: Bridge House, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Garage Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	263	-	451780 108783
183	<b>Contemporary Trade Directory Entries</b> Name: New Park Garage Southampton Ltd Location: Unit 5, Station Industrial Park, Duncan Road, Park Gate, Southampton, SO31 1BX Classification: Garage Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	257	-	451635 108703
183	<b>Contemporary Trade Directory Entries</b> Name: Selden Masts Location: Duncan Road, Park Gate, Southampton, Hampshire, SO31 1BX Classification: Marine Equipment & Supplies <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	264	-	451658 108702
183	<b>Contemporary Trade Directory Entries</b> Name: New Park Garage Location: Unit 5, Station Industrial Park, Duncan Road, Park Gate, Southampton, Hampshire, SO31 1BX Classification: Garage Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	264	-	451658 108702
183	<b>Contemporary Trade Directory Entries</b> Name: Botley Motor Body Repair Location: Unit 3, Station Industrial Park, Duncan Road, Park Gate, Southampton, SO31 1BX Classification: Car Body Repairs <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	272	-	451672 108698

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
184	<b>Contemporary Trade Directory Entries</b> Name: Swisslog Healthcare Location: Unit 14, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, Hampshire, SO31 1FQ Classification: Automation Systems & Equipment <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	270	-	451802 108800
184	<b>Contemporary Trade Directory Entries</b> Name: Commercial Lighting Systems Ltd Location: Unit 16/17, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Lighting Manufacturers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	305	-	451835 108786
184	<b>Contemporary Trade Directory Entries</b> Name: Moorland Pneumatic Services Location: Unit 16/17, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, Hampshire, SO31 1FQ Classification: Pneumatic Systems & Equipment <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the address or location	A7NE (SE)	305	-	451835 108786
185	<b>Contemporary Trade Directory Entries</b> Name: Sesotec Location: Unit 24, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Plant & Machinery Manufacturers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	280	-	451775 108753
186	<b>Contemporary Trade Directory Entries</b> Name: E Evans Electrical Contractors Location: 172, Botley Road, Burridge, Southampton, SO31 1BL Classification: Electrical Engineers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A15SW (N)	290	-	451421 109610
187	<b>Contemporary Trade Directory Entries</b> Name: T S L Hygienic Ltd Location: Lathkill House, Beacon Bottom, Park Gate, Southampton, SO31 7GQ Classification: Industrial Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NW (S)	293	-	451471 108663
188	<b>Contemporary Trade Directory Entries</b> Name: Trans-Ec European Ltd Location: Richmond Court, 94, Botley Road, Park Gate, Southampton, Hampshire, SO31 1BA Classification: Road Haulage Services <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the address or location	A7NW (SE)	303	-	451591 108648
189	<b>Contemporary Trade Directory Entries</b> Name: Hamble Sheet Metal Workers Ltd Location: Unit 23, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Sheet Metal Work <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	306	-	451801 108743
189	<b>Contemporary Trade Directory Entries</b> Name: B S T Engineering Location: Unit 23, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, Hampshire, SO31 1FQ Classification: Sheet Metal Work <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	306	-	451801 108743
189	<b>Contemporary Trade Directory Entries</b> Name: Navigair Ltd Location: Unit 22, Park Gate Business Centre, Chandlers Way, Park Gate, Southampton, SO31 1FQ Classification: Footwear Manufacturers & Wholesale <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	334	-	451828 108729

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
190	<b>Contemporary Trade Directory Entries</b> Name: Full Steam Ahead Location: 45, Botley Road, Park Gate, Southampton, SO31 1AZ Classification: Ironing & Home Laundry Services <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NW (SE)	312	-	451549 108635
190	<b>Contemporary Trade Directory Entries</b> Name: Cleaning Operations Uk Ltd Location: Sherendon House, 43, Botley Road, Park Gate, Southampton, SO31 1AY Classification: Commercial Cleaning Services <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NW (SE)	346	-	451553 108601
190	<b>Contemporary Trade Directory Entries</b> Name: Richard Mitchell Car Sales Location: Sherendon House, 43, Botley Road, Park Gate, Southampton, SO31 1AY Classification: Car Dealers <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NW (SE)	346	-	451553 108601
190	<b>Contemporary Trade Directory Entries</b> Name: Cleaning Matters 2 Us Ltd Location: Sherendon House, 43, Botley Road, Park Gate, Southampton, Hampshire, SO31 1AY Classification: Commercial Cleaning Services <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the address or location	A7NW (SE)	346	-	451553 108601
190	<b>Contemporary Trade Directory Entries</b> Name: A M V 3000 Location: 82-84, Botley Road, Park Gate, Southampton, SO31 1BA Classification: Classic Car Specialists <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NW (SE)	359	-	451602 108592
190	<b>Contemporary Trade Directory Entries</b> Name: Rosso Ferrari Location: 84, Botley Road, Park Gate, Southampton, Hampshire, SO31 1BA Classification: Car Dealers <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the address or location	A7NW (SE)	359	-	451602 108592
191	<b>Contemporary Trade Directory Entries</b> Name: S K Cladding Location: 8, Suffolk Drive, Whiteley, FAREHAM, Hampshire, PO15 7DE Classification: Cladding Suppliers & Installers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A11NE (E)	314	-	451827 109365
192	<b>Contemporary Trade Directory Entries</b> Name: Carters Of Swanwick Location: Duncan Road, Park Gate, Southampton, SO31 1BD Classification: Lawnmowers & Garden Machinery - Sales & Service <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	326	-	451742 108671
192	<b>Contemporary Trade Directory Entries</b> Name: Pressing Needs Ltd Location: Duncan Road, Park Gate, Southampton, SO31 1BD Classification: Ironing & Home Laundry Services <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	349	-	451769 108660
193	<b>Contemporary Trade Directory Entries</b> Name: Progressive Product Developments Ltd Location: 24, Beacon Bottom, Park Gate, Southampton, SO31 7GQ Classification: Waste Processing Machinery <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NW (S)	327	-	451361 108669
194	<b>Contemporary Trade Directory Entries</b> Name: Keyline Builders Merchants Location: Duncan Road, Park Gate, Southampton, SO31 1BX Classification: Builders' Merchants <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	332	-	451687 108639

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
195	<b>Contemporary Trade Directory Entries</b> Name: Hampshire Maids Location: 3, Castilian Way, Whiteley, Fareham, Hampshire, PO15 7NR Classification: Cleaning Services - Domestic <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A11SE (E)	344	-	451946 109031
196	<b>Contemporary Trade Directory Entries</b> Name: Lema Electronics Ltd Location: 1, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Electronic Equipment - Manufacturers & Assemblers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	384	-	451738 108603
196	<b>Contemporary Trade Directory Entries</b> Name: Good Directions Ltd Location: 11-15, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Clocks & Watches - Manufacturers & Wholesalers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	388	-	451693 108583
196	<b>Contemporary Trade Directory Entries</b> Name: B K Automation Location: 4, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Automation Systems & Equipment <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	407	-	451734 108577
196	<b>Contemporary Trade Directory Entries</b> Name: Admiral Tapes Ltd Location: Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Packaging & Wrapping Equipment & Supplies <b>Status: Inactive</b> Positional Accuracy: Automatically positioned in the proximity of the address	A7NE (SE)	411	-	451709 108564
196	<b>Contemporary Trade Directory Entries</b> Name: P S P Location: Talisman Business Centre, Duncan Road, Fareham, SO31 7GA Classification: Marine Equipment & Supplies <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	411	-	451709 108564
196	<b>Contemporary Trade Directory Entries</b> Name: Giro Engineering Ltd Location: 10, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Marine Engineers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	425	-	451707 108549
197	<b>Contemporary Trade Directory Entries</b> Name: Air Control Southern Location: 3, Barley Business Park, Duncan Road, Park Gate, Southampton, SO31 1ZT Classification: Air Conditioning & Refrigeration Contractors <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	386	-	451818 108649
197	<b>Contemporary Trade Directory Entries</b> Name: I D C Electrical Southern Ltd Location: 3 Barley Business Park, Duncan Road, Park Gate, Southampton, SO31 1ZT Classification: Electrical Engineers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	388	-	451803 108636
198	<b>Contemporary Trade Directory Entries</b> Name: Metaltech Consulting Services Location: 2, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Engineering Materials <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7NE (SE)	391	-	451743 108598
198	<b>Contemporary Trade Directory Entries</b> Name: Precision Plasma Profiles Ltd Location: Duncan Rd, Park Gate, Southampton, SO31 1ZT Classification: Engineers - General <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the road within the address or location	A7NE (SE)	409	-	451772 108592

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
198	<b>Contemporary Trade Directory Entries</b> Name: G E Energy Rentals Location: Duncan Rd, Park Gate, Southampton, SO31 1BX Classification: Generators - Sales & Service <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the road within the address or location	A7NE (SE)	418	-	451778 108586
199	<b>Contemporary Trade Directory Entries</b> Name: Peterkin & Son Location: 76-82, Botley Road, Park Gate, Southampton, SO31 7ZP Classification: Hardware <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NW (SE)	407	-	451614 108546
200	<b>Contemporary Trade Directory Entries</b> Name: Fireside Bliss Location: Catherine Cottage, Addison Road, Sarisbury Green, Southampton, SO31 7ER Classification: Fireplaces & Mantelpieces <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A6NW (SW)	420	-	450823 108794
201	<b>Contemporary Trade Directory Entries</b> Name: Lloyd Sellen Cleaning Location: 5, Theo House, Bastins Close, Park Gate, Southampton, SO31 1DY Classification: Carpet, Curtain & Upholstery Cleaners <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	444	-	451678 108521
201	<b>Contemporary Trade Directory Entries</b> Name: Lloyd Sellen Carpet & Upholstery Cleaning Location: 5, Theo House, Bastins Close, Park Gate, Southampton, SO31 1DY Classification: Carpet, Curtain & Upholstery Cleaners <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	444	-	451678 108521
201	<b>Contemporary Trade Directory Entries</b> Name: Whiteley Cleaning Ltd Location: 5, Theo House, Bastins Close, Park Gate, Southampton, Hampshire, SO31 1DY Classification: Carpet, Curtain & Upholstery Cleaners <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	444	-	451678 108521
202	<b>Contemporary Trade Directory Entries</b> Name: Hounsham Mechanical Services Location: 8, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Air Conditioning & Refrigeration Contractors <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	448	-	451747 108538
202	<b>Contemporary Trade Directory Entries</b> Name: M O J Engineering Ltd Location: 9, Talisman Business Centre, Duncan Road, Park Gate, Southampton, SO31 7GA Classification: Precision Engineers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7NE (SE)	448	-	451747 108538
202	<b>Contemporary Trade Directory Entries</b> Name: M O J Engineering Location: 9, Talisman Business Centre, Duncan Road, Park Gate, Southampton, Hampshire, SO31 7GA Classification: Precision Engineers <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	448	-	451747 108538
202	<b>Contemporary Trade Directory Entries</b> Name: Vectron Ltd Location: Duncan Rd, Park Gate, Southampton, SO31 1BD Classification: Sheet Metal Work <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the road within the address or location	A7NE (SE)	465	-	451796 108542
202	<b>Contemporary Trade Directory Entries</b> Name: Bassaire Location: Duncan Road, Park Gate, Southampton, SO31 1ZS Classification: Air Purification Equipment <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7NE (SE)	470	-	451767 108522

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
202	<b>Contemporary Trade Directory Entries</b> Name: Cramer Uk Location: Duncan Road, Park Gate, Southampton, Hampshire, SO31 1BD Classification: Lawnmowers & Garden Machinery - Sales & Service <b>Status: Active</b> Positional Accuracy: Manually positioned within the geographical locality	A7SE (SE)	497	-	451751 108487
203	<b>Contemporary Trade Directory Entries</b> Name: Douglas Knight Sunblinds Ltd Location: 31, Station Road, Park Gate, Southampton, SO31 7GJ Classification: Blinds, Awnings & Canopies <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	478	-	451587 108471
203	<b>Contemporary Trade Directory Entries</b> Name: Douglas Knight Sunblinds Ltd Location: 31b, Station Road, Park Gate, Southampton, SO31 7GJ Classification: Blinds, Awnings & Canopies <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	478	-	451587 108471
203	<b>Contemporary Trade Directory Entries</b> Name: New Park Garage (Southampton) Ltd Location: Station Road, Park Gate, Southampton, Hampshire, SO31 7GJ Classification: Car Dealers - Used <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	509	-	451589 108440
204	<b>Contemporary Trade Directory Entries</b> Name: Sparkle Carpets Location: 18, Weybridge Close, Sarisbury Green, SOUTHAMPTON, SO31 7LR Classification: Carpet, Curtain & Upholstery Cleaners <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A6NW (SW)	485	-	450890 108691
204	<b>Contemporary Trade Directory Entries</b> Name: Campbell Sports Cars Location: B, 1, Addison Road, Sarisbury Green, Southampton, SO31 7ER Classification: Car Dealers - Used <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A6NW (SW)	518	-	450854 108670
205	<b>Contemporary Trade Directory Entries</b> Name: A & I Technology Ltd Location: 58d, Botley Road, Park Gate, Southampton, SO31 1BB Classification: Marine Engineering Equipment Manufacturers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	500	-	451657 108460
206	<b>Contemporary Trade Directory Entries</b> Name: I D M Building & Roofing Contractor Location: The Firs, Duncan Road, Park Gate, Southampton, SO31 1BD Classification: Cladding Suppliers & Installers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	527	-	451712 108444
207	<b>Contemporary Trade Directory Entries</b> Name: Tap-Out Location: 34 Station Rd, Park Gate, Southampton, Hampshire, SO31 7HR Classification: Car Body Repairs <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the address or location	A7SW (S)	527	-	451524 108420
208	<b>Contemporary Trade Directory Entries</b> Name: Whelan Location: Webb House, Bridge Road, Park Gate, Southampton, Hampshire, SO31 7GE Classification: Pest & Vermin Control <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the address or location	A7SW (S)	549	-	451407 108415
209	<b>Contemporary Trade Directory Entries</b> Name: Autofinish Location: 5, Camargue Close, Whiteley, Fareham, Hampshire, PO15 7DT Classification: Car Body Repairs <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A15SE (NE)	569	-	451777 109702
210	<b>Contemporary Trade Directory Entries</b> Name: Leech Mechanical Services Ltd Location: 17, Berber Close, Whiteley, Fareham, Hampshire, PO15 7HF Classification: Air Conditioning Equipment & Systems <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A12SW (E)	573	-	452166 108968



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
211	<b>Contemporary Trade Directory Entries</b> Name: F E L Location: 42, Botley Road, Park Gate, Southampton, SO31 1AJ Classification: Electronic Component Manufacturers & Distributors <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7SE (SE)	582	-	451708 108386
212	<b>Contemporary Trade Directory Entries</b> Name: The Swanwick Lake Study Centre Location: Sopwith Way, Swanwick, Southampton, Hampshire, SO31 7AY Classification: Sports Equipment Manufacturers & Distributors <b>Status:</b> Inactive Positional Accuracy: Manually positioned within the geographical locality	A13SE (NW)	584	-	450493 109696
213	<b>Contemporary Trade Directory Entries</b> Name: Big Wall Media Ltd Location: 22, Middle Road, Park Gate, Southampton, SO31 7GH Classification: Digital Printing <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A7SW (S)	596	-	451617 108356
213	<b>Contemporary Trade Directory Entries</b> Name: Curti Lifts Ltd Location: 22g, Middle Road, Park Gate, Southampton, SO31 7GH Classification: Lift Manufacturers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7SE (SE)	612	-	451648 108344
214	<b>Contemporary Trade Directory Entries</b> Name: Status Commercial Cleaning Location: 42, Andalusian Gardens, Whiteley, Fareham, Hampshire, PO15 7DU Classification: Commercial Cleaning Services <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A15SE (NE)	604	-	451718 109770
215	<b>Contemporary Trade Directory Entries</b> Name: Carland Location: 118, Bridge Road, Sarisbury Green, Southampton, SO31 7EP Classification: Car Dealers <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A6NW (SW)	609	-	450628 108707
215	<b>Contemporary Trade Directory Entries</b> Name: S G M Fiat Location: 118, Bridge Road, Sarisbury Green, Southampton, SO31 7EP Classification: Car Dealers <b>Status:</b> Active Positional Accuracy: Automatically positioned to the address	A6NW (SW)	609	-	450628 108707
216	<b>Contemporary Trade Directory Entries</b> Name: County Dry Cleaners Location: 9, Middle Road, Park Gate, Southampton, SO31 7GH Classification: Dry Cleaners <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7SW (S)	617	-	451570 108331
216	<b>Contemporary Trade Directory Entries</b> Name: Southcoast Cleaners Location: 9, Middle Road, Park Gate, Southampton, Hampshire, SO31 7GH Classification: Dry Cleaners <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the address or location	A7SW (S)	617	-	451570 108331
216	<b>Contemporary Trade Directory Entries</b> Name: South Coast Cleaners Location: 9, Middle Road, Park Gate, Southampton, SO31 7GH Classification: Dry Cleaners <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7SW (S)	617	-	451570 108331
217	<b>Contemporary Trade Directory Entries</b> Name: Carland Location: 119 Bridge Rd, Sarisbury Green, Southampton, SO31 7EP Classification: Car Dealers - Used <b>Status:</b> Inactive Positional Accuracy: Manually positioned to the road within the address or location	A6NW (SW)	634	-	450647 108658
218	<b>Contemporary Trade Directory Entries</b> Name: Locks Heath Service Station Location: Bridge Rd, Park Gate, Southampton, Hampshire, SO31 7ZE Classification: Petrol Filling Stations - 24 Hour <b>Status:</b> Inactive Positional Accuracy: Automatically positioned to the address	A7SW (S)	644	-	451365 108328

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
218	<b>Contemporary Trade Directory Entries</b> Name: Sparshatts Of Swanwick Location: 79, Bridge Road, Park Gate, Southampton, SO31 7ZE Classification: Car Dealers - Used <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	649	-	451393 108315
218	<b>Contemporary Trade Directory Entries</b> Name: Cars Of Swanwick Ltd Location: 79, Bridge Road, Park Gate, Southampton, SO31 7ZE Classification: Car Dealers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	649	-	451393 108315
218	<b>Contemporary Trade Directory Entries</b> Name: Esso Location: 79, Bridge Road, Park Gate, Southampton, SO31 7ZE Classification: Petrol Filling Stations <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	650	-	451392 108315
218	<b>Contemporary Trade Directory Entries</b> Name: Banks Sails Location: 372, Brook Lane, Sarisbury Green, Southampton, SO31 7ZA Classification: Sailmakers & Repairers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	678	-	451353 108296
218	<b>Contemporary Trade Directory Entries</b> Name: R S Tooling Ltd Location: 368, Brook Lane, Sarisbury Green, Southampton, SO31 7DP Classification: Precision Engineers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	678	-	451353 108296
219	<b>Contemporary Trade Directory Entries</b> Name: Eurolink Catering Equipment Ltd Location: 53, Bridge Road, Park Gate, Southampton, SO31 7GG Classification: Catering Equipment - Servicing & Repairs <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	655	-	451509 108293
219	<b>Contemporary Trade Directory Entries</b> Name: J S Mauldings International Ltd Location: Bridge Rd, Swanwick, Southampton, SO31 7EB Classification: Boatbuilders & Repairers <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the road within the address or location	A7SW (S)	655	-	451556 108292
219	<b>Contemporary Trade Directory Entries</b> Name: Digital Banners Location: 51, Bridge Road, Park Gate, Southampton, Hampshire, SO31 7GG Classification: Printers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SW (S)	665	-	451522 108282
220	<b>Contemporary Trade Directory Entries</b> Name: Indespension Ltd Location: 22-24, Bridge Road, Park Gate, Southampton, SO31 7GE Classification: Trailers & Towing Equipment <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SE (S)	660	-	451628 108293
220	<b>Contemporary Trade Directory Entries</b> Name: Whelan Pest Prevention Location: Webb House, Bridge Road, Park Gate, Southampton, Hampshire, SO31 7GE Classification: Pest & Vermin Control <b>Status: Active</b> Positional Accuracy: Manually positioned within the geographical locality	A7SE (S)	674	-	451647 108281
221	<b>Contemporary Trade Directory Entries</b> Name: Monarch Marketing Ltd Location: 1 New Local Centre, Yewtree Drive, Whiteley, Fareham, Hampshire, PO15 7LA Classification: Waste Disposal Services <b>Status: Inactive</b> Positional Accuracy: Manually positioned within the geographical locality	A12NW (E)	696	-	452292 109296

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
222	<b>Contemporary Trade Directory Entries</b> Name: Sovereign Motor Co Location: 14-16, Botley Road, Park Gate, Southampton, SO31 1AJ Classification: Car Dealers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	708	-	451793 108279
223	<b>Contemporary Trade Directory Entries</b> Name: Walcon Marine Location: Walcon House, 3, Cockerell Close, Fareham, PO15 5SR Classification: Marine Engineering Equipment Manufacturers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	749	-	452131 108446
224	<b>Contemporary Trade Directory Entries</b> Name: Southern Ropes Uk Ltd Location: 1a, Southampton Road, Park Gate, SOUTHAMPTON, SO31 6BX Classification: Distribution Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	757	-	451878 108258
225	<b>Contemporary Trade Directory Entries</b> Name: Driveline Car Sales Location: 4, Botley Road, Park Gate, Southampton, SO31 1AJ Classification: Car Dealers - Used <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	765	-	451822 108228
225	<b>Contemporary Trade Directory Entries</b> Name: Pace Petroleum Bp Location: Petrol Station, 2, Bridge Road, Park Gate, Southampton, SO31 7GE Classification: Petrol Filling Stations <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	778	-	451799 108207
226	<b>Contemporary Trade Directory Entries</b> Name: Rivendale Hospital Location: Rivendale, Coldeast Way, Sarisbury Green, Southampton, SO31 7ZT Classification: Hospitals <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A6SW (SW)	773	-	450812 108412
227	<b>Contemporary Trade Directory Entries</b> Name: Southern Waste Services Ltd Location: 1, Cockerell Close, Fareham, Hampshire, PO15 5SR Classification: Waste Disposal Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	803	-	452146 108384
227	<b>Contemporary Trade Directory Entries</b> Name: Highway Cleansing Ltd Location: 1, Cockerell Close, Fareham, Hampshire, PO15 5SR Classification: Hygiene & Cleansing Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	803	-	452146 108384
228	<b>Contemporary Trade Directory Entries</b> Name: Solent Location: 4, Cockerell Close, Fareham, Hampshire, PO15 5SR Classification: Commercial Vehicle Bodybuilders & Repairers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	836	-	452226 108423
228	<b>Contemporary Trade Directory Entries</b> Name: Scott Bader Co Ltd Location: 2, Cockerell Close, Fareham, Hampshire, PO15 5SR Classification: Glass Fibre Moulding, Materials & Manufacturers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	853	-	452224 108395
228	<b>Contemporary Trade Directory Entries</b> Name: Kayospruce Ltd Location: 2, Cockerell Close, Fareham, Hampshire, PO15 5SR Classification: Distribution Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	853	-	452224 108395
229	<b>Contemporary Trade Directory Entries</b> Name: Premier Filtration Location: 220, Locks Road, Locks Heath, Southampton, SO31 6LB Classification: Air Purification Equipment <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A3NW (S)	876	-	451548 108071

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
230	<b>Contemporary Trade Directory Entries</b> Name: Cleaning Solutions Made Simple Location: 34, Northmore Road, Locks Heath, Southampton, SO31 6LX Classification: Cleaning Services - Domestic <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A3NE (S)	894	-	451655 108060
231	<b>Contemporary Trade Directory Entries</b> Name: Voestalpine Signaling Fareham Ltd Location: Unit 1, Fulcrum, 4, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FT Classification: Railway Equipment Manufacturers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	897	-	452471 108835
232	<b>Contemporary Trade Directory Entries</b> Name: Fareham Community Hospital Location: Brook Lane, Sarisbury Green, Southampton, SO31 7DQ Classification: Hospitals <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A6SE (S)	900	-	451064 108170
233	<b>Contemporary Trade Directory Entries</b> Name: H B S Group Southern Location: Unit 9, Fulcrum 1, Solent Way, Whiteley, Fareham, PO15 7FE Classification: Mechanical Engineers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	903	-	452458 108744
233	<b>Contemporary Trade Directory Entries</b> Name: Limo Engineering Location: Unit 9, Fulcrum, 1, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FE Classification: Garage Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	904	-	452458 108739
233	<b>Contemporary Trade Directory Entries</b> Name: C Quip Location: Unit 8, Fulcrum, 1, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FE Classification: Marine Equipment & Supplies <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	918	-	452473 108741
233	<b>Contemporary Trade Directory Entries</b> Name: Onward Trading Co Location: Unit 8, Fulcrum, 1, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FE Classification: Marine Equipment & Supplies <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	918	-	452473 108741
233	<b>Contemporary Trade Directory Entries</b> Name: F D C International Ltd Location: Unit 6, Fulcrum, 1, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FE Classification: Pharmaceutical Manufacturers & Distributors <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	961	-	452516 108734
234	<b>Contemporary Trade Directory Entries</b> Name: Hi Spec Co-Orparation Location: Unit 4, Fulcrum 4, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FT Classification: Electronic Engineers <b>Status: Inactive</b> Positional Accuracy: Manually positioned to the address or location	A12SE (E)	910	-	452504 108934
235	<b>Contemporary Trade Directory Entries</b> Name: Scania Location: 9, Whittle Avenue, Fareham, Hampshire, PO15 5SH Classification: Commercial Vehicle Dealers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	912	-	452136 108231
236	<b>Contemporary Trade Directory Entries</b> Name: Soft Solutions Location: 19, Buchan Avenue, Whiteley, Fareham, Hampshire, PO15 7EU Classification: Water Softeners <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A16SE (NE)	914	-	452315 109720
237	<b>Contemporary Trade Directory Entries</b> Name: Rentokil Property Care Location: 6, Crompton Way, Fareham, Hampshire, PO15 5SP Classification: Commercial Cleaning Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	920	-	452255 108329

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
237	<b>Contemporary Trade Directory Entries</b> Name: Peter Cox Location: 6 Crompton Way Segensworth, Fareham, Hampshire, PO15 5SP Classification: Damp & Dry Rot Control <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	920	-	452255 108329
237	<b>Contemporary Trade Directory Entries</b> Name: Rentokil Pest Control Location: 6 Crompton Way, Segensworth, Fareham, Hampshire, PO15 5SP Classification: Pest & Vermin Control <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	920	-	452255 108329
237	<b>Contemporary Trade Directory Entries</b> Name: Rentokil Property Care Location: 6, Crompton Way, Fareham, Hampshire, PO15 5SP Classification: Damp & Dry Rot Control <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	920	-	452255 108329
238	<b>Contemporary Trade Directory Entries</b> Name: Wall 2 Wall Autos Location: 174a, Bridge Road, Sarisbury Green, Southampton, SO31 7EH Classification: Car Dealers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A9SW (W)	928	-	450134 108880
238	<b>Contemporary Trade Directory Entries</b> Name: West End Metal Crafts (1998) Ltd Location: 174-176, Bridge Road, Sarisbury Green, Southampton, SO31 7EH Classification: Sheet Metal Work <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A9SW (W)	928	-	450134 108880
238	<b>Contemporary Trade Directory Entries</b> Name: West End Metalcraft Location: 174-176, Bridge Road, Sarisbury Green, Southampton, SO31 7EH Classification: Sheet Metal Work <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A9SW (W)	928	-	450134 108880
239	<b>Contemporary Trade Directory Entries</b> Name: Hoof & Hound Pet Supplies Location: Unit 3, Sarisbury House, 172, Bridge Road, Sarisbury Green, Southampton, SO31 7EH Classification: Pet Foods & Animal Feeds <b>Status: Inactive</b> Positional Accuracy: Manually positioned within the geographical locality	A5NW (W)	934	-	450165 108813
240	<b>Contemporary Trade Directory Entries</b> Name: Edale Location: Unit 1, Fulcrum, 5, Solent Way, Whiteley, FAREHAM, Hampshire, PO15 7FY Classification: Printing Equipment Manufacturers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A12SE (E)	934	-	452538 108986
241	<b>Contemporary Trade Directory Entries</b> Name: Kingdom Location: Little Park Farm, 11, Little Park Farm Road, Fareham, PO15 5SN Classification: Commercial Cleaning Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8SE (SE)	939	-	452340 108402
241	<b>Contemporary Trade Directory Entries</b> Name: Dougland Support Services Ltd Location: Little Park Farm, 11, Little Park Farm Road, Fareham, Hampshire, PO15 5SN Classification: Commercial Cleaning Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SE (SE)	939	-	452340 108402
242	<b>Contemporary Trade Directory Entries</b> Name: Manser Precision Engineering Location: 216, Barnes Lane, Sarisbury Green, Southampton, SO31 7BG Classification: Precision Engineers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A5NW (SW)	943	-	450251 108642

Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
242	<b>Contemporary Trade Directory Entries</b> Name: Parmley Graham Ltd Location: 218-220, Barnes Lane, Sarisbury Green, Southampton, SO31 7BG Classification: Automation Systems & Equipment <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A5NW (SW)	944	-	450251 108642
243	<b>Contemporary Trade Directory Entries</b> Name: Mobile Steam Cleaning Services Location: 19, Hunts Pond Road, Park Gate, Southampton, SO31 6QB Classification: Steam Cleaning Services <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A3NE (SE)	963	-	451905 108047
244	<b>Contemporary Trade Directory Entries</b> Name: Tyre Sales & Service Whiteley Ltd Location: Unit 4, Fulcrum, 1, Solent Way, Whiteley, Fareham, Hampshire, PO15 7FE Classification: Garage Services <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	969	-	452539 108804
244	<b>Contemporary Trade Directory Entries</b> Name: Tyreshops Location: Unit 4, Fulcrum 1, Solent Way, Whiteley, Fareham, PO15 7FE Classification: Tyre Dealers <b>Status: Active</b> Positional Accuracy: Automatically positioned to the address	A8NE (E)	971	-	452541 108808
245	<b>Contemporary Trade Directory Entries</b> Name: Nestle Waters Powwow Location: Unit 5e, Dewar Close, FAREHAM, Hampshire, PO15 5UB Classification: Water Coolers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SE (SE)	982	-	452418 108442
246	<b>Contemporary Trade Directory Entries</b> Name: Boskalis Zinkcon Ltd Location: 4, Crompton Way, Segensworth West, Fareham, Hampshire, PO15 5SS Classification: Marine Engineers <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A8SW (SE)	983	-	452265 108248
247	<b>Contemporary Trade Directory Entries</b> Name: The Meadows Location: The Meadows, Coldeast Way, Sarisbury Green, Southampton, SO31 7ZS Classification: Hospitals <b>Status: Inactive</b> Positional Accuracy: Automatically positioned to the address	A2NE (S)	1000	-	451097 108049
248	<b>Fuel Station Entries</b> Name: Locksheath Service Station Location: 79, Bridge Road, Park Gate, Southampton, SO31 7ZE Brand: ESSO Premises Type: Petrol Station <b>Status: Open</b> Positional Accuracy: Manually positioned to the address or location	A7SW (S)	643	-	451366 108329
249	<b>Fuel Station Entries</b> Name: Mrh Park Gate Spar Location: Petrol Station, 2, Bridge Road, Park Gate, Southampton, SO31 7GE Brand: Bp Premises Type: Petrol Station <b>Status: Open</b> Positional Accuracy: Automatically positioned to the address	A7SE (SE)	778	-	451799 108207



Map ID	Details	Quadrant Reference (Compass Direction)	Estimated Distance From Site	Contact	NGR
250	<b>Ancient Woodland</b> Name: Not Supplied Reference: 1489829 Area(m <sup>2</sup> ): 15760.49 Type: Ancient and Semi-Natural Woodland	A12SW (E)	372	7	451987 109160
251	<b>Ancient Woodland</b> Name: Not Supplied Reference: 1487717 Area(m <sup>2</sup> ): 34400.73 Type: Ancient and Semi-Natural Woodland	A12SW (E)	383	7	451966 108904
252	<b>Ancient Woodland</b> Name: Not Supplied Reference: 1487565 Area(m <sup>2</sup> ): 5173.67 Type: Ancient and Semi-Natural Woodland	A15SE (NE)	667	7	451788 109810
253	<b>Ancient Woodland</b> Name: Not Supplied Reference: 1489388 Area(m <sup>2</sup> ): 14006.83 Type: Ancient and Semi-Natural Woodland	A12NW (E)	673	7	452285 109200
254	<b>Ancient Woodland</b> Name: Bushy Land Reference: 1488006 Area(m <sup>2</sup> ): 17632.03 Type: Ancient and Semi-Natural Woodland	A16SW (NE)	697	7	451986 109735
255	<b>Ancient Woodland</b> Name: Swanwick Wood Reference: 1496137 Area(m <sup>2</sup> ): 308991.02 Type: Ancient and Semi-Natural Woodland	A13NE (NW)	706	7	450508 109881
256	<b>Ancient Woodland</b> Name: Gull Coppice Reference: 1487260 Area(m <sup>2</sup> ): 55702.64 Type: Plantation on Ancient Woodland	A12NW (E)	728	7	452292 109403
257	<b>Local Nature Reserves</b> Name: Gull Coppice Multiple Area: Y Area (m2): 127387 Source: Natural England Designation Date: Not Supplied	A12NE (E)	730	7	452294 109402
258	<b>Nitrate Vulnerable Zones</b> Name: Hamble Estuary Eutrophic Nvz (Trac) Description: Eutrophic Water Source: Environment Agency, Head Office	A11NW (NE)	0	8	451293 109179

Agency & Hydrological	Version	Update Cycle
<b>Contaminated Land Register Entries and Notices</b> Eastleigh Borough Council - Environmental Health Department New Forest District Council - Environmental Health Department Fareham Borough Council - Environmental Health Department Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department	May 2015 October 2014 September 2013 September 2014 September 2014	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
<b>Discharge Consents</b> Environment Agency - Southern Region	July 2017	Quarterly
<b>Enforcement and Prohibition Notices</b> Environment Agency - Southern Region	March 2013	As notified
<b>Integrated Pollution Controls</b> Environment Agency - Southern Region	October 2008	Not Applicable
<b>Integrated Pollution Prevention And Control</b> Environment Agency - South East Region - Solent & South Downs Area Environment Agency - Southern Region	July 2017 July 2017	Quarterly Quarterly
<b>Local Authority Integrated Pollution Prevention And Control</b> Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department New Forest District Council - Environmental Health Department Fareham Borough Council - Environmental Health Department Eastleigh Borough Council - Environmental Health Department	August 2014 December 2014 February 2015 May 2016 September 2014	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
<b>Local Authority Pollution Prevention and Controls</b> Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department New Forest District Council - Environmental Health Department Fareham Borough Council - Environmental Health Department Eastleigh Borough Council - Environmental Health Department	August 2014 December 2014 February 2015 May 2016 September 2014	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
<b>Local Authority Pollution Prevention and Control Enforcements</b> Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department New Forest District Council - Environmental Health Department Fareham Borough Council - Environmental Health Department Eastleigh Borough Council - Environmental Health Department	August 2014 December 2014 February 2015 May 2016 September 2014	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
<b>Nearest Surface Water Feature</b> Ordnance Survey	May 2017	
<b>Pollution Incidents to Controlled Waters</b> Environment Agency - Southern Region	December 1999	Not Applicable
<b>Prosecutions Relating to Authorised Processes</b> Environment Agency - Southern Region	March 2013	As notified
<b>Prosecutions Relating to Controlled Waters</b> Environment Agency - Southern Region	March 2013	As notified
<b>Registered Radioactive Substances</b> Environment Agency - Southern Region	January 2015	
<b>River Quality</b> Environment Agency - Head Office	November 2001	Not Applicable
<b>River Quality Biology Sampling Points</b> Environment Agency - Head Office	July 2012	Annually
<b>River Quality Chemistry Sampling Points</b> Environment Agency - Head Office	July 2012	Annually
<b>Substantiated Pollution Incident Register</b> Environment Agency - South East Region - Solent & South Downs Area Environment Agency - Southern Region - Hampshire and Isle of Wight Area Office Environment Agency - Southern Region - Solent and South Downs	July 2017 July 2017 July 2017	Quarterly Quarterly Quarterly

Agency & Hydrological	Version	Update Cycle
<b>Water Abstractions</b> Environment Agency - Southern Region	October 2017	Quarterly
<b>Water Industry Act Referrals</b> Environment Agency - Southern Region	July 2017	Quarterly
<b>Groundwater Vulnerability</b> Environment Agency - Head Office	April 2015	Not Applicable
<b>Drift Deposits</b> Environment Agency - Head Office	January 1999	Not Applicable
<b>Bedrock Aquifer Designations</b> British Geological Survey - National Geoscience Information Service	August 2015	As notified
<b>Superficial Aquifer Designations</b> British Geological Survey - National Geoscience Information Service	August 2015	As notified
<b>Source Protection Zones</b> Environment Agency - Head Office	October 2017	Quarterly
<b>Extreme Flooding from Rivers or Sea without Defences</b> Environment Agency - Head Office	August 2017	Quarterly
<b>Flooding from Rivers or Sea without Defences</b> Environment Agency - Head Office	August 2017	Quarterly
<b>Areas Benefiting from Flood Defences</b> Environment Agency - Head Office	August 2017	Quarterly
<b>Flood Water Storage Areas</b> Environment Agency - Head Office	August 2017	Quarterly
<b>Flood Defences</b> Environment Agency - Head Office	August 2017	Quarterly
<b>OS Water Network Lines</b> Ordnance Survey	July 2017	6 Weekly
<b>BGS Groundwater Flooding Susceptibility</b> British Geological Survey - National Geoscience Information Service	May 2013	Annually

Waste	Version	Update Cycle
<b>BGS Recorded Landfill Sites</b> British Geological Survey - National Geoscience Information Service	June 1996	Not Applicable
<b>Historical Landfill Sites</b> Environment Agency - Head Office	July 2017	Quarterly
<b>Integrated Pollution Control Registered Waste Sites</b> Environment Agency - Southern Region	October 2008	Not Applicable
<b>Licensed Waste Management Facilities (Landfill Boundaries)</b> Environment Agency - South East Region - Solent & South Downs Area Environment Agency - Southern Region - Hampshire and Isle of Wight Area Office Environment Agency - Southern Region - Solent and South Downs	October 2017 October 2017 October 2017	Quarterly Quarterly Quarterly
<b>Licensed Waste Management Facilities (Locations)</b> Environment Agency - South East Region - Solent & South Downs Area Environment Agency - Southern Region - Hampshire and Isle of Wight Area Office Environment Agency - Southern Region - Solent and South Downs	July 2017 July 2017 July 2017	Quarterly Quarterly Quarterly
<b>Local Authority Landfill Coverage</b> Eastleigh Borough Council Fareham Borough Council - Environmental Health Department Hampshire County Council - Minerals and Waste Planning New Forest District Council - Environmental Health Department Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department	May 2000 May 2000 May 2000 May 2000 May 2000 May 2000	Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable
<b>Local Authority Recorded Landfill Sites</b> Eastleigh Borough Council Fareham Borough Council - Environmental Health Department Hampshire County Council - Minerals and Waste Planning New Forest District Council - Environmental Health Department Southampton City Council - Environmental Health Services Pollution And Safety Winchester City Council - Environmental Health Department	May 2000 May 2000 May 2000 May 2000 May 2000 May 2000	Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable Not Applicable
<b>Registered Landfill Sites</b> Environment Agency - Southern Region - Hampshire Area Environment Agency - Southern Region - Solent and South Downs	March 2003 March 2003	Not Applicable Not Applicable
<b>Registered Waste Transfer Sites</b> Environment Agency - Southern Region - Hampshire Area Environment Agency - Southern Region - Solent and South Downs	March 2003 March 2003	Not Applicable Not Applicable
<b>Registered Waste Treatment or Disposal Sites</b> Environment Agency - Southern Region - Hampshire Area Environment Agency - Southern Region - Solent and South Downs	March 2003 March 2003	Not Applicable Not Applicable

Hazardous Substances	Version	Update Cycle
<b>Control of Major Accident Hazards Sites (COMAH)</b> Health and Safety Executive	September 2017	Bi-Annually
<b>Explosive Sites</b> Health and Safety Executive	March 2017	Bi-Annually
<b>Notification of Installations Handling Hazardous Substances (NIHHS)</b> Health and Safety Executive	November 2000	Not Applicable
<b>Planning Hazardous Substance Enforcements</b> Eastleigh Borough Council Fareham Borough Council Hampshire County Council - Minerals and Waste Planning Southampton City Council - Development Control New Forest District Council Winchester City Council - Planning Department	February 2016 February 2016 February 2016 February 2016 October 2015 October 2015	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
<b>Planning Hazardous Substance Consents</b> Eastleigh Borough Council Fareham Borough Council Hampshire County Council - Minerals and Waste Planning Southampton City Council - Development Control New Forest District Council Winchester City Council - Planning Department	February 2016 February 2016 February 2016 February 2016 October 2015 October 2015	Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update Annual Rolling Update
Geological	Version	Update Cycle
<b>BGS 1:625,000 Solid Geology</b> British Geological Survey - National Geoscience Information Service	January 2009	Not Applicable
<b>BGS Recorded Mineral Sites</b> British Geological Survey - National Geoscience Information Service	November 2017	Bi-Annually
<b>CBSCB Compensation District</b> Cheshire Brine Subsidence Compensation Board (CBSCB)	August 2011	Not Applicable
<b>Coal Mining Affected Areas</b> The Coal Authority - Property Searches	March 2014	As notified
<b>Mining Instability</b> Ove Arup & Partners	October 2000	Not Applicable
<b>Non Coal Mining Areas of Great Britain</b> British Geological Survey - National Geoscience Information Service	May 2015	Not Applicable
<b>Potential for Collapsible Ground Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Potential for Compressible Ground Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Potential for Ground Dissolution Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Potential for Landslide Ground Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Potential for Running Sand Ground Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Potential for Shrinking or Swelling Clay Ground Stability Hazards</b> British Geological Survey - National Geoscience Information Service	June 2015	Annually
<b>Radon Potential - Radon Affected Areas</b> British Geological Survey - National Geoscience Information Service	July 2011	As notified
<b>Radon Potential - Radon Protection Measures</b> British Geological Survey - National Geoscience Information Service	July 2011	As notified

Industrial Land Use	Version	Update Cycle
<b>Contemporary Trade Directory Entries</b> Thomson Directories	September 2017	Quarterly
<b>Fuel Station Entries</b> Catalist Ltd - Experian	August 2017	Quarterly
<b>Gas Pipelines</b> National Grid	July 2014	Quarterly
<b>Underground Electrical Cables</b> National Grid	December 2015	Bi-Annually
Sensitive Land Use	Version	Update Cycle
<b>Ancient Woodland</b> Natural England	May 2017	Bi-Annually
<b>Areas of Adopted Green Belt</b> New Forest District Council	May 2017	As notified
<b>Areas of Unadopted Green Belt</b> New Forest District Council	May 2017	As notified
<b>Areas of Outstanding Natural Beauty</b> Natural England	August 2017	Bi-Annually
<b>Environmentally Sensitive Areas</b> Natural England	January 2017	Annually
<b>Forest Parks</b> Forestry Commission	April 1997	Not Applicable
<b>Local Nature Reserves</b> Natural England	August 2017	Bi-Annually
<b>Marine Nature Reserves</b> Natural England	August 2017	Bi-Annually
<b>National Nature Reserves</b> Natural England	August 2017	Bi-Annually
<b>National Parks</b> Natural England	August 2017	Bi-Annually
<b>Nitrate Vulnerable Zones</b> Environment Agency - Head Office Department for Environment, Food and Rural Affairs (DEFRA - formerly FRCA)	June 2017 October 2015	Bi-Annually
<b>Ramsar Sites</b> Natural England	August 2017	Bi-Annually
<b>Sites of Special Scientific Interest</b> Natural England	August 2017	Bi-Annually
<b>Special Areas of Conservation</b> Natural England	August 2017	Bi-Annually
<b>Special Protection Areas</b> Natural England	August 2017	Bi-Annually



A selection of organisations who provide data within this report

Data Supplier	Data Supplier Logo
Ordnance Survey	
Environment Agency	
Scottish Environment Protection Agency	
The Coal Authority	
British Geological Survey	 <b>British Geological Survey</b> NATURAL ENVIRONMENT RESEARCH COUNCIL
Centre for Ecology and Hydrology	 <b>Centre for Ecology &amp; Hydrology</b> NATURAL ENVIRONMENT RESEARCH COUNCIL
Natural Resources Wales	
Scottish Natural Heritage	
Natural England	
Public Health England	
Ove Arup	
Peter Brett Associates	

Contact	Name and Address	Contact Details
1	<b>British Geological Survey - Enquiry Service</b> British Geological Survey, Kingsley Dunham Centre, Keyworth, Nottingham, Nottinghamshire, NG12 5GG	Telephone: 0115 936 3143 Fax: 0115 936 3276 Email: enquiries@bgs.ac.uk Website: www.bgs.ac.uk
2	<b>Environment Agency - National Customer Contact Centre (NCCC)</b> PO Box 544, Templeborough, Rotherham, S60 1BY	Telephone: 03708 506 506 Email: enquiries@environment-agency.gov.uk
3	<b>Fareham Borough Council - Environmental Health Department</b> P O Box 14, Civic Offices, Civic Way, Fareham, Hampshire, PO16 7PR	Telephone: 01329 236100 extn 2394 Fax: 01329 822732 Website: www.fareham.gov.uk
4	<b>Ordnance Survey</b> Adanac Drive, Southampton, Hampshire, SO16 0AS	Telephone: 023 8079 2000 Email: customerservices@ordnancesurvey.co.uk Website: www.ordnancesurvey.gov.uk
5	<b>Hampshire County Council - Minerals and Waste Planning</b> Room 130, Ashburton Court West, The Castle, Winchester, Hampshire, SO23 8UD	Telephone: 01962 841841 Fax: 01962 847055 Website: www.hants.gov.uk
6	<b>Winchester City Council - Environmental Health Department</b> City Offices, Colebrook Street, Winchester, Hampshire, SO23 9LJ	Telephone: 01962 848519 Fax: 01962 849101 Website: www.winchester.gov.uk
7	<b>Natural England</b> County Hall, Spetchley Road, Worcester, WR5 2NP	Telephone: 0300 060 3900 Email: enquiries@naturalengland.org.uk Website: www.naturalengland.org.uk
8	<b>Environment Agency - Head Office</b> Rio House, Waterside Drive, Aztec West, Almondsbury, Bristol, Avon, BS32 4UD	Telephone: 01454 624400 Fax: 01454 624409
-	<b>Public Health England - Radon Survey, Centre for Radiation, Chemical and Environmental Hazards</b> Chilton, Didcot, Oxfordshire, OX11 0RQ	Telephone: 01235 822622 Fax: 01235 833891 Email: radon@phe.gov.uk Website: www.ukradon.org
-	<b>Landmark Information Group Limited</b> Imperium, Imperial Way, Reading, Berkshire, RG2 0TD	Telephone: 0844 844 9952 Fax: 0844 844 9951 Email: customerservices@landmarkinfo.co.uk Website: www.landmarkinfo.co.uk

Please note that the Environment Agency / Natural Resources Wales / SEPA have a charging policy in place for enquiries.

# Historical Mapping Legends

## Ordnance Survey County Series 1:10,560

	Gravel Pit		Sand Pit		Other Pits
	Quarry		Shingle		Orchard
	Osiers		Reeds		Marsh
	Mixed Wood		Deciduous		Brushwood
	Fir		Furze		Rough Pasture
	Arrow denotes flow of water		Trigonometrical Station		
	Site of Antiquities		Bench Mark		
	Pump, Guide Post, Signal Post		Well, Spring, Boundary Post		
	•285 Surface Level				
	Sketched Contour		Instrumental Contour		
	Main Roads		Minor Roads		
	Sunken Road		Raised Road		
	Road over Railway		Railway over River		
	Railway over Road		Level Crossing		
	Road over River or Canal		Road over Stream		
	Road over Stream				
	County Boundary (Geographical)				
	County & Civil Parish Boundary				
	Administrative County & Civil Parish Boundary				
	County Borough Boundary (England)				
	County Burgh Boundary (Scotland)				
	Rural District Boundary				
	Civil Parish Boundary				

## Ordnance Survey Plan 1:10,000

	Chalk Pit, Clay Pit or Quarry		Gravel Pit
	Sand Pit		Disused Pit or Quarry
	Refuse or Slag Heap		Lake, Loch or Pond
	Dunes		Boulders
	Coniferous Trees		Non-Coniferous Trees
	Orchard		Scrub
	Bracken		Heath
	Marsh		Reeds
	Building		Glasshouse
	Sloping Masonry		Pylon
	Cutting		Embankment
	Road Under		Road Over
	Level Crossing		Foot Bridge
	Standard Gauge Multiple Track		Standard Gauge Single Track
	Siding, Tramway or Mineral Line		Narrow Gauge
	Geographical County		Administrative County, County Borough or County of City
	Municipal Borough, Urban or Rural District, Burgh or District Council		Borough, Burgh or County Constituency
	Civil Parish		
	BP, BS Boundary Post or Stone		Police Station
	Church		Post Office
	Club House		Public Convenience
	Fire Engine Station		Public House
	Foot Bridge		Signal Box
	Fountain		Spring
	Guide Post		Telephone Call Box
	Mile Post		Telephone Call Post
	Mile Stone		Well

## 1:10,000 Raster Mapping

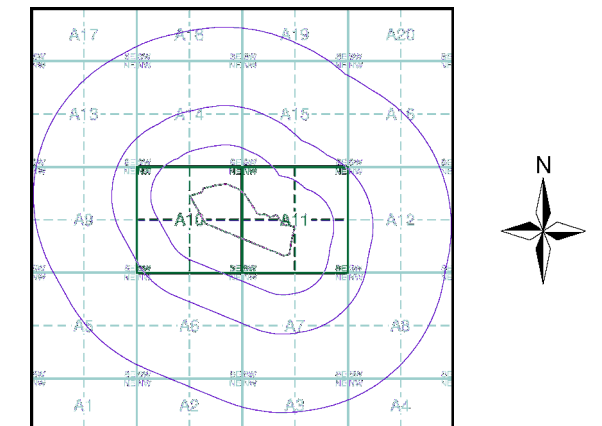
	Gravel Pit		Refuse tip or slag heap
	Rock		Rock (scattered)
	Boulders		Boulders (scattered)
	Shingle		Mud
	Sand		Sand Pit
	Slopes		Top of cliff
	General detail		Underground detail
	Overhead detail		Narrow gauge railway
	Multi-track railway		Single track railway
	County boundary (England only)		Civil, parish or community boundary
	District, Unitary, Metropolitan, London Borough boundary		Constituency boundary
	Area of wooded vegetation		Non-coniferous trees
	Non-coniferous trees (scattered)		Coniferous trees
	Coniferous trees (scattered)		Positioned tree
	Orchard		Coppice or Osiers
	Rough Grassland		Heath
	Scrub		Marsh, Salt Marsh or Reeds
	Water feature		Flow arrows
	Mean high water (springs)		Mean low water (springs)
	Telephone line (where shown)		Electricity transmission line (with poles)
	Bench mark (where shown)		Triangulation station
	Point feature (e.g. Guide Post or Mile Stone)		Pylon, flare stack or lighting tower
	Site of (antiquity)		Glasshouse
	General Building		Important Building



## Historical Mapping & Photography included:

Mapping Type	Scale	Date	Pg
Hampshire & Isle Of Wight	1:10,560	1870 - 1871	2
Hampshire & Isle Of Wight	1:10,560	1897 - 1898	3
Hampshire & Isle Of Wight	1:10,560	1910	4
Hampshire & Isle Of Wight	1:10,560	1910	5
Hampshire & Isle Of Wight	1:10,560	1931	6
Hampshire & Isle Of Wight	1:10,560	1938 - 1942	7
Ordnance Survey Plan	1:10,000	1962 - 1963	8
Ordnance Survey Plan	1:10,000	1963 - 1968	9
Ordnance Survey Plan	1:10,000	1968	10
Ordnance Survey Plan	1:10,000	1972 - 1978	11
Ordnance Survey Plan	1:10,000	1972	12
Ordnance Survey Plan	1:10,000	1989	13
Ordnance Survey Plan	1:10,000	1990 - 1993	14
10K Raster Mapping	1:10,000	2000	15
Street View	Variable		16

## Historical Map - Slice A



## Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

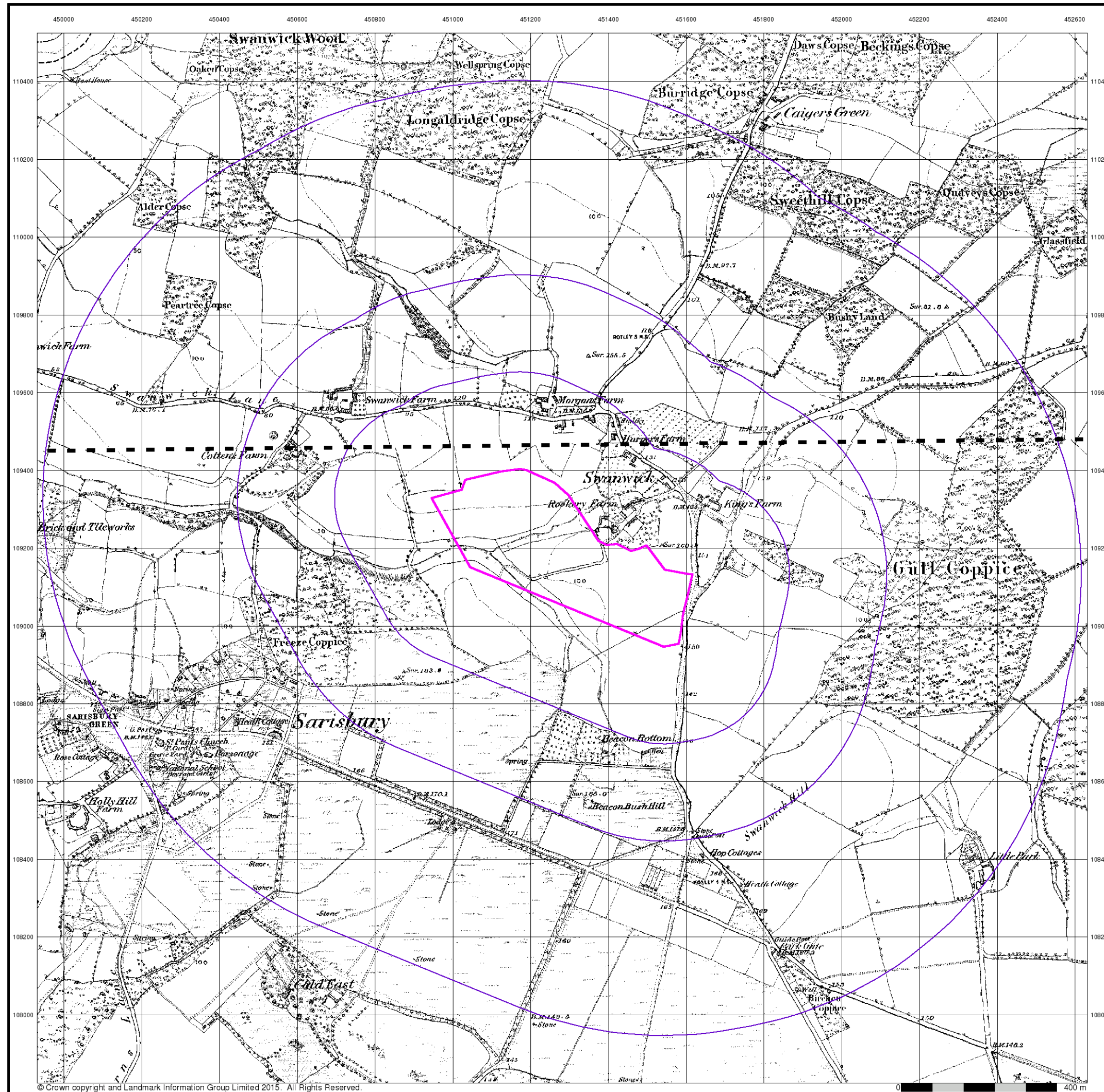
## Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: www.envirocheck.co.uk





## Hampshire & Isle Of Wight

Published 1870 - 1871

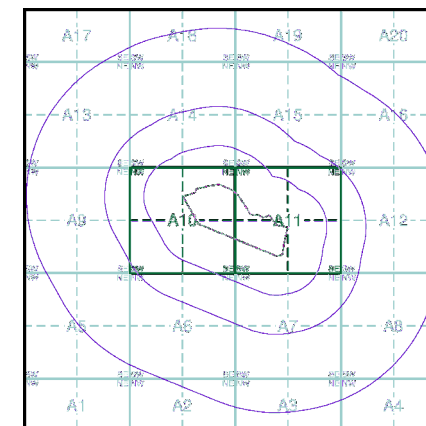
Source map scale - 1:10,560

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

06600
1871
1:10,560
07400
1870
1:10,560

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

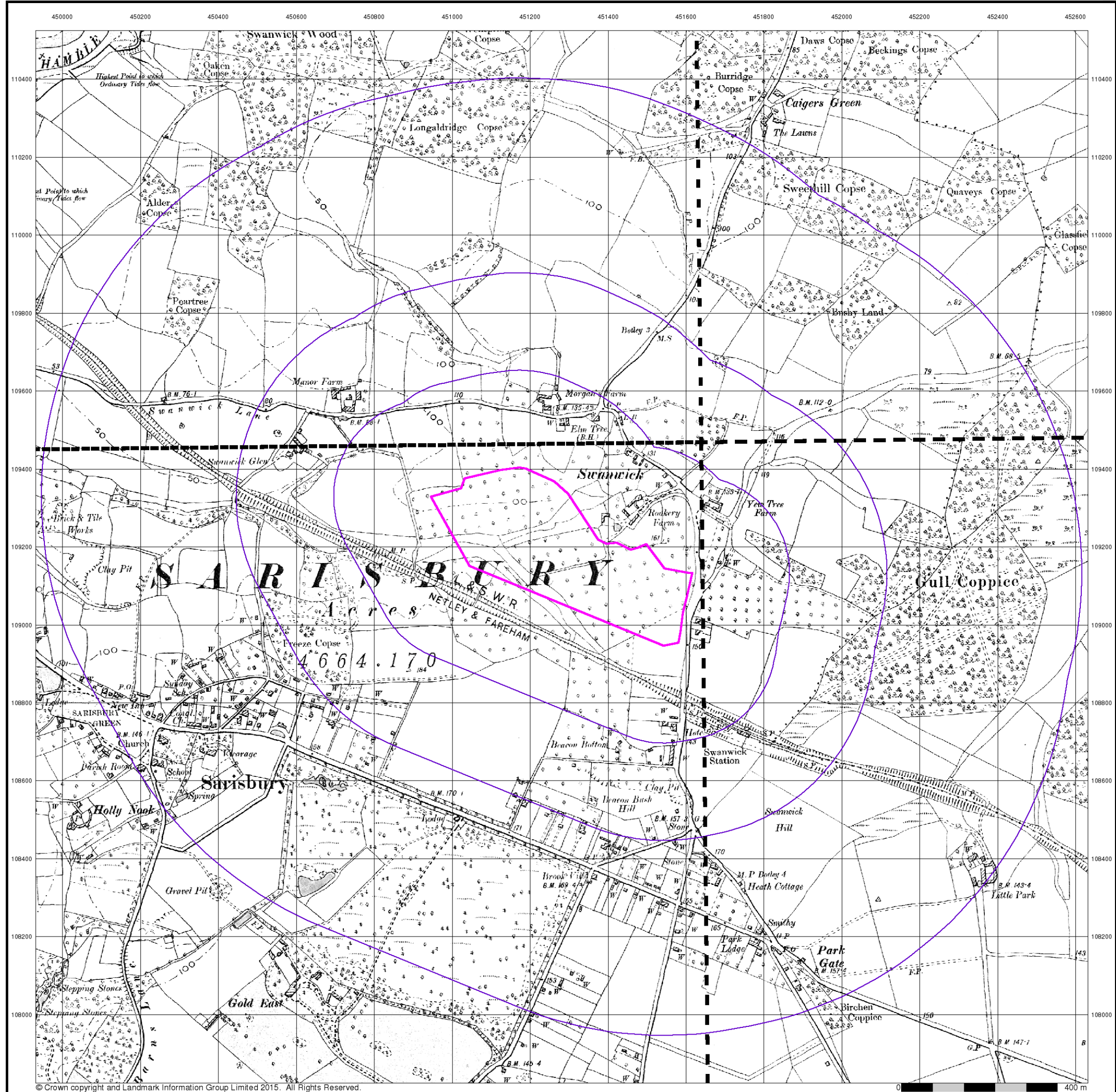
### Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: www.envirocheck.co.uk





## Hampshire & Isle Of Wight

Published 1897 - 1898

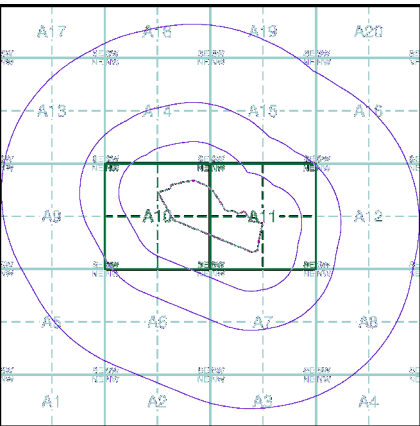
Source map scale - 1:10,560

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

066SW 1898 1:10,560	066SE 1897 1:10,560
074NW 1898 1:10,560	074NE 1898 1:10,560

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

### Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: www.envirocheck.co.uk



## Hampshire & Isle Of Wight

Published 1910

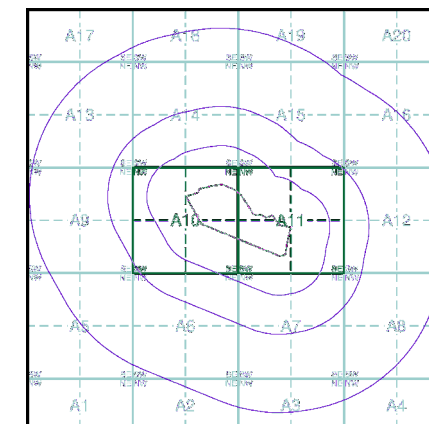
Source map scale - 1:10,560

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

066SW 1910 1:10,560	066SE 1910 1:10,560
074NW 1910 1:10,560	074NE 1910 1:10,560

### Historical Map - Slice A

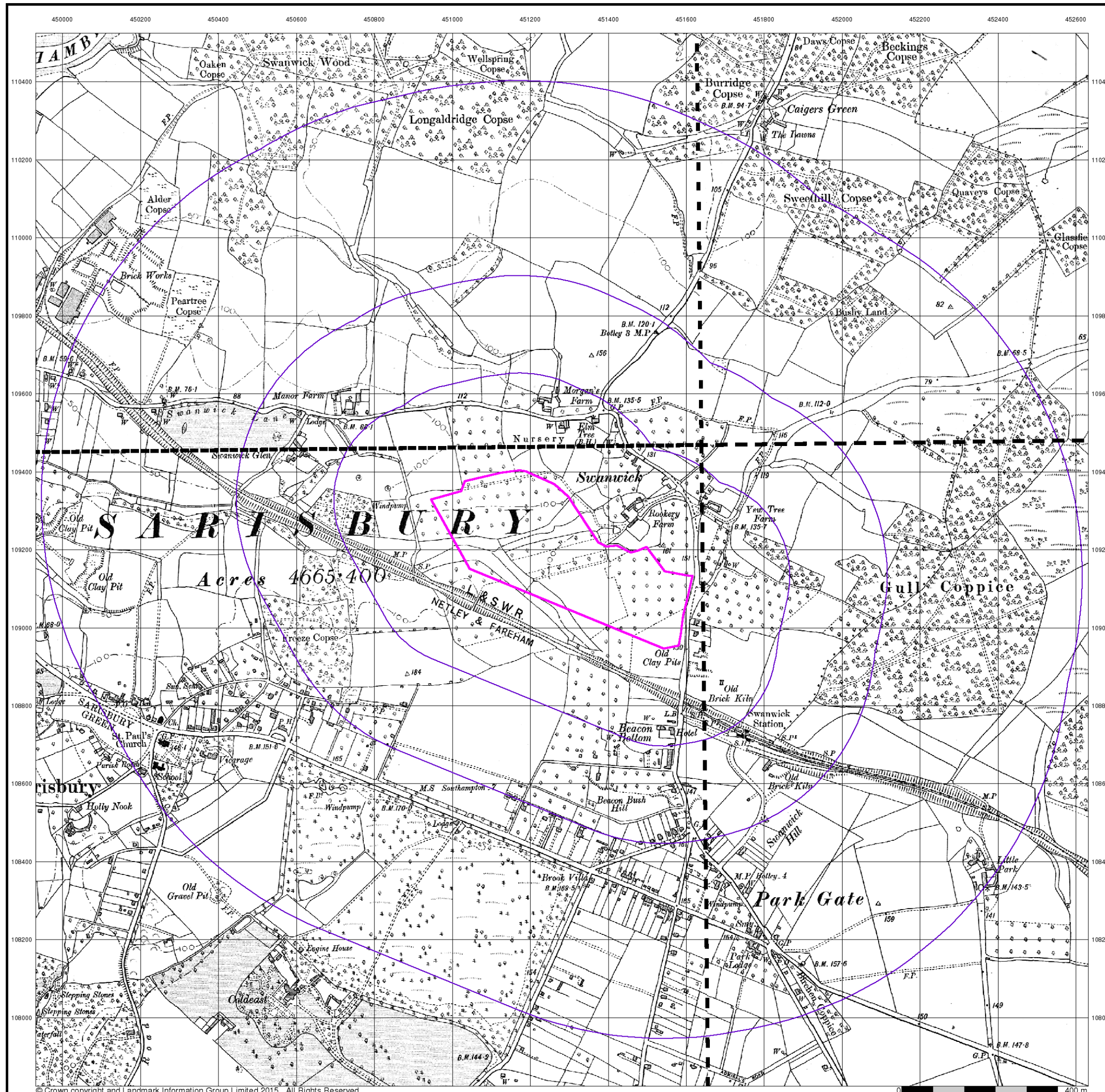


### Order Details

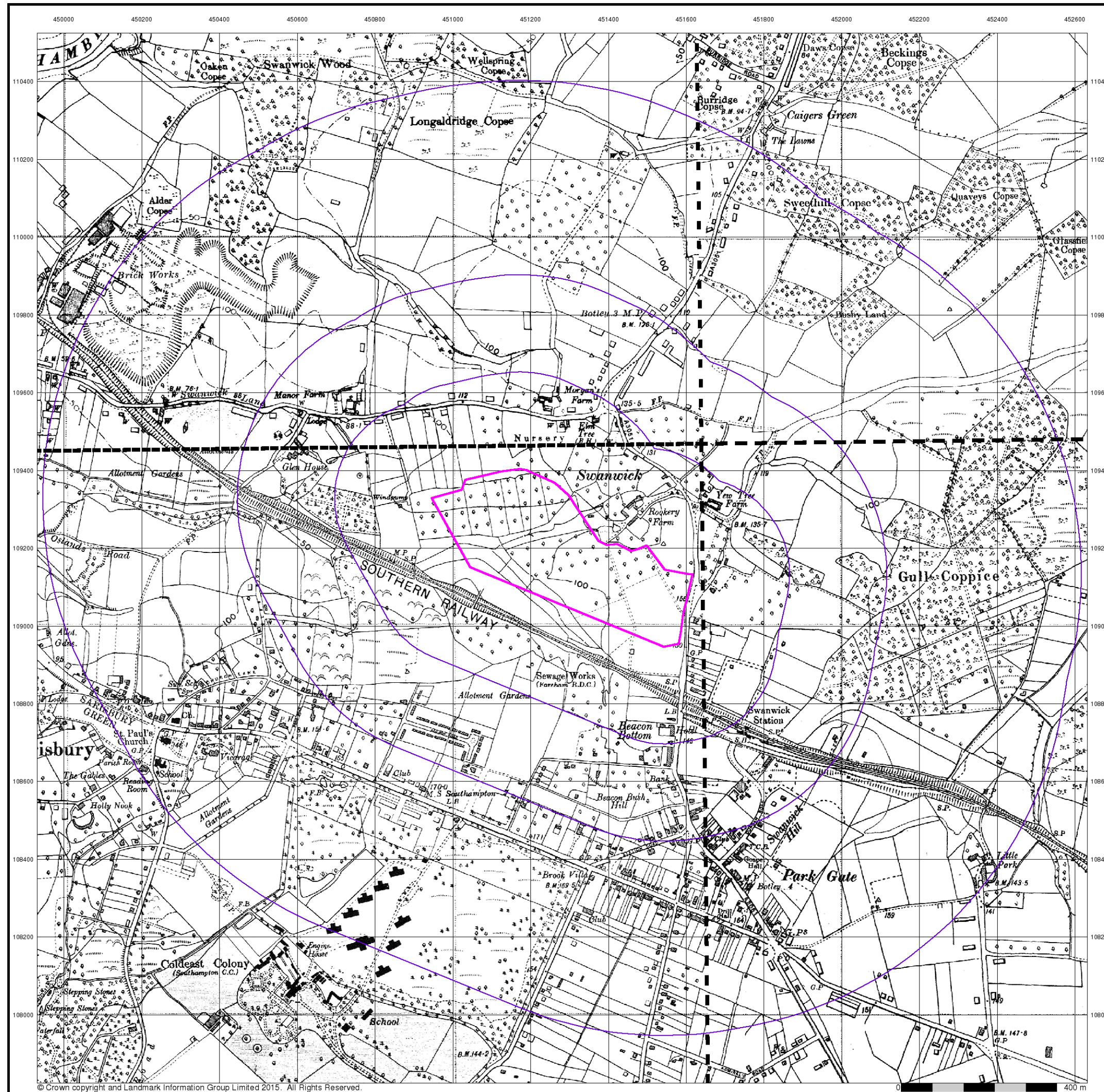
Order Number: 145633529\_1\_1  
 Customer Ref: C289128  
 National Grid Reference: 451290, 109180  
 Slice: A  
 Site Area (Ha): 14.84  
 Search Buffer (m): 1000

### Site Details

Site at, Swanwick, Hampshire







## Hampshire & Isle Of Wight

Published 1938 - 1942

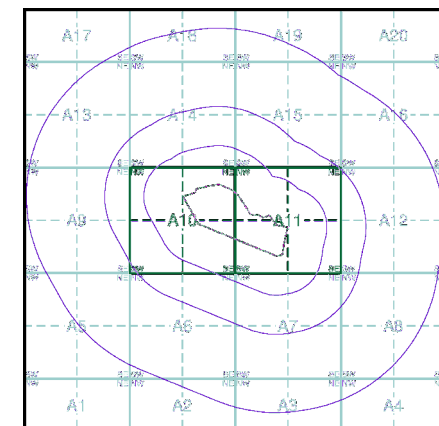
Source map scale - 1:10,560

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

066SW 1942 1:10,560	066SE 1938 1:10,560
074NW 1942 1:10,560	074NE 1942 1:10,560

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

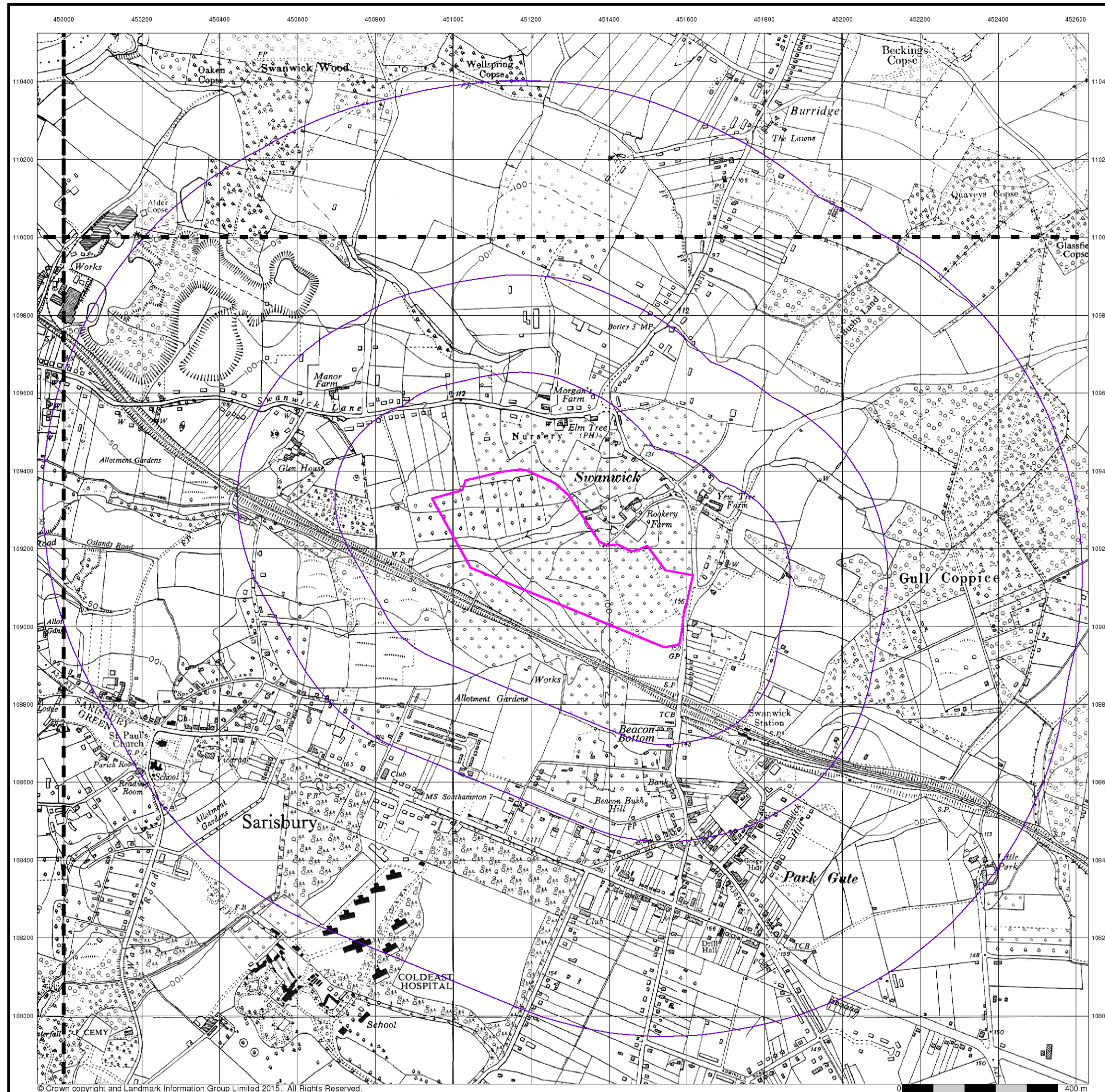
### Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: www.envirocheck.co.uk





## Ordnance Survey Plan

Published 1962 - 1963

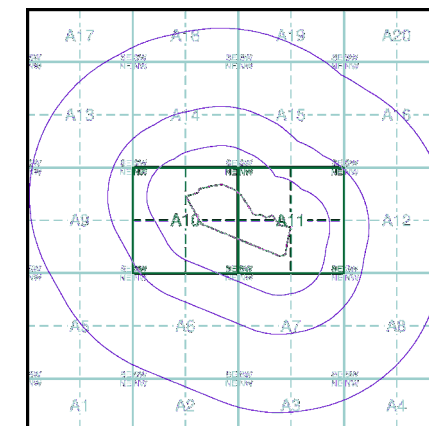
Source map scale - 1:10,000

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

SU41SE	SU51SW
1963	1962
1:10,560	1:10,560
SU40NE	SU50NW
1962	1963
1:10,560	1:10,560

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

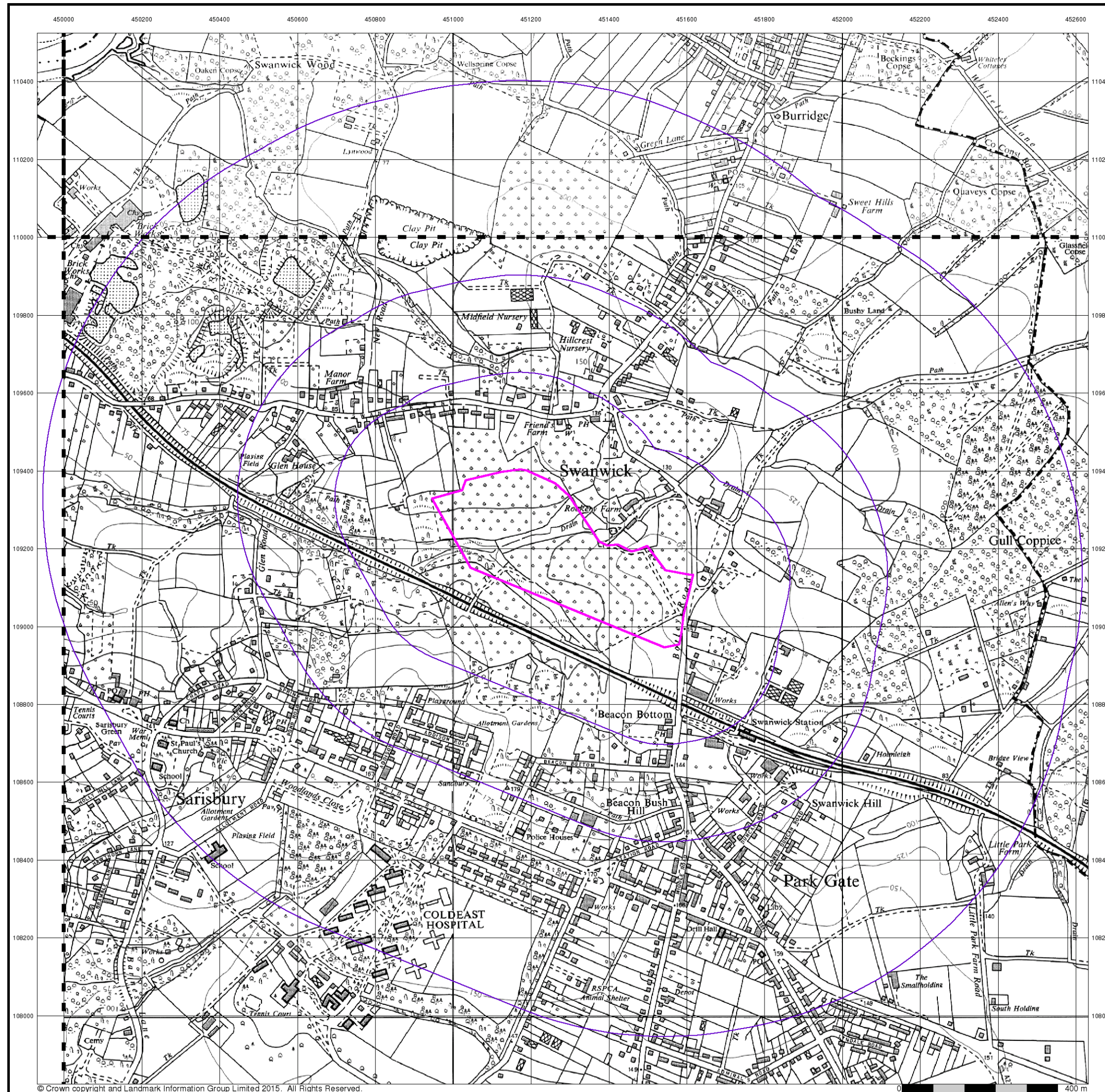
### Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)





## Ordnance Survey Plan

Published 1963 - 1968

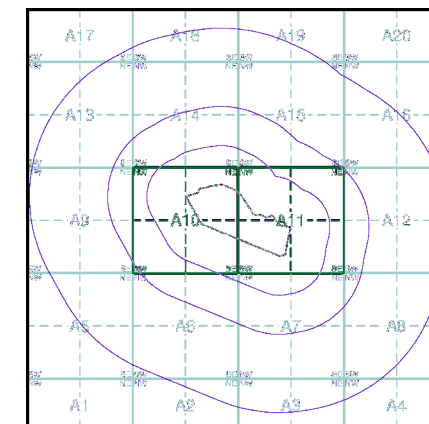
Source map scale - 1:10,000

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

SU41SE	SU51SW
1963	1968
1:10,560	1:10,560
	SU50NW
	1968
	1:10,560

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

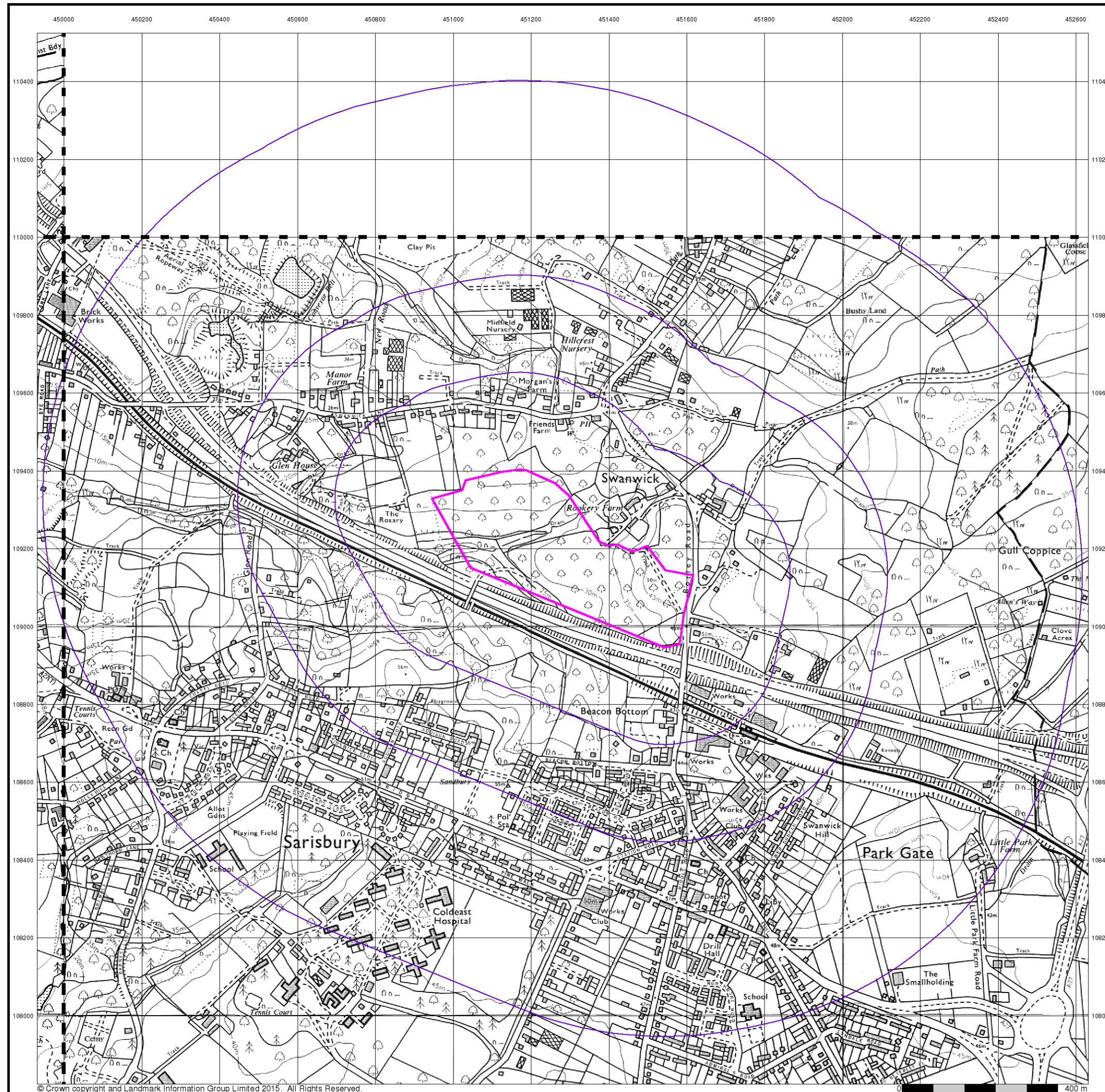
### Site Details

Site at, Swanwick, Hampshire

**Landmark**  
INFORMATION GROUP

Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)





## Ordnance Survey Plan

Published 1972 - 1978

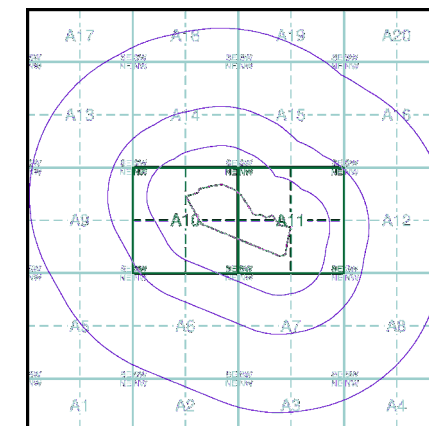
Source map scale - 1:10,000

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

SU41SE	1978	1:10,000
SU40NE	1972	1:10,000
SU50NW	1977	1:10,000

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

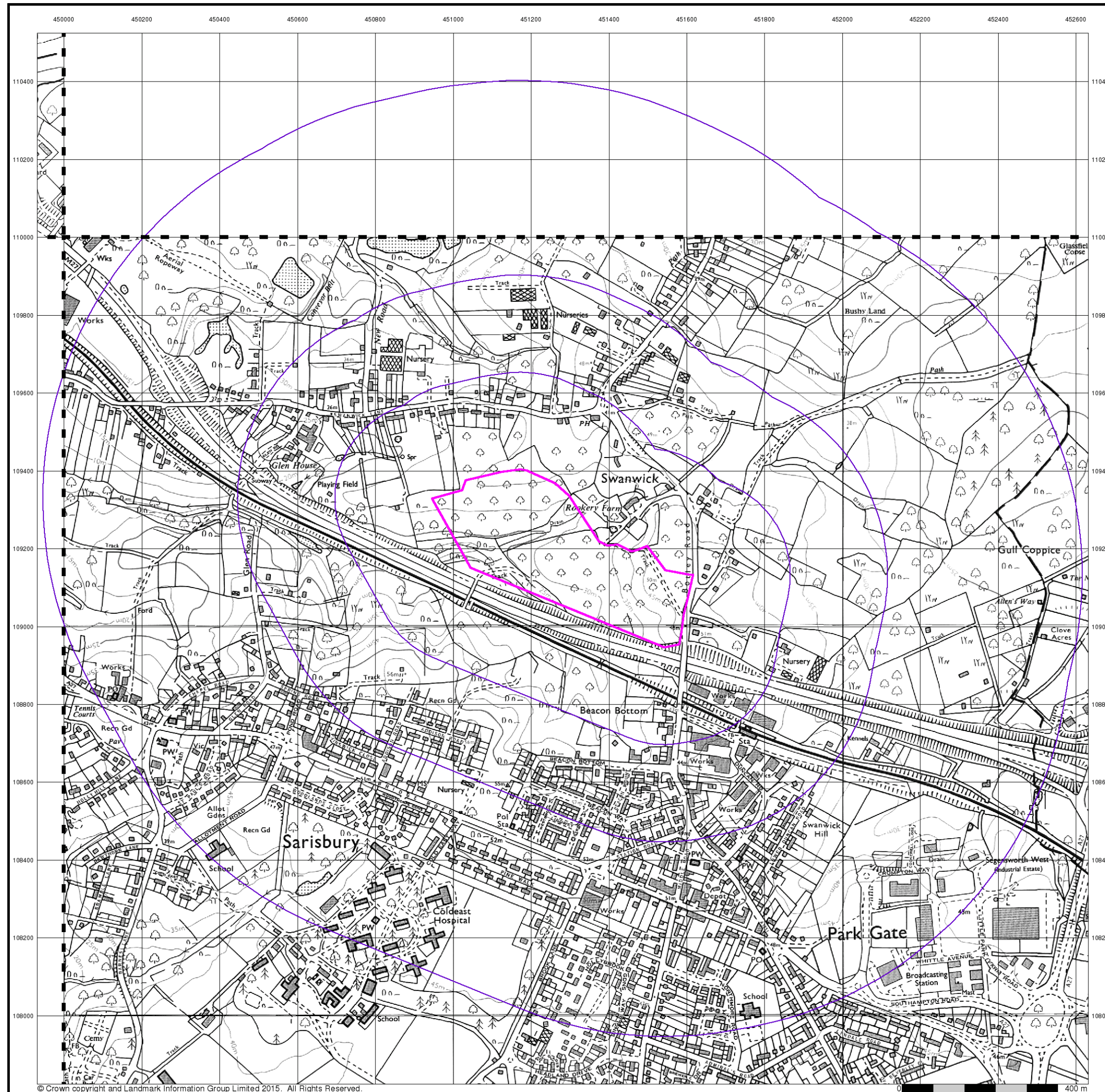
### Site Details

Site at, Swanwick, Hampshire

**Landmark**  
INFORMATION GROUP

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Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)





## Ordnance Survey Plan

Published 1990 - 1993

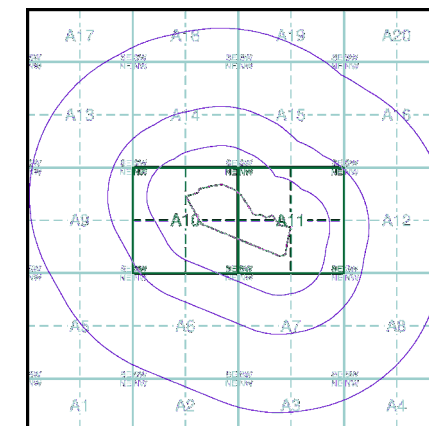
Source map scale - 1:10,000

The historical maps shown were reproduced from maps predominantly held at the scale adopted for England, Wales and Scotland in the 1840's. In 1854 the 1:2,500 scale was adopted for mapping urban areas; these maps were used to update the 1:10,560 maps. The published date given therefore is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas. In the late 1940's, a Provisional Edition was produced, which updated the 1:10,560 mapping from a number of sources. The maps appear unfinished - with all military camps and other strategic sites removed. These maps were initially overprinted with the National Grid. In 1970, the first 1:10,000 maps were produced using the Transverse Mercator Projection. The revision process continued until recently, with new editions appearing every 10 years or so for urban areas.

### Map Name(s) and Date(s)

SU41SE	1993	1:10,000
SU50NW	1990	1:10,000

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

### Site Details

Site at, Swanwick, Hampshire

**Landmark**  
INFORMATION GROUP

Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)





## 10k Raster Mapping

Published 2000

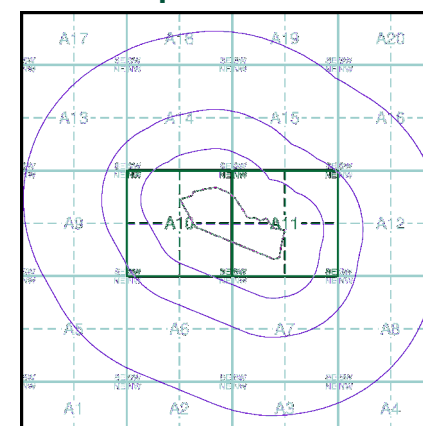
Source map scale - 1:10,000

The historical maps shown were produced from the Ordnance Survey's 1:10,000 colour raster mapping. These maps are derived from Landplan which replaced the old 1:10,000 maps originally published in 1970. The data is highly detailed showing buildings, fences and field boundaries as well as all roads, tracks and paths. Road names are also included together with the relevant road number and classification. Boundary information depiction includes county, unitary authority, district, civil parish and constituency.

### Map Name(s) and Date(s)

SU41SE	SU51SW
2000	2000
1:10,000	1:10,000
SU40NE	SU50NW
2000	2000
1:10,000	1:10,000

### Historical Map - Slice A



### Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

### Site Details

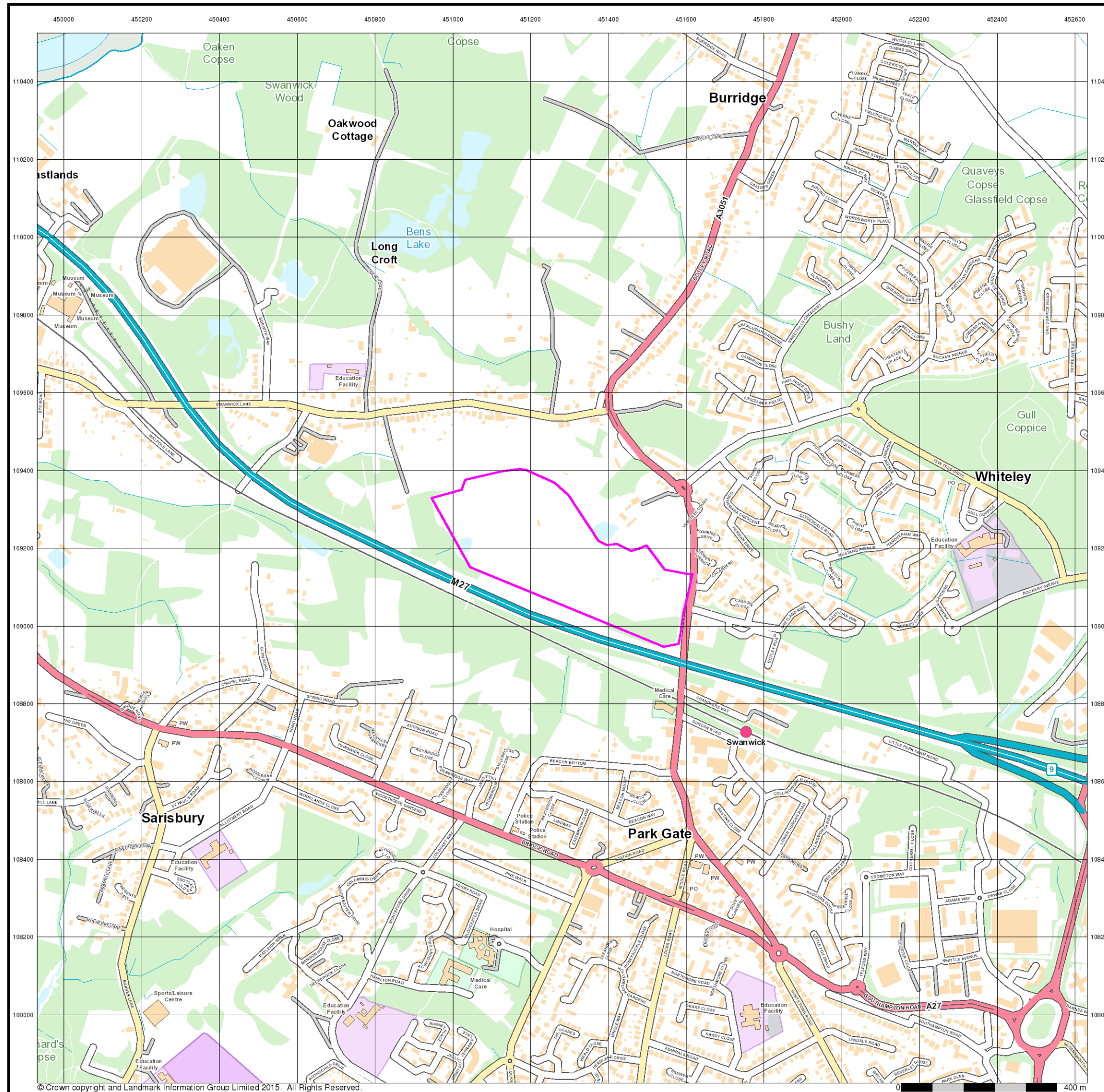
Site at, Swanwick, Hampshire

**Landmark**  
INFORMATION GROUP

Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)







## Street View

Published 2017

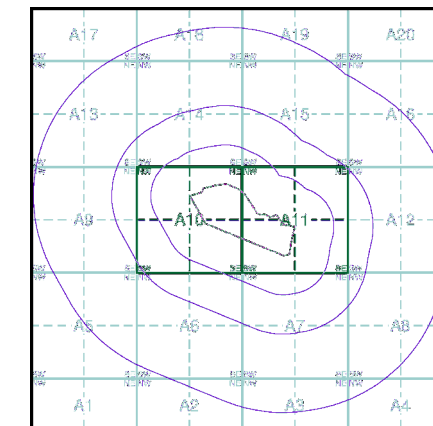
Source map scale - 1:10,000

Street View is a street-level map for the whole of Great Britain produced by the Ordnance Survey. These maps are provided at a nominal scale of 1:10,000

## Map Name(s) and Date(s)



## Street View Map - Slice A



## Order Details

Order Number: 145633529\_1\_1  
Customer Ref: C289128  
National Grid Reference: 451290, 109180  
Slice: A  
Site Area (Ha): 14.84  
Search Buffer (m): 1000

## Site Details

Site at, Swanwick, Hampshire



Tel: 0844 844 9952  
Fax: 0844 844 9951  
Web: [www.envirocheck.co.uk](http://www.envirocheck.co.uk)

## **Annex C: Photographic Records**



# Rookery Farm Site Walkover Photographs



Photo 1: Aggregates Recycling Area. View to north from top of restored landfill



Photo 2: Southern elevation of restored landfill. M27 in background.



Photo 3: Top of restored landfill



Photo 4: Pond on western boundary



Photo 5: Aggregates screening and crushing



Photo 6: Northern boundary environmental bund.



# Rookery Farm Site Walkover Photographs



Photo 7: Below ground water tank at washing plant.



Photo 8: Waste oil storage tank at washing plant.



Photo 9: Above ground diesel tank at washing plant.



Photo 10: Washing plant and mobile fuel oil storage tank



Photo 11: Haul road and northern elevation of inert landfill



Photo 12: Former landfill area to north of weighbridge

Photo 13: Boreholes located midway down the northeast border.

Photo 14: Boreholes located on the north east border towards the eastern corner.

Project Number: 289128.0000.0000

Site Name: Rookery Farm





## Phase II Geo-environmental Site Assessment

Rookery Farm, Swanwick, Hampshire

289128.0000.0000

April 2018

### Prepared For:

Raymond Brown Minerals and Recycling Limited



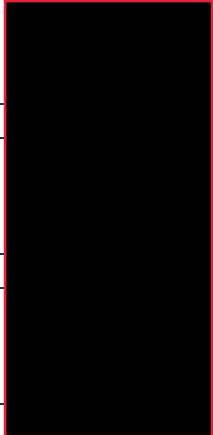
### Prepared By:

TRC Companies Limited

Registered office: 150 Minories, London EC3N 1LS | Company number: 06749633

## Quality Control

Client Name:	Raymond Brown Minerals and Recycling Limited
Project Name:	Rookery Farm, Swanwick
Project No.:	289128.0000.0000
Document Title:	Phase II Geo-Environmental Site Assessment
Date:	30 <sup>th</sup> April 2018

Version:	Draft			
Prepared by:				
Reviewed by:				
Approved by:				



# Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>1.0 Introduction .....</b>	<b>3</b>
1.1 Purpose.....	3
1.2 Proposed Development .....	3
1.3 Scope of Services.....	3
1.4 Significant Assumptions .....	3
1.5 User Reliance .....	4
<b>2.0 Site Description .....</b>	<b>5</b>
2.1 Location .....	5
2.2 Subject and Surrounding Area.....	5
2.3 Previous Investigations and Reports .....	5
<b>3.0 Ground Investigation Scope of Works .....</b>	<b>6</b>
3.1 Scope .....	6
3.2 Investigation Rationale .....	6
3.3 Methodology .....	6
3.4 Environmental Laboratory Analysis.....	7
3.5 Geotechnical Laboratory Analysis .....	7
<b>4.0 Factual Summary of Investigation Findings.....</b>	<b>8</b>
4.1 Ground Conditions .....	8
4.2 Groundwater .....	9
4.3 Visual and Olfactory Evidence of Contamination .....	9
<b>5.0 Soil and Groundwater Assessment .....</b>	<b>10</b>
5.1 Soil Assessment .....	10
5.2 Groundwater Assessment .....	10
5.3 Preliminary Waste Classification .....	11
<b>6.0 Ground Gas Assessment.....</b>	<b>20</b>
<b>7.0 Geotechnical Assessment.....</b>	<b>21</b>
7.1 Historical and Archive Information .....	21
7.2 Summary of TRC Investigation .....	21
7.3 Strata and Descriptions .....	21
7.4 Geotechnical Assessment .....	22
7.5 Additional Development Considerations.....	24
<b>8.0 Preliminary Environmental Risk Assessment .....</b>	<b>25</b>
8.1 Revised Conceptual Site Model .....	25
<b>9.0 Conclusions .....</b>	<b>28</b>
9.1 Findings.....	28
9.2 Summary of Environmental Risk .....	28
9.3 Summary of Geotechnical Assessment.....	29

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## **Table of Contents: Annexes**

**Annex A: Figures**

**Annex B: Exploratory Hole Logs**

**Annex C: Field Data**

**Annex D: Laboratory Chemical Data**

**Annex E: Screened Data**

**Annex F: Laboratory Geotechnical Data**

## Executive Summary

TRC Companies Limited (TRC) was commissioned by Raymond Brown Minerals and Recycling Limited (the 'Client') to undertake a Phase II Geo-environmental and Geotechnical Site Investigation at Rookery Farm, Swanwick, Fareham, Hampshire (hereafter referred to as the 'Site').

The Site comprises an approximate 20 ha plot of land centred on National Grid Reference 451290, 109180. The Site is located approximately 300m northwest of Swanwick train station, within a triangle of land formed by the M27, Botley Road (A3051) and Swanwick Lane.

The Site currently comprises a mineral washing plant and former inert landfill. Aggregates recycling is located in the northern part of the Site and comprises crushing and recycling of imported construction derived materials, it is understood that the aggregates washing plant was decommissioned in 2017. The southern section of the Site contains a restored landfill.

It is understood that the Client is promoting the Site for inclusion within the Fareham Borough Council (FBC) local plan. The redevelopment proposal comprises the redevelopment of the existing operational area of the Site for residential purposes comprising 250 dwellings, with public open space on the former landfill area. A proposed development plan was not available at the time of writing the report.

The intrusive investigation found that the ground conditions beneath the Site comprise a variable thickness of Made Ground to maximum of 4.4m bgl, overlying the London Clay Formation (clay with silt, sand and gravel content). Based on the findings of this investigation it is not considered that the ground conditions are suitable for traditional shallow foundations due to the presence of Made Ground which inherently has variable composition and properties, of which little reliance can be placed for sustaining building loads.

TRC recommend that future foundation design should consider ground improvement to enhance the properties of Made Ground soils to facilitate shallow foundation construction or piling to achieve founding in the London Clay Formation. Further investigation is recommended to characterise the wider site area and delineate areas of Made Ground soils.

The environmental assessment identified no significant contamination within the exploratory borehole locations. Two elevated concentrations of lead were encountered in WS101. This contamination does not present a significant risk to the current land use operation, but may present a risk to more sensitive uses such as the proposed residential with gardens.

TRC recognise that this preliminary assessment was limited given the Site area. Potential areas of concern may remain around former plant areas, hazardous waste stores and possible areas of infilling. However, it is considered that contaminant risks may be addressed via localised removal of contaminated soils that may present a risk to the proposed development or placement of engineered cover to break risk pathways and mitigate hazards. These barriers may comprise building footprints, roadways and other areas of hardstanding. The barrier may also comprise clean imported soils that could be placed over areas of proposed gardens and landscaping to form a clean break layer.

Elevated heavy metals and hydrocarbons were detected in WS103 and WS104, and elevated hydrocarbons in WS101 and WS102. The concentrations marginally exceeded the most conservative screening criteria used within this assessment. The groundwater at this location is considered perched water within the Made Ground soils overlying the London Clay Formation. Given that the Site overlies Unproductive strata of the London Clay Formation, it is not considered that low levels of contamination would trigger a requirement for remediation during redevelopment.

Ground gas monitoring indicates that the Site would be classified as Characteristic Situation 2 (low risk) with respect to ground gas risks. It is recommended that low level gas protection is incorporated in structures with the requirements of BS8485:2015 – Characteristic gas situation CS2. Further monitoring may be required to meet local authority and NHBC requirements.

This Executive Summary is part of this complete report; any findings, opinions, or conclusions in this Executive Summary are made in context with the complete report. TRC recommends that the user reads the entire report for all supporting information related to findings, opinions, and conclusions.

## 1.0 Introduction

### 1.1 Purpose

TRC Companies Limited (TRC) was commissioned by Raymond Brown Minerals and Recycling Limited (the 'Client') to undertake a Phase II Geo-environmental and Geotechnical Site Investigation at Rookery Farm, Swanwick, Fareham, Hampshire (hereafter referred to as the 'Site').

A site location plan is presented as Figure 1 in Annex A.

TRC has previously completed a Phase I Geo-Environmental Site Assessment report for the Site, dated November 2017 (ref. 289128.0001.0000).

The purpose of this Phase II assessment is to supplement the existing Phase I environmental assessment through intrusive investigations to aid site characterisation and to inform the Client of potential environmental liabilities beneath the Site for the proposed residential redevelopment of the Site. Additionally, a preliminary geotechnical investigation has been undertaken to assess the ground conditions to inform potential foundation options for the Site.

### 1.2 Proposed Development

It is understood that the Client is promoting the Site for inclusion within the Fareham Borough Council (FBC) local plan. The redevelopment proposal comprises the redevelopment of the existing operational area of the Site for residential purposes comprising 250 dwellings, with public open space on the former landfill area.

A proposed development plan was not available at the time of writing the report.

### 1.3 Scope of Services

This report presents the findings of a Phase II geo-environmental site assessment, based on the following information:

- Historical uses of the Site and surroundings;
- Current use and condition of the Site;
- Environmental setting in terms of geology, hydrogeology, hydrology and surrounding land uses;
- Relevant publicly available environmental records;
- Intrusive investigation including environmental and geotechnical sampling and testing.

The Phase II assessment was conducted with due regard to the following guidance:

- The National Planning Policy Framework;
- BS10175 (2013) Investigation of Potentially Contaminated Sites – Code of Practice;
- BS5930 (2015) Code of Practice for Ground Investigations;
- Contaminated Land Report (CLR) 11 Model Procedures for the Management of Land Contamination;
- BS8485 (2015) Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings; and
- CIRIA 665 Assessing Risks Posed by Hazardous Ground Gases to Buildings.

### 1.4 Significant Assumptions

This report presents TRC's observations, findings, and conclusions as they existed on the date that this report was issued. This report is subject to modification if TRC becomes aware of additional information after the date of this report that is material to its findings and conclusions.

The reliability of information provided by others to TRC cannot be guaranteed to be accurate or complete. Performance of this Phase II Geo-environmental Site Assessment is intended to reduce, but not eliminate, uncertainty of environmental conditions associated with the subject site; therefore, the findings and conclusions made in this report should not be construed to warrant or guarantee the subject site, or express or imply, including without limitation, warranties as to its marketability for a particular use. TRC found no reason to question the validity of information received unless explicitly noted elsewhere in this report.

### **1.5 User Reliance**

This report was prepared for Raymond Browns Minerals and Recycling Ltd. Reliance on the Report by any other third party is subject to requesting and fully executing a reliance letter between TRC and the third party that acknowledges the TRC Standard Terms and Conditions with the Client, to the same extent as if they were the Client thereunder.

TRC has been provided with information from third parties for information purposes only and without representation or warranty, express or implied as to its accuracy or completeness and without any liability on such third parties part to revise or update the information. Where reliance has been provided by third parties to potential purchasers this is noted in our report.



## 2.0 Site Description

### 2.1 Location

The Site is centred on National Grid Reference 451290, 109180. It is located approximately 300m northwest of Swanwick train station within a triangle of land formed by the M27, Botley Road (A3051) and Swanwick Lane. The Site is accessed off Botley Road.

A site location plan is presented as Figure 1 in Annex A.

### 2.2 Subject and Surrounding Area

The Site is approximately 20 ha in area comprising aggregates recycling, former mineral washing plant and a former inert landfill. Aggregates recycling is carried out in the northern part of the Site and comprises crushing and recycling of imported construction derived materials, it is understood that the aggregates washing plant was decommissioned in late 2017. The southern section of the Site contains a restored landfill. The landfill was first permitted in the early 1980's, but is now closed and fully restored.

The Site is located in a countryside setting, with residential land use nearby. Land uses in the immediate vicinity include:

**Table 1: Summary of Surrounding Land Use**

Direction	Land Use
North	The Site is bound to the north by paddocks, rear gardens and residential properties along Swanwick Lane.
East	The Site is bound to the east by Botley Road and residential properties beyond.
South	The Site is bound to the south by the M27 motorway.
West	The Site is bound to the west by areas of undeveloped countryside land and the M27 motorway beyond.

The Site has an average elevation approximately 40m above Ordnance Datum (aOD) within the operation area and 45-50m AOD on the raise landfill area.

### 2.3 Previous Investigations and Reports

TRC had previously undertaken a Phase I Environmental Site Assessment (ref. 289128.0001.0000), dated November 2017.

The report identified potential sources of contamination at the Site including the use of hydrocarbon fuels, oils and grease associated with fueling and maintenance operations, and potential infilling that may have taken place. Potential off-site sources included a former inert landfill and the waste associated with this process.

The Site was identified as potentially low in terms of contaminated land liability. TRC recommended that an intrusive investigation should be undertaken to determine the ground conditions of the Site for both environmental and geotechnical purposes.

## 3.0 Ground Investigation Scope of Works

### 3.1 Scope

The TRC Phase II Geo-environmental and Geotechnical Ground Investigation was conducted at the Site on 26<sup>th</sup> March 2018. The purpose of the investigation was to characterise underlying ground conditions and investigate the potential presence of contamination that may present a risk to the proposed development at the Site.

The scope of works comprised:

- Observed drilling contractors during the advancement of four windowless sample boreholes (WS101 to WS104) to a maximum depth of 5.0mbgl with in-situ geotechnical testing (Standard Penetration Testing (SPT));
- Inspected soils within boreholes to facilitate geological logging;
- Collected soil samples for third party environmental and geotechnical laboratory testing; and
- Performed field monitoring for bulk ground gases and groundwater levels.

### 3.2 Investigation Rationale

The ground investigation was designed by TRC on behalf of the Client to gather information on the environmental and geotechnical ground conditions, groundwater, and ground-borne gas conditions at the Site. The TRC investigation aimed to gain good general coverage of the Site.

The location of the exploratory holes is presented in Figure 2.

**Table 2: Summary of Exploratory Hole Locations**

Exploratory Hole	Location
WS101	Located on the western boundary of the Site, adjacent to grassland.
WS102	Located in the centre of the wider Site, which is north of the plant machinery.
WS103	Located on the eastern boundary of the Site.
WS104	Located on the southern boundary of the Site, which is south of the plant machinery.

### 3.3 Methodology

#### 3.3.1 Borehole Investigation

TRC commissioned Southern Ground Testing (drilling contractor) to undertake the drilling works at the Site. Each borehole was advanced using a windowless sampling drilling method. The drilling works were overseen by a TRC engineer who performed field assessment and logging of soil arisings.

The works included the following key actions:

- Each of the proposed exploratory hole locations was cleared using a Cable Avoidance Tool (CAT);
- Windowless sampling drilling was performed at each location by the drilling contractor, including in-situ geotechnical testing (Standard Penetration Testing (SPT));
- On-site field assessment and recording of soil type and potential indicators of contamination;
- Collection of soil samples for environmental and geotechnical laboratory analysis; and
- Construction of gas and groundwater monitoring wells in all four borehole locations.

#### 3.3.2 Groundwater and Ground Gas Monitoring

Groundwater and ground gas monitoring was conducted by a TRC technician on the 3<sup>rd</sup> April 2018. The groundwater elevation and potential presence of any free phase oils was measured using an oil/water interface probe.

Gas monitoring was undertaken using a portable gas analyser at each monitoring well head. The field assessment gathered data relating to the concentrations of bulk ground gases (e.g. methane, carbon dioxide, carbon monoxide and oxygen).

Groundwater samples were collected from all boreholes (WS101 to WS104).

### 3.4 Environmental Laboratory Analysis

A total of nine soil samples were collected for environmental analysis during the borehole drilling works. All soil samples were packed in laboratory provided containers and delivered to DETS Ltd for chemical analysis.

All soil samples were collected to provide environmental data on the quality of near surface and shallow soils beneath the Site. Representative samples of Made Ground / Fill and natural deposits were collected where feasible. The analytical suite of soils included the following parameters:

- Asbestos (Made Ground/Fill Materials only);
- Heavy metals suite;
- Polycyclic aromatic hydrocarbons (PAH);
- Total petroleum hydrocarbons – Criteria Working Group (TPH-CWG);
- BTEX and MTBE;
- Waste Acceptance Criteria (WAC) Analysis.

Groundwater samples were collected from four boreholes where groundwater was present (WS101 to WS104). The analytical suite of groundwater included the following parameters:

- Heavy metals suite;
- Polycyclic aromatic hydrocarbons (PAH);
- Total petroleum hydrocarbons – Criteria Working Group (TPH-CWG);
- BTEX and MTBE;
- Biochemical Oxygen Demand;
- Chemical Oxygen Demand;
- Nitrate and nitrite;
- pH.

The full set of chemical results are presented in Annex D.

### 3.5 Geotechnical Laboratory Analysis

Soil sampling for geotechnical testing was undertaken via disturbed sampling. The geotechnical testing suite was limited due to the ground conditions encountered. The geotechnical testing was performed by Professional Soils Laboratory Limited (PSL) and comprised the following:

- 2 No. Moisture Contents;
- 2 No. Atterberg Testing;
- 2 No. PSD by wet sieve; and
- 7 No. pH and sulphate.

The full set of geotechnical results is presented in Annex F.

## 4.0 Factual Summary of Investigation Findings

The following section presents a summary of the investigation findings.

### 4.1 Ground Conditions

The investigation observed that the soils underlying the Site generally comprised the following:

**Table 3: Summary of Ground Conditions**

Strata	Description	Environment Agency Aquifer Status	Observed Thickness (m)	Range of Depth to top of Strata (m)	Maximum Depth of Stratum (m)
<b>Made Ground</b>	Generally comprising a clay, with variable amounts of silt, sand and gravel. Anthropogenic materials included brick, cement, breeze blocks, ceramic tiles, asphalt and ash.	N/A	1.3 - 4.4	0	4.4
<b>London Clay Formation</b>	Comprised a gravelly, silty clay or sandy, silty clay.	Unproductive strata	0.6 - 2.0	3.0 – 4.4	5.0

Made Ground was identified to a maximum depth of 4.4m bgl in WS101, being described as a clay, with variable amounts of silt, sand and gravel. The full depth of the Made Ground was not proven in WS103 and WS104, with WS104 refusing at 1.3m bgl. Occasional pockets of a sandy silt or sand was encountered within the Made Ground stratum.

The borehole logs are presented in full within Annex B. The ground conditions encountered correspond with the publicly available records of ground conditions published by the British Geological Survey (BGS). The closest published borehole records within the Site vicinity (BGS Ref: SU50NW483, 150m to the east), provides very little information other than 'clay and sand' encountered from a depth of approximately 11.0m. Further from the Site published geological records (BGS Ref: SU51SW1) identified a silty clay, with occasional pockets of sand, with a uniform stiff clay with fossils encountered below.

#### 4.1.2. Made Ground

No hardstanding was encountered during the intrusive investigation, with Made Ground encountered from the Site ground level.

The Made Ground soils were generally described as a clay, with variable amounts of sand, silt and gravel. Sand was fine to coarse grained. Gravel comprised fine to coarse brick, ceramic tiles, breeze blocks, asphalt and ash. Occasional pockets of a sandy silt and sand was encountered throughout the Made Ground, with a slight organic odour.

WS101 encountered Made Ground to 4.4m bgl, which is located on the western boundary of the Site. WS102 encountered a 'brown sandy, silty clay, with vegetation and rootlets' to 0.1m, which was underlain by the Made Ground, as per the above description and was located on the northern boundary of the Site. WS103 is located on the eastern boundary of the Site and encountered variable strata's of Made Ground, initially a clay with variable sand, silt and gravel content. Below 2.8m bgl subsurface conditions in WS103 were described as 'carbonaceous very sandy silt'. WS104 is located of the southern boundary of the Site and encountered Made Ground comprising a slightly gravelly silt. WS104 had a refusal at 1.3m bgl and as such the hole was terminated

#### **4.1.3. London Clay Formation**

Suspected London Clay Formation (LCF) was encountered in two of the sample locations. In WS101 it was encountered at 4.4m bgl and in WS102 it was encountered at 3.0m bgl. The maximum thickness encountered was 2.0m (WS102) and persisted to the base of the borehole, a maximum depth of 5.0m bgl (WS101).

In WS101 the LCF was described as an orangish brown, slightly gravelly, very sandy, very silty clay with grey mottling. In WS102 the LCF was described as a orangish brown, slightly sandy, silty clay. Both of these strata are believed to be natural ground, given that no superficial deposits are expected within the Site boundary. It is believed the geological conditions encountered are representative of the initial layers of the LCF.

## **4.2 Groundwater**

During the drilling works, a groundwater strike was noted in WS102 at 1.2m bgl and the remaining windowless samples were dry.

During subsequent gas and groundwater monitoring, groundwater was detected in all four monitoring locations, with variable depths between 0.53m and 2.88m bgl. Groundwater samples were taken from all window sample boreholes and sent to the laboratory for testing.

Field monitoring data for groundwater monitoring are presented in Annex C.

## **4.3 Visual and Olfactory Evidence of Contamination**

No distinct odour, staining or colour changes were observed during the drilling works. A slight organic odour was noted in the Made Ground of WS101 between a depth of 0.0m to 4.2m bgl.



## 5.0 Soil and Groundwater Assessment

### 5.1 Soil Assessment

In order to appraise the significance of the concentrations reported by laboratory testing, TRC has assessed each contaminant species that is elevated above the laboratory LOD against published screening criteria referred to as Generic Assessment Criteria (GAC). GACs are derived from the following reference material:

- Land Quality Management Limited and Chartered Institute of Environmental Health (November 2014), the LQM/CIEH S4ULs for Human Health Risk Assessment. Document reference: S4UL3435.

TRC has selected GACs for a residential with gardens uptake scenario. These screening criteria represent the most conservative values and would be appropriate for the proposed redevelopment scenario. A summary of the laboratory data and the screening tables with relevant GACs is presented in Annex E.

#### 5.1.1 Asbestos

No asbestos was identified in any of the samples tested.

#### 5.1.2 Heavy Metals

Elevated concentrations of lead were detected in two soil samples taken during the investigation (both from WS101, Made Ground and natural). The table below presents a summary of the samples that exceed the GAC.

**Table 4. Summary of Metals exceeding GAC**

Contaminant	GAC (mg/kg)	Maximum Concentration(mg/kg)	Location of Maximum Concentration	No. of exceedances
Lead	276	686	WS101 (0.5 – 0.6m, made ground)	2

TRC has also selected the GACs for the current land use, which is currently commercial. No heavy metal concentrations were reported that exceed the GACs. As such, residual concentrations are not considered to present a risk to the current land use.

#### 5.1.3 Hydrocarbons

No TPH or PAH concentrations were reported that exceeded the GACs. As such, residual concentrations are not considered to present a risk to the current or proposed redevelopment land uses.

### 5.2 Groundwater Assessment

In order to appraise the significance of the groundwater concentrations recorded, TRC has assessed each contaminant species that is elevated above the laboratory LOD against the following published guidance values:

- Drinking Water Standards England and Wales (2000) (amended)

Groundwater monitoring recorded groundwater in all the monitoring wells ranging from 0.53mbgl to 2.88mbgl. The monitoring data indicates that this groundwater is representative of perched water within the Made Ground soils overlying the Unproductive strata of the LCF.

No free phase oils or hydrocarbons odours were identified.

The laboratory analysis reported elevated heavy metals and PAH exceeding the DWS in the groundwater samples from WS103 and WS104. WS101 and WS102 detected speciated PAHs exceeding the DWS in the groundwater samples. The data is summarised in the table below.

**Table 5: Summary of Groundwater Exceedances**

Contaminant	DWS (µg/l)	Maximum Concentration (mg/kg)	Location of Maximum Concentration	No. of exceedances
Arsenic	10	11	WS103	1
Selenium	10	19	WS104	1
Naphthalene	0.01	0.25	WS103	4
Acenaphthene	0.01	0.17	WS103	4
Fluoranthene	0.01	0.05	WS104	4
Anthracene	0.01	0.03	WS103 / WS104	3
Phenanthrene	0.01	0.22	WS103	3
Fluorene	0.01	0.14	WS103	3
Pyrene	0.01	0.03	WS103 / WS104	4

TRC note that the elevated heavy metals and PAH exceeds the most conservative screening criteria, namely UK DWS. These screening criteria are normally reflective of the water quality required at the consumer's tap. On this basis, these minor exceedances are not considered to pose a risk to controlled waters.

### 5.3 Preliminary Waste Classification

TRC has undertaken an assessment of the data to appraise the potential waste classification of the materials. The purpose was to appraise potential requirements to manage materials during site redevelopment that may be derived as surplus to the development e.g. waste soils arising from foundation excavations.

Based on the information gathered during the investigation, TRC consider that the materials would be classified as inert or non-hazardous, depending on the import criteria of the targeted disposal Sites. Further consultation with the disposal facilities are recommended. Alternative disposal options may also include restoration or soil reclamation Sites. Further assessment of waste disposal routes is recommended upon final earthworks design and construction phase planning.

## 6.0 Ground Gas Assessment

Field monitoring for bulk ground gases was performed at all four borehole locations on the 3<sup>rd</sup> April 2018. The concentrations of the bulk gases recorded are summarised in the table below. The data presented in the table below are maximum readings recorded during the monitoring programme. The complete monitoring data set is provided within Annex C.

**Table 6: Summary of Ground Gas Field Monitoring Data**

Location	Methane (%v/v)		CO <sub>2</sub> (%v/v)		CO (ppmv)		Oxygen		Flow Rate (l/hr)	
	Peak	Steady	Peak	Steady	Peak	Steady	Min	Steady	Peak	Steady
WS101	ND	ND	3.1	3.1	ND	ND	11.8	11.8	0.0	0.0
WS102	ND	ND	0.1	0.1	ND	ND	20.8	20.8	-0.1	-0.1
WS103	11.6	11.6	0.0	0.0	105	105	7.1	7.1	-1.4	-1.4
WS104	10.8	10.8	0.0	0.0	26	26	7.7	7.7	1.3	1.2

ND – Not Detected

Methane was detected in WS103 and WS104 at a maximum concentration of 11.6%. Carbon dioxide concentrations were detected in WS101 and WS102 with concentrations ranging from 0.1% to 3.1%. Flow was detected in all the monitoring wells at rates of between -1.4l/hr and 1.3l/hr. The Phase 1 Report identified that the closed inert landfill was in the southern half of the Site and extended to the north of the Site on land adjacent to the Site entrance, staff car parking and weighbridge. The elevated methane concentrations were detected in WS103 and WS104, which are in the proximity of the closed landfill and it is likely to have acted as the source of these elevated concentrations.

TRC has assessed the bulk ground gas concentrations in accordance with current guidance (BS8485:2015). Based on the results, a gas screening value (GSV) of 0.15 l/hr was calculated, which would classify the Site as Characteristic Situation 2 (low risk).

Based on the results, it is recommended that low level gas protection is incorporated in structures in accordance with the requirements of BS8485:2015 – Characteristic gas situation CS2. However, further monitoring may be required to meet local authority and NHBC requirements.

## 7.0 Preliminary Geotechnical Assessment

### 7.1 Historical and Archive Information

Publicly available geological mapping data published by the BGS indicates that the Site is underlain by the London Clay Formation. The formation is described by the BGS as a 'silty to very silty clay, clayey silt and sometimes silt, with some layers of sandy clay'. It is a Sedimentary Bedrock formed approximately 48 to 56 million years ago in the Palaeogene Period.

The closest published borehole records within the Site vicinity (BGS Ref: SU50NW483, 150m to the east), gives very little information other than 'clay and sand' encountered from a depth of approximately 11.0m. Further from the Site published geological records (BGS Ref: SU51SW1) identified a silty clay, with occasional pockets of sand, with a uniform stiff clay with fossils encountered below.

### 7.2 Summary of TRC Investigation

The following section provides a summary of the intrusive investigation of geotechnical parameters. During the intrusive investigation, TRC gathered both in-situ and laboratory geotechnical data for the boreholes drilled on-site. Four windowless samples were drilled to a maximum of five metres with SPTs at regular intervals.

Groundwater and gas wells were installed in all four boreholes. The borehole logs are presented in Annex B.

### 7.3 Strata and Descriptions

#### 7.3.1 Made Ground

Made Ground soils are inherently variable in their composition and characteristics. As such, TRC is unable to determine representative values on geotechnical properties. Given the 4.4m thickness of the Made Ground in WS101 and significant Made Ground across the site, pH and sulphate analysis has been carried out on the Made Ground soils.

Made Ground was encountered in all exploratory hole locations, with a variable thickness of 1.3m to 4.4m. Made Ground soils generally comprised a clay with variable amounts of silt, sand and gravel. Sand was fine to coarse grained. Gravel comprised brick, concrete, ceramic tiles, breeze blocks, asphalt and ash.

SPTs performed within the Made Ground revealed recorded SPT 'N' values between 7 and <50, indicating the presence of soft (low strength) to very stiff (very high strength) ground conditions. WS103 highlights the variability of the Made Ground and its associated properties, with the cohesive deposits SPT 'N' value decreasing from <50 at 1.00m bgl to 10 at 4.00m bgl.

Five samples from the Made Ground were tested for aqueous extract Sulphate (SO<sub>4</sub>) and pH, with depths ranging from 0.1m to 3.7m bgl. Water soluble sulphate contents ranged between 51mg/l and 370mg/l.

In accordance with BRE guidelines, the characteristic value is calculated by determining the mean of the highest 20% of results. In this case the characteristic value is 370mg/l. On this basis the Design Sulphate Class is DS-1. The pH values in the soils samples varied between 7.7 and 11.4. The mean of the lowest 20% of values is 7.7%, which represents the characteristic value. Mobile groundwater conditions have been assumed and on this basis the Aggressive Chemical Environment for Concrete (ACEC) class for the Site is AC-1.

#### 7.3.2 London Clay Formation

The suspected London Clay Formation (LCF) was encountered in WS101 and WS102, underlying the Made Ground soils. The LCF was proven to a maximum depth of 5.0m bgl in WS101, generally comprising clay, with variable sand, silt and gravel content. The LCF was encountered at depths between 3.0m and 4.4m bgl, with a maximum thickness of 2.0m in WS102.

SPTs performed within the LCF revealed recorded SPT 'N' values between 11 to 14 indicating the presence of soft to firm (medium strength) ground conditions. SPTs were consistent throughout the stratum, with little variation.

Particle Size Distribution (PSD) analysis was carried out on two samples within the LCF, generally indicating a clay / silt with variable amounts of sand. WS101 at 4.7m to 4.9m bgl returned with a primary constituent of clay / silt (22% / 33%), with a sand content of 44% and a gravel content of 1%. WS102 at 3.2m to 3.4m bgl returned with a primary constituent of clay / silt (33% / 46%), with a sand percentage of 21%.

Atterberg limit tests were carried out on two samples within the LCF, at depths between 3.2m and 4.7m bgl. The test results indicate that the cohesive deposits can be classified as Clay of low (one test) to intermediate (one test) plasticity. The modified plasticity index (PI) was calculated to be 15% and 17% and in accordance with NHBC guidelines the Clay is of low volume change potential (VCP).

Two samples from the LCF were tested for aqueous extract Sulphate (SO<sub>4</sub>) and pH, with depths ranging from 3.2m to 4.9m bgl. Water soluble sulphate contents were 180mg/l and 210mg/l. In accordance with BRE guidelines, the characteristic value is calculated by determining the mean of the highest 20% of results. In this case the characteristic value is 210mg/l. On this basis the Design Sulphate Class is DS-1. The pH values in the soils samples varied between 7.7 and 7.9. The mean of the lowest 20% of values is 7.7%, which represents the characteristic value. Mobile groundwater conditions have been assumed and on this basis the Aggressive Chemical Environment for Concrete (ACEC) class for the Site is AC-1.

## 7.4 Preliminary Geotechnical Assessment

### 7.4.1 General

This preliminary geotechnical assessment is based on the parameters determined from the field work and laboratory analysis described within this report. This assessment provides an overview of potential foundation solutions and infrastructure design, and does not constitute a detailed design report for the proposed development.

It is understood that the Client is promoting the Site for potential redevelopment of the existing operational area of the Site for residential purposes comprising 250 dwellings, with public open space on the former landfill area.

For the purposes of this assessment, TRC has assumed that finished ground levels will be at, or close to existing ground levels. In the event that these levels are changed, then TRC would recommend that this assessment is revisited to examine potential changes in recommendations.

### 7.4.2 Desiccation Assessment

Desiccation caused by climate or tree root activity can be seasonally influenced, and relates primarily to the moisture content and plasticity of the ground. TRC has undertaken an initial assessment of desiccation / suction, made by comparing moisture content test results with Atterberg Limit Tests to assess if a moisture content deficit exists. Two methods of identifying desiccated soils within high plasticity clays are provided by Driscoll (1983), where significant desiccation is defined as when the soil has a suction of 100 kN/m<sup>2</sup> or greater. These are:

- If moisture content < 0.4 x liquid limit, or
- If moisture content < plastic limit + 2 %

It is likely that significant desiccation is probable in samples where both Driscoll criterion are met.

The data gathered within the scope of this assessment indicates that none of the soils would be considered desiccated. However, TRC note that the investigation was limited in its scope and the recent ground investigation only encountered London Clay Formation in WS101 and WS102. Testing and subsequent assessment is limited to two samples. As such, further investigation and sampling is recommended to confirm the above assessment.



### 7.4.3 Foundations

The Made Ground soils are not considered suitable as a founding stratum for traditional foundations. This is due to an inherent variability in composition of Made Ground soils and their associated properties. The investigation encountered Made Ground of variable thickness of 1.3m to 4.4m bgl.

In locations where the Made Ground extends below the 'usual' depth of foundations, the excavation for formation / footings should extend to at least 300mm below the interface of the Made Ground / natural ground, subject to NHBC requirements. The natural strata encountered is believed to be LCF and was encountered in WS101 and WS102 only, between a depth of 3.0m and 4.4m bgl.

Little reliance can be placed upon the consistency of the ground to support 'standard' building loads for the Site. A programme of ground improvement or pile foundation solution is likely to be required for the Site to facilitate development. Foundation depths may also need to be deepened to take into account of the effects of future tree growth and/or planting, and/or tree removal causing heave; design to NHBC Practice Note 4.2 is recommended.

A further evaluation/investigation of the strength of the ground beneath the entire development footprint is recommended in order to evaluate any inconsistencies (or the corollary) within the depths of the underlying strata and to evaluate the appropriate foundation method.

### 7.4.4 Excavations

Should a ground improvement methodology be utilised at the Site, excavation to the anticipated founding depths should be readily achievable using standard excavation plant. The developer should consider the potential for random and sudden falls from the faces of near-vertically sided excavations at the Site. This may be more prevalent in the Made Ground soils and low strength natural strata; the potential for excavation collapse may be exacerbated by perched water inflows.

A risk assessment on the stability of any open excavation should be undertaken by a competent person and appropriate measures employed to ensure safe working practice in and around open excavations. Temporary trench support or battering of excavation sides should be considered for all excavations, particularly where personnel are required to enter the excavations.

Groundwater was encountered during the investigation with resting levels between 0.53m bgl and 2.88m bgl. It is likely that the groundwater accumulating within shallow excavations could be managed via sump pumping. It should be noted that groundwater levels vary seasonally and timing of the construction programme may influence the volumes of groundwater that need to be managed. The developer should also consider the impact of weather and the potential for rainwater and surface run-off to accumulate within excavations, as clay will soften quickly.

Water pumped from excavations may require pre-treatment prior to discharge. This could include settlement tanks to reduce silt and suspended solids. No significant contamination has been identified at the Site, therefore further filtration or other such treatment stage is considered unlikely. However, the developer should consult with the local water authority and/or EA to obtain necessary discharge consents and agree the scope of pre-treatment prior to discharge.

### 7.4.6 Below Ground Concrete

Water soluble sulphate analyses were carried out on seven samples obtained between a depth of 0.1m bgl and 4.9m bgl, within both the Made Ground and London Clay Formation, with soil pH determination also carried out on these samples. In accordance with BRE Special Digest 1 (2005) the Design Sulphate Class is DS-1. Mobile groundwater conditions have been assumed and on this basis the Aggressive Chemical Environment for Concrete (ACEC) class for the Site is AC-1. Further chemical testing would be required should piled foundations solution be applied to the Site.

### 7.4.7 Soakaway Potential

The underlying LCF comprises low permeability clays and silts. As such, soakaways are not considered suitable for future development.

#### **7.4.8 Pavement Construction**

No testing of near-surface conditions for pavement design was included within the scope, but a CBR figure of 2% could be conservatively assumed for pavements on (predominantly) clayey material, and if the formation could be frost-susceptible, a depth of 450 mm should be excavated and replaced. Once the position of proposed roads and areas of hardstanding have been finalised, in-situ testing could be undertaken to determine an appropriate design CBR value at formation level.

### **7.5 Additional Development Considerations**

#### **7.5.1 Private Garden and Shared Landscaping**

Currently there is no significant resource of growing medium on the Site. It is assumed that garden and soft landscaping areas would require placement of at least a 450mm cap of subsoil/topsoil. This capping layer may also be required to serve as a segregating layer to mitigate risks of contact between future site users and residual contamination observed in WS101.

It is recommended that imported materials must be 'clean' and suitable for use. Appropriate validation documentation will need to be submitted to the local authority to confirm imported material is suitable for use. This will comprise routine sampling and testing of materials.

Any existing topsoil encountered at the Site could also be tested for fertility and suitability. It may be found suitable for use as a subsoil, if not fertile enough for use as topsoil in domestic gardens.

## 8.0 Preliminary Environmental Risk Assessment

### 8.1 Conceptual Site Model

The methodology of this risk assessment uses the source-pathway-receptor pollutant linkage to provide a qualitative appraisal of environmental risks and potential liabilities associated with soil and groundwater contamination at the Site.

The conceptual site model (CSM) is prepared on the basis of proposed redevelopment to comprise comprising 810 residential units with ground floor retail, commercial, cultural and amenity space.

### 8.2 Inputs

The following parameters have been considered within the CSM:

- **Sources** – The CSM considers potential historical and more recent sources of industrial land uses, which may present a risk of contamination. The Phase 1 Report identified the potential for localised hotspots of hydrocarbon contamination from plant refuelling and maintenance. Also, the potential infilling associated with the landfill, which could generate ground gases. Contaminants have been identified during the laboratory analysis including elevated lead concentrations in soil and elevated heavy metals and PAH in the perched water.
- **Pathways** – TRC has considered human health risk pathways within the context of proposed residential redevelopment comprising dermal contact, ingestion, inhalation and plant uptake, leaching of contamination to ground, contact with buried services and migration of ground gases.
- **Receptors** – TRC has considered risks to human health (construction workers and future residents, site users and general public accessing public open space) and groundwater within the perched Made Ground. The underlying LCF is classified as an Unproductive Strata and therefore has not been considered as a receptor. Likewise, the stream that crosses the Site is understood to be within a culvert and has been considered to be hydraulically isolated.

### 8.3 Revised Conceptual Site Model

**Table 7: Revised Conceptual Site Model**

Source	Pathway	Receptor	Risk
<b>On-Site Sources</b>			
<p>Elevated concentrations of lead in soils.</p> <p>Elevated heavy metals and speciated PAHs concentrations in the perched water.</p> <p>Elevated methane concentrations associated with the closed landfill at the Site.</p>	<p>Dermal contact, ingestion and inhalation pathways</p>	<p>Future site users</p>	<p><b>Low to Moderate</b></p> <p>The presence of private gardens as part of the proposed development may present a risk to future site users through direct contact with contamination if present.</p> <p>This pathway could be eliminated via the removal of contaminated Made Ground soils or placement of clean cover barriers comprising subsoil/topsoil across areas of landscaping and private gardens or hardstanding across</p>

Source	Pathway	Receptor	Risk
			building footprints and roadways.
		Neighbouring residents	<b>Low</b> No significant contamination concentrations detected that could present a potential risk to receptors.  Underlying London Clay Formation exhibits low permeability characteristics, which would prevent contaminant migration contamination.
		Construction workers	<b>Low</b> Risk pathway to be mitigated via Personal Protective Equipment (PPE), good hygiene practices and construction site management.
	Leaching of contaminants and vertical migration into groundwater	Controlled waters	<b>Low</b> EA designate underlying London Clay as Unproductive strata.  Exceedances of heavy metals and speciated PAHs was identified in perched water samples collected (WS101 too WS104). The concentrations marginally exceeded highly conservative DWS screening values and it is therefore not considered that the concentrations present a significant risk.
	Contact with buried services	Buried services	<b>Low</b> Proposed development to consider risk of residual contamination and incorporate protective measures as appropriate. This may include clean service corridors and / or use of chemically resistant pipework.
	Migration of ground gases onto Site and ingress into buildings	Future site users	<b>Low</b> Based on the site investigation findings, the Site would be classified as Characteristic Situation 2 (low risk), recommending basic gas protection is incorporated in the proposed structures.

Source	Pathway	Receptor	Risk
		Construction workers	<b>Low</b> Pathway to be managed through good construction practices and mitigation of risks when working in confined spaces.

## 9.0 Conclusions

### 9.1 Findings

The Site is approximately 20 ha in area comprising an aggregates recycling and mineral washing plant and a former inert landfill. Aggregates recycling is carried out in the northern part of the Site and comprises crushing and recycling of imported construction derived materials, it is understood this operation was decommissioned in late 2017. The southern section of the Site contains a restored landfill. The landfill was first permitted in the early 1980's, but is now closed and fully restored.

The intrusive investigation found that the ground conditions beneath the Site comprise a variable thickness of Made Ground to a maximum depth of 4.4m bgl, overlying the London Clay Formation (clay with silt, sand and gravel content).

Although low levels of hydrocarbon and PAH contamination was detected within the soils underlying the Site, none of the concentrations recorded exceed the GAC for the most sensitive screening values comprising residential end use with plant uptake. Made Ground in WS101 contained an elevated concentration of lead that exceeded the GAC for the proposed residential end use with plant uptake. This concentration does not present a significant risk to current land use, but may present a potential risk to more sensitive land uses such as residential development.

Groundwater levels ranged from 0.53m bgl to 2.88m bgl. Samples were collected from all the boreholes, with analysis of samples from WS103 and WS104 reporting elevated concentrations of heavy metals and PAHs, and WS101 and WS102 reporting elevated concentrations of PAHs. The concentrations marginally exceeded the most conservative criteria, namely UK DWS, which is normally reflective of the water quality required at the consumer's tap.

Gas monitoring undertaken at the Site indicated that the Site would be classified as a Characteristic Situation 2 (low risk).

### 9.2 Summary of Environmental Risk

TRC considers the Site to be generally low risk with respect to contaminated land liability. The concentrations of heavy metals and hydrocarbons detected during this investigation as not at significant levels that would pose a significant risk to the current land use at the Site.

With respect to a proposed residential redevelopment scenario, TRC considers that the data does not indicate that the Site poses a significant risk to proposed development. Low levels of heavy metals and hydrocarbons detected during the investigation are not at significant concentrations that could trigger a requirement for site wide remediation. Elevated lead detected at WS101 may present an unacceptable risk to proposed development. However, risks could be remediated via either removal of locally contaminated soils or placement of engineered capping either comprising hard paved surfaces of building footprints, roadways etc. or through the placement of clean imported soils to create gardens and landscaping. TRC would recommend a minimum thickness of 600mm clean cover in areas of private gardens and 300mm for areas of shared landscaping.

Minor concentrations of heavy metals and hydrocarbons within the underlying groundwater is not considered to present a significant risk to controlled waters or trigger a potential requirement for site wide remediation. This investigation has found that the concentrations are marginally elevated above the UKDWS, which represents a highly conservative screening value. The absence of sensitive controlled water receptors will minimise any requirement for groundwater remediation.

Gas monitoring indicates that the Site would be classified as Characteristic Situation 2 (low risk) with respect to ground gas risks, therefore it is recommended that low level gas protection is incorporated in structures with the requirements of BS8485:2015 – Characteristic gas situation CS2. Further monitoring would be required to meet local authority and NHBC requirements.



### 9.3 Summary of Geotechnical Assessment

The Made Ground soils are not considered suitable as a founding stratum for traditional foundations. This is due to an inherent variability in composition of Made Ground soils and their associated properties. The investigation encountered Made Ground of variable thickness, with a maximum thickness of 4.4m bgl. In locations where the Made Ground extends below the 'usual' depth of foundations, the excavation for formation / footings should extend at least 300mm below the interface of the Made Ground / natural ground, subject to NHBC requirements. The natural strata encountered is believed to be London Clay Formation and was encountered in WS101 and WS102 only, between a depth of 3.0m and 4.4m bgl.

Little reliance can be placed upon the consistency of the ground to support 'standard' building loads for the Site. A pile foundation solution or ground improvement programme is likely to be required for the Site. Foundation depths may also need to be deepened to take into account the effects of future tree growth and/or planting, and/or tree removal causing heave; design to NHBC Practice Note 4.2 is recommended.

The Design Sulphate Class would be DS-1 and the Aggressive Chemical Environment for Concrete (ACEC) class for the Site is AC-1.

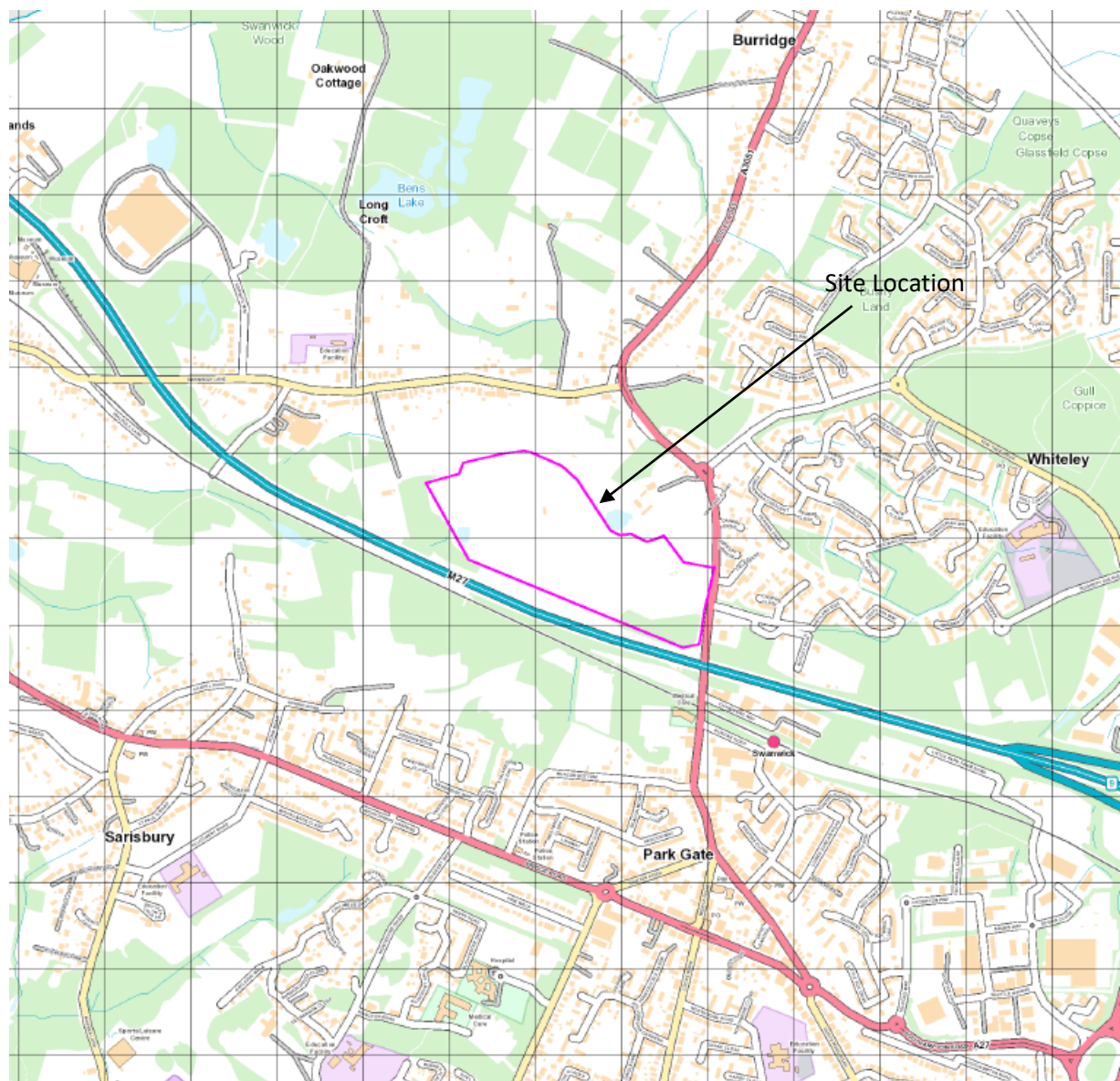
A further evaluation/investigation of the strength of the ground beneath the entire development footprint is recommended to evaluate any inconsistencies (or the corollary) within the depths of the underlying strata and to evaluate the appropriate foundation method.

### 9.4 Recommendations

Given the size of the Site, TRC considers that further investigation may be required to further characterise environmental and geotechnical conditions. Further works should be undertaken following finalisation of the proposed development design to ensure that the supplementary works can be carried out to specifically gap fill the data set.

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## **Annex A: Figures**



Plan from Envirocheck Report



CLIENT: <b>RAYMOND BROWN MINERALS AND RECYCLING LIMITED</b>	DRAWN BY: <b>TSR</b>	PROJECT NO.: <b>291027.0000.0000</b>	DATE: <b>APRIL 2018</b>	<b>ROOKERY FARM, SWANWICK</b>
 175 – 185 Gray's Inn Road London, WC1X 8UE <a href="http://www.trcsolutions.com/">http://www.trcsolutions.com/</a>	Data Copyright © 2012, TRC Environmental, Inc. This map does not represent a legal document. It is intended to serve as an aid in graphical representation only. Information shown on this map is not warranted for accuracy or fitness for any particular purpose.			

FIGURE:

1





CLIENT: <b>RAYMOND BROWN RECYCLING AND MINERALS LTD</b>	DRAWN BY: <b>TSR</b>	PROJECT NO.: <b>289128.0000.0000</b>	DATE: <b>APRIL 2018</b>	<b>BOREHOLE LOCATION PLAN</b>	
 175 – 185 Gray's Inn Road London, WC1X 8UE <a href="http://www.trcsolutions.com/">http://www.trcsolutions.com/</a>	Data Copyright © 2012, TRC Environmental, Inc. This map does not represent a legal document. It is intended to serve as an aid in graphical representation only. Information shown on this map is not warranted for accuracy or fitness for any particular purpose.				FIGURE: <div>2</div>

## **Annex B: Exploratory Hole Logs**



# WINDOW SAMPLE LOG

WINDOW SAMPLE NO. WS101

Page 1 of 1

Facility/Project Name: <b>Rookery Farm, Swanwick</b>		Date Drilling Started: <b>26/3/18</b>	Date Drilling Completed: <b>26/3/18</b>	Project Number: <b>289128</b>
Drilling Firm:	Drilling Method:	Surface Elev. (m) ---	TOC Elevation (m) ---	Total Depth (m bgs) <b>5.0</b>
Window Sample Location:		Personnel Logged By - Driller -		Drilling Equipment:
Civil Town/City/or Village:	County: <b>Hampshire</b>	Water Level Observations: While Drilling:      Date/Time After Drilling:      Date/Time		Depth (m bgs) Depth (m bgs)

SAMPLE		BLOW COUNTS	DEPTH IN METERS	LITHOLOGIC DESCRIPTION	USCS	GRAPHIC LOG	WELL DIAGRAM	COMMENTS
NUMBER AND TYPE	RECOVERY (%)							
1 LAB				MADE GROUND: Firm becoming very stiff then firm orangish brown to dark brown to grey, silty, slightly sand, slightly gravelly CLAY. Sand is fine to coarse. Gravel is subangular to subrounded fine to coarse brick, concrete, ceramic tiles, breeze blocks, asphalt and ash.				
2 CS								
6 SPT		13	1					... At 1.20m bgl: firm.
3 LAB								... Between 1.0m to 4.0m bgl: occasional pockets of sandy silt or sand, with a slight organic odour.
7 SPT		32	2					... At 2.00m bgl: very stiff.
4 LAB				Soft to firm orangish brown grey very sandy slightly gravelly very silty CLAY, with occasional grey mottling.				
8 SPT		13	3					... At 3.00m bgl: firm.
9 SPT			4					... At 4.00m bgl: firm.
5 LAB								
6 CS								
10 SPT		11	5					

WINDOW SAMPLE LOG (METRIC) LOGS.GPJ 25/4/18

Signature:	Firm: <b>TRC Solutions</b>	Fax
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# WINDOW SAMPLE LOG

WINDOW SAMPLE NO. WS102

Page 1 of 1

Facility/Project Name: <b>Rookery Farm, Swanwick</b>		Date Drilling Started: <b>26/3/18</b>	Date Drilling Completed: <b>26/3/18</b>	Project Number: <b>289128</b>
Drilling Firm:	Drilling Method:	Surface Elev. (m) ---	TOC Elevation (m) ---	Total Depth (m bgs) <b>5.0</b>
Window Sample Location:		Personnel Logged By - Driller -		Drilling Equipment:
Civil Town/City/or Village:	County: <b>Hampshire</b>	Water Level Observations: While Drilling:      Date/Time After Drilling:      Date/Time		Depth (m bgs) Depth (m bgs)

SAMPLE		BLOW COUNTS	DEPTH IN METERS	LITHOLOGIC DESCRIPTION	USCS	GRAPHIC LOG	WELL DIAGRAM	COMMENTS
NUMBER AND TYPE	RECOVERY (%)							
1 LAB				MADE GROUND: Brown sandy silty CLAY, with vegetation and rootlets. MADE GROUND: Very stiff becoming soft orangish brown to dark brown to grey, silty, slightly sand, slightly gravelly CLAY. Sand is fine to coarse. Gravel is subangular to subrounded fine to coarse brick, concrete, breeze blocks and asphalt.				
2 CS								
3 LAB								
6 SPT		39	1					
7 SPT		7	2					
8 SPT			3	Firm orangish brown very sandy very silty CLAY.				
4 LAB		13						
5 CS								
9 SPT		14	4					
10 SPT		13	5					

WINDOW SAMPLE LOG (METRIC) LOGS.GPJ 25/4/18

Signature:	Firm: <b>TRC Solutions</b>	Fax
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# WINDOW SAMPLE LOG

WINDOW SAMPLE NO. WS103

Page 1 of 1

Facility/Project Name: <b>Rookery Farm, Swanwick</b>		Date Drilling Started: <b>26/3/18</b>		Date Drilling Completed: <b>26/3/18</b>		Project Number: <b>289128</b>	
Drilling Firm:		Drilling Method:		Surface Elev. (m) ---	TOC Elevation (m) ---	Total Depth (m bgs) <b>4.0</b>	Borehole Dia. (cm)
Window Sample Location:				Personnel Logged By - Driller -		Drilling Equipment:	
Civil Town/City/or Village:		County: <b>Hampshire</b>		Water Level Observations: While Drilling:      Date/Time After Drilling:      Date/Time		Depth (m bgs) Depth (m bgs)	

SAMPLE		BLOW COUNTS	DEPTH IN METERS	LITHOLOGIC DESCRIPTION	USCS	GRAPHIC LOG	WELL DIAGRAM	COMMENTS
NUMBER AND TYPE	RECOVERY (%)							
1 LAB				MADE GROUND: Brown sandy, silty, slightly gravelly CLAY with vegetation fragments and rootlets. Gravel is angular to rounded flint and brick. MADE GROUND: Very stiff brown mottled orange / yellow silty, gravelly CLAY, with occasional pockest of sandy silt. Gravel is subangular to subrounded fine to coarse brick, concret and breeze blocks.				... Between 1.0m to 4.0m bgl: occasional pockets of pale yellow sandy silt or sand.
2 CS								
3 LAB								
8 SPT		50	1					
4 LAB				MADE GROUND: Very stiff dark brown to dark grey silty, slightly gravelly CLAY. Gravel is angular to rounded fine to coarse concret, brick and pebbles.				
9 SPT		32	2					
5 LAB				MADE GROUND: Firm to stiff becoming firm pale grey and yellow carbonaceous very sandy SILT. Sand is fine to coarse.				
10 SPT		16	3					
6 LAB								
7 CS								
11 SPT		10	4					
			5					

WINDOW SAMPLE LOG (METRIC) LOGS.GPJ 25/4/18

Signature:	Firm: <b>TRC Solutions</b>	Fax
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# WINDOW SAMPLE LOG

WINDOW SAMPLE NO. WS104

Page 1 of 1

Facility/Project Name: <b>Rookery Farm, Swanwick</b>		Date Drilling Started: <b>26/3/18</b>	Date Drilling Completed: <b>26/3/18</b>	Project Number: <b>289128</b>	
Drilling Firm:	Drilling Method:	Surface Elev. (m) ---	TOC Elevation (m) ---	Total Depth (m bgs) <b>1.3</b>	Borehole Dia. (cm)
Window Sample Location:		Personnel Logged By - Driller -		Drilling Equipment:	
Civil Town/City/or Village:	County: <b>Hampshire</b>	Water Level Observations: While Drilling:      Date/Time After Drilling:      Date/Time		Depth (m bgs) Depth (m bgs)	

SAMPLE		BLOW COUNTS	DEPTH IN METERS	LITHOLOGIC DESCRIPTION	USCS	GRAPHIC LOG	WELL DIAGRAM	COMMENTS
NUMBER AND TYPE	RECOVERY (%)							
1 LAB 2 CS		50	1	MADE GROUND: Very stiff dark brown slightly gravelly SILT with occasional polythene fragments. Gravel is angular to rounded fine to coarse asphalt, concrete, flint and brick, with rare ash and wood fragments.				... Between 0.0m to 1.3m bgl: occasional pale yellow brown sandy silt and sand.
3 LAB 5 SPT								
4 LAB 6 SPT		50						... At 1.3m bgl: hole terminated due to a refusal.
			2					
			3					
			4					
			5					

WINDOW SAMPLE LOG (METRIC) LOGS.GPJ 25/4/18

Signature:	Firm: <b>TRC Solutions</b>	Fax
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## **Annex C: Field Data**

# Ground Gas and Groundwater Monitoring Record Sheet

## JOB DETAILS:

Client: TRC  
Site: Swanwick  
Date: 03/04/2018

Quote No: Q2017  
Visit No: 1 of 1  
Operator: Brian Cronin

Project Manager: Phil Sanders



	GAS CONCENTRATIONS												VOLATILES		FLOW DATA				WELL AND WATER DATA		Comments
Monitoring Point	Methane (%v/v)		%LEL		Carbon dioxide (%v/v)		Carbon monoxide (ppmv)		Hydrogen sulphide (ppmv)		Oxygen (%v/v)		PID Peak (ppm)	Product thickness (mm)	Flow rate (l/hr)		Differential borehole Pressure (Pa)	Time for flow to equalise (secs)	Water level (mbgl)	Depth of well (m)	
	Peak	Steady	Peak	Steady	Peak	Steady	Peak	Steady	Peak	Steady	Min.	Steady			Peak	Steady					
WS1	ND	ND	ND	ND	3.1	3.1	ND	ND	ND	ND	11.8	11.8	8.9	ND	0.0	0.0	0	30	2.85	4.04	
WS2	ND	ND	ND	ND	0.1	0.1	ND	ND	ND	ND	20.8	20.8	6.2	ND	-0.1	-0.1	0	30	0.53	1.65	
WS3	11.6	11.6	>>>	>>>	0.0	0.0	105	105	10	10	7.1	7.1	1.6	ND	-1.4	-1.4	2	60	2.88	4.05	
WS4	10.8	10.8	>>>	>>>	0.0	0.0	26	26	2	2	7.7	7.7	1.2	ND	1.3	1.2	18	60	0.63	1.30	
Max	11.6	11.6	ND	ND	3.1	3.1	105	105	10	10	20.8	20.8	NR	ND	1.3	1.2	18	60	2.88	4.05	
Min	ND	ND	ND	ND	0.0	0.0	ND	ND	ND	ND	7.1	7.1	NR	ND	-1.4	-1.4	0.1	30	0.53	1.30	

ND - Not detected

NR - Not recorded

NA - Non applicable

## METEOROLOGICAL AND SITE INFORMATION:

(Select correct box with X or enter data, as applicable)

State of ground: ☐ Dry ☐ Moist ☒ Wet ☐ Snow ☐ Frozen  
Wind: ☐ Calm ☐ Light ☒ Moderate ☐ Strong  
Cloud cover: ☐ None ☐ Slight ☐ Cloudy ☒ Overcast  
Precipitation: ☐ None ☒ Slight ☐ Moderate ☐ Heavy  
Time monitoring performed: ☐ 10:15 Start ☐ 14:30 End  
Barometric pressure (mbar): ☐ 991 Start ☐ 991 End  
Pressure trend (Daily): ☐ Falling ☒ Steady ☐ Rising  
Source:   
Air Temperature (Deg. C):  Before  After

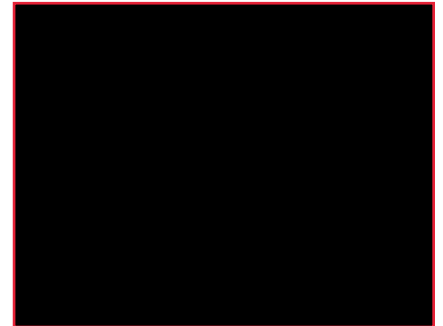
## INSTRUMENTATION TECHNICAL SPECIFICATIONS:

Ground gas meter: 500672  
Gas Range: CH<sub>4</sub> 0 - 100% CO<sub>2</sub> 0 - 100% O<sub>2</sub> 0 - 25%  
Gas Flow range: +100/-50 l/hour  
Differential Pressure: (+/-) 1000 Pa  
Date of last calibration: 18/10/2017  
Date of next calibration: 18/04/2018

Ambient air check: CH<sub>4</sub>  CO<sub>2</sub>  O<sub>2</sub>

## **Annex D: Laboratory Chemical Data**





## **QTS Environmental Report No: 18-72887**

**Site Reference:** Rookery Farm

**Project / Job Ref:** 289128

**Order No:** C289128

**Sample Receipt Date:** 28/03/2018

**Sample Scheduled Date:** 28/03/2018

**Report Issue Number:** 1

**Reporting Date:** 05/04/2018

**Authorised by:**



Russell Jarvis  
Associate Director of Client Services

**Authorised by:**



Dave Ashworth  
Deputy Quality Manager

QTS Environmental is the trading name of DETS Ltd, company registration number 03705645



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**Kent ME17 2JN**  
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<b>Soil Analysis Certificate</b>						
<b>QTS Environmental Report No: 18-72887</b>	<b>Date Sampled</b>	26/03/18	26/03/18	26/03/18	26/03/18	26/03/18
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS1	WS1	WS2	WS2	WS3
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
<b>Order No: C289128</b>	<b>Depth (m)</b>	0.50 - 0.60	4.70 - 4.90	0.90 - 1.00	3.20 - 3.40	0.10 - 0.20
<b>Reporting Date: 05/04/2018</b>	<b>QTSE Sample No</b>	324885	324886	324887	324888	324889

<b>Determinand</b>	<b>Unit</b>	<b>RL</b>	<b>Accreditation</b>					
Asbestos Screen <sup>(S)</sup>	N/a	N/a	<b>ISO17025</b>	Not Detected	Not Detected	Not Detected	Not Detected	Not Detected
Arsenic (As)	mg/kg	< 2	<b>MCERTS</b>	8	9	7	10	8
W/S Boron	mg/kg	< 1	NONE	< 1	< 1	< 1	< 1	< 1
Cadmium (Cd)	mg/kg	< 0.2	<b>MCERTS</b>	0.2	< 0.2	< 0.2	< 0.2	< 0.2
Chromium (Cr)	mg/kg	< 2	<b>MCERTS</b>	21	22	17	25	16
Chromium (hexavalent)	mg/kg	< 2	NONE	< 2	< 2	< 2	< 2	< 2
Copper (Cu)	mg/kg	< 4	<b>MCERTS</b>	36	11	13	10	19
Lead (Pb)	mg/kg	< 3	<b>MCERTS</b>	686	318	138	70	110
Mercury (Hg)	mg/kg	< 1	NONE	< 1	< 1	< 1	< 1	< 1
Nickel (Ni)	mg/kg	< 3	<b>MCERTS</b>	11	12	7	15	11
Selenium (Se)	mg/kg	< 3	NONE	< 3	< 3	< 3	< 3	< 3
Zinc (Zn)	mg/kg	< 3	<b>MCERTS</b>	104	42	54	39	86

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C  
Subcontracted analysis (S)



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Soil Analysis Certificate						
<b>QTS Environmental Report No: 18-72887</b>	<b>Date Sampled</b>	26/03/18	26/03/18	26/03/18		
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied		
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS3	WS3	WS4		
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied		
<b>Order No: C289128</b>	<b>Depth (m)</b>	2.70 - 2.80	3.60 - 3.70	1.20		
<b>Reporting Date: 05/04/2018</b>	<b>QTSE Sample No</b>	324890	324891	324893		

Determinand	Unit	RL	Accreditation					
Asbestos Screen <sup>(S)</sup>	N/a	N/a	ISO17025	Not Detected	Not Detected	Not Detected		
Arsenic (As)	mg/kg	< 2	MCERTS	7	8	6		
W/S Boron	mg/kg	< 1	NONE	< 1	< 1	< 1		
Cadmium (Cd)	mg/kg	< 0.2	MCERTS	0.3	< 0.2	0.3		
Chromium (Cr)	mg/kg	< 2	MCERTS	15	18	15		
Chromium (hexavalent)	mg/kg	< 2	NONE	< 2	< 2	< 2		
Copper (Cu)	mg/kg	< 4	MCERTS	18	10	15		
Lead (Pb)	mg/kg	< 3	MCERTS	65	35	53		
Mercury (Hg)	mg/kg	< 1	NONE	< 1	< 1	< 1		
Nickel (Ni)	mg/kg	< 3	MCERTS	7	9	9		
Selenium (Se)	mg/kg	< 3	NONE	< 3	< 3	< 3		
Zinc (Zn)	mg/kg	< 3	MCERTS	50	39	72		

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C  
Subcontracted analysis (S)



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Soil Analysis Certificate - Speciated PAHs						
QTS Environmental Report No: 18-72887	Date Sampled	26/03/18	26/03/18	26/03/18	26/03/18	26/03/18
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
Site Reference: Rookery Farm	TP / BH No	WS1	WS1	WS2	WS2	WS3
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
Order No: C289128	Depth (m)	0.50 - 0.60	4.70 - 4.90	0.90 - 1.00	3.20 - 3.40	0.10 - 0.20
Reporting Date: 05/04/2018	QTSE Sample No	324885	324886	324887	324888	324889

Determinand	Unit	RL	Accreditation					
Naphthalene	mg/kg	< 0.1	MCERTS	< 0.1	< 0.1	< 0.1	< 0.1	< 0.1
Acenaphthylene	mg/kg	< 0.1	MCERTS	< 0.1	< 0.1	0.38	< 0.1	< 0.1
Acenaphthene	mg/kg	< 0.1	MCERTS	0.23	< 0.1	0.20	< 0.1	< 0.1
Fluorene	mg/kg	< 0.1	MCERTS	0.19	< 0.1	0.54	< 0.1	< 0.1
Phenanthrene	mg/kg	< 0.1	MCERTS	1.63	< 0.1	5.58	< 0.1	0.29
Anthracene	mg/kg	< 0.1	MCERTS	0.51	< 0.1	1.01	< 0.1	< 0.1
Fluoranthene	mg/kg	< 0.1	MCERTS	3.29	< 0.1	4.99	< 0.1	0.75
Pyrene	mg/kg	< 0.1	MCERTS	2.81	< 0.1	3.91	< 0.1	0.74
Benzo(a)anthracene	mg/kg	< 0.1	MCERTS	1.74	< 0.1	2	< 0.1	0.48
Chrysene	mg/kg	< 0.1	MCERTS	1.52	< 0.1	1.69	< 0.1	0.43
Benzo(b)fluoranthene	mg/kg	< 0.1	MCERTS	2.12	< 0.1	2.05	< 0.1	0.70
Benzo(k)fluoranthene	mg/kg	< 0.1	MCERTS	0.71	< 0.1	0.69	< 0.1	0.29
Benzo(a)pyrene	mg/kg	< 0.1	MCERTS	1.75	< 0.1	1.69	< 0.1	0.61
Indeno(1,2,3-cd)pyrene	mg/kg	< 0.1	MCERTS	1.16	< 0.1	1.05	< 0.1	0.39
Dibenz(a,h)anthracene	mg/kg	< 0.1	MCERTS	0.21	< 0.1	0.19	< 0.1	< 0.1
Benzo(ghi)perylene	mg/kg	< 0.1	MCERTS	1	< 0.1	0.84	< 0.1	0.33
Total EPA-16 PAHs	mg/kg	< 1.6	MCERTS	18.9	< 1.6	26.8	< 1.6	5

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C



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Soil Analysis Certificate - Speciated PAHs						
QTS Environmental Report No: 18-72887	Date Sampled	26/03/18	26/03/18	26/03/18		
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied		
Site Reference: Rookery Farm	TP / BH No	WS3	WS3	WS4		
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied		
Order No: C289128	Depth (m)	2.70 - 2.80	3.60 - 3.70	1.20		
Reporting Date: 05/04/2018	QTSE Sample No	324890	324891	324893		

Determinand	Unit	RL	Accreditation				
Naphthalene	mg/kg	< 0.1	MCERTS	0.19	< 0.1	< 0.1	
Acenaphthylene	mg/kg	< 0.1	MCERTS	< 0.1	< 0.1	< 0.1	
Acenaphthene	mg/kg	< 0.1	MCERTS	0.89	< 0.1	< 0.1	
Fluorene	mg/kg	< 0.1	MCERTS	0.89	< 0.1	< 0.1	
Phenanthrene	mg/kg	< 0.1	MCERTS	4.66	< 0.1	0.39	
Anthracene	mg/kg	< 0.1	MCERTS	1.22	< 0.1	< 0.1	
Fluoranthene	mg/kg	< 0.1	MCERTS	5.42	< 0.1	0.53	
Pyrene	mg/kg	< 0.1	MCERTS	4.06	< 0.1	0.40	
Benzo(a)anthracene	mg/kg	< 0.1	MCERTS	2.35	< 0.1	0.20	
Chrysene	mg/kg	< 0.1	MCERTS	1.96	< 0.1	0.17	
Benzo(b)fluoranthene	mg/kg	< 0.1	MCERTS	2.49	< 0.1	0.22	
Benzo(k)fluoranthene	mg/kg	< 0.1	MCERTS	0.84	< 0.1	< 0.1	
Benzo(a)pyrene	mg/kg	< 0.1	MCERTS	1.91	< 0.1	0.16	
Indeno(1,2,3-cd)pyrene	mg/kg	< 0.1	MCERTS	1.20	< 0.1	0.11	
Dibenz(a,h)anthracene	mg/kg	< 0.1	MCERTS	0.23	< 0.1	< 0.1	
Benzo(ghi)perylene	mg/kg	< 0.1	MCERTS	0.94	< 0.1	< 0.1	
Total EPA-16 PAHs	mg/kg	< 1.6	MCERTS	29.3	< 1.6	2.2	

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C



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**Soil Analysis Certificate - TPH CWG Banded**

<b>QTS Environmental Report No: 18-72887</b>	<b>Date Sampled</b>	26/03/18	26/03/18	26/03/18	26/03/18	26/03/18
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS1	WS1	WS2	WS2	WS3
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
<b>Order No: C289128</b>	<b>Depth (m)</b>	0.50 - 0.60	4.70 - 4.90	0.90 - 1.00	3.20 - 3.40	0.10 - 0.20
<b>Reporting Date: 05/04/2018</b>	<b>QTSE Sample No</b>	324885	324886	324887	324888	324889

Determinand	Unit	RL	Accreditation					
Aliphatic >C5 - C6	mg/kg	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01
Aliphatic >C6 - C8	mg/kg	< 0.05	NONE	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05
Aliphatic >C8 - C10	mg/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
Aliphatic >C10 - C12	mg/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
Aliphatic >C12 - C16	mg/kg	< 3	MCERTS	< 3	< 3	< 3	< 3	< 3
Aliphatic >C16 - C21	mg/kg	< 3	MCERTS	14	< 3	< 3	< 3	< 3
Aliphatic >C21 - C34	mg/kg	< 10	MCERTS	14	< 10	32	< 10	< 10
Aliphatic (C5 - C34)	mg/kg	< 21	NONE	28	< 21	32	< 21	< 21
Aromatic >C5 - C7	mg/kg	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01
Aromatic >C7 - C8	mg/kg	< 0.05	NONE	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05
Aromatic >C8 - C10	mg/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
Aromatic >C10 - C12	mg/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
Aromatic >C12 - C16	mg/kg	< 2	MCERTS	< 2	< 2	2	< 2	< 2
Aromatic >C16 - C21	mg/kg	< 3	MCERTS	34	< 3	27	< 3	5
Aromatic >C21 - C35	mg/kg	< 10	MCERTS	124	< 10	107	< 10	28
Aromatic (C5 - C35)	mg/kg	< 21	NONE	158	< 21	136	< 21	33
Total >C5 - C35	mg/kg	< 42	NONE	186	< 42	168	< 42	< 42

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C





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**Soil Analysis Certificate - TPH CWG Banded**

<b>QTS Environmental Report No: 18-72887</b>	<b>Date Sampled</b>	26/03/18	26/03/18	26/03/18		
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied		
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS3	WS3	WS4		
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied		
<b>Order No: C289128</b>	<b>Depth (m)</b>	2.70 - 2.80	3.60 - 3.70	1.20		
<b>Reporting Date: 05/04/2018</b>	<b>QTSE Sample No</b>	324890	324891	324893		

Determinand	Unit	RL	Accreditation					
Aliphatic >C5 - C6	mg/kg	< 0.01	NONE	< 0.01	< 0.01	< 0.01		
Aliphatic >C6 - C8	mg/kg	< 0.05	NONE	< 0.05	< 0.05	< 0.05		
Aliphatic >C8 - C10	mg/kg	< 2	MCERTS	< 2	< 2	< 2		
Aliphatic >C10 - C12	mg/kg	< 2	MCERTS	< 2	< 2	< 2		
Aliphatic >C12 - C16	mg/kg	< 3	MCERTS	< 3	< 3	< 3		
Aliphatic >C16 - C21	mg/kg	< 3	MCERTS	< 3	< 3	< 3		
Aliphatic >C21 - C34	mg/kg	< 10	MCERTS	< 10	< 10	44		
Aliphatic (C5 - C34)	mg/kg	< 21	NONE	< 21	< 21	44		
Aromatic >C5 - C7	mg/kg	< 0.01	NONE	< 0.01	< 0.01	< 0.01		
Aromatic >C7 - C8	mg/kg	< 0.05	NONE	< 0.05	< 0.05	< 0.05		
Aromatic >C8 - C10	mg/kg	< 2	MCERTS	< 2	< 2	< 2		
Aromatic >C10 - C12	mg/kg	< 2	MCERTS	< 2	< 2	< 2		
Aromatic >C12 - C16	mg/kg	< 2	MCERTS	8	< 2	< 2		
Aromatic >C16 - C21	mg/kg	< 3	MCERTS	29	< 3	6		
Aromatic >C21 - C35	mg/kg	< 10	MCERTS	93	< 10	< 10		
Aromatic (C5 - C35)	mg/kg	< 21	NONE	130	< 21	< 21		
Total >C5 - C35	mg/kg	< 42	NONE	130	< 42	51		

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C



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Soil Analysis Certificate - BTEX / MTBE						
QTS Environmental Report No: 18-72887	Date Sampled	26/03/18	26/03/18	26/03/18	26/03/18	26/03/18
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
Site Reference: Rookery Farm	TP / BH No	WS1	WS1	WS2	WS2	WS3
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied	None Supplied	None Supplied
Order No: C289128	Depth (m)	0.50 - 0.60	4.70 - 4.90	0.90 - 1.00	3.20 - 3.40	0.10 - 0.20
Reporting Date: 05/04/2018	QTSE Sample No	324885	324886	324887	324888	324889

Determinand	Unit	RL	Accreditation					
Benzene	ug/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
Toluene	ug/kg	< 5	MCERTS	< 5	< 5	< 5	< 5	< 5
Ethylbenzene	ug/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
p & m-xylene	ug/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
o-xylene	ug/kg	< 2	MCERTS	< 2	< 2	< 2	< 2	< 2
MTBE	ug/kg	< 5	MCERTS	< 5	< 5	< 5	< 5	< 5

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C



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Soil Analysis Certificate - BTEX / MTBE						
QTS Environmental Report No: 18-72887	Date Sampled	26/03/18	26/03/18	26/03/18		
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied		
Site Reference: Rookery Farm	TP / BH No	WS3	WS3	WS4		
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied		
Order No: C289128	Depth (m)	2.70 - 2.80	3.60 - 3.70	1.20		
Reporting Date: 05/04/2018	QTSE Sample No	324890	324891	324893		

Determinand	Unit	RL	Accreditation					
Benzene	ug/kg	< 2	MCERTS	< 2	< 2	< 2		
Toluene	ug/kg	< 5	MCERTS	< 5	< 5	< 5		
Ethylbenzene	ug/kg	< 2	MCERTS	< 2	< 2	< 2		
p & m-xylene	ug/kg	< 2	MCERTS	< 2	< 2	< 2		
o-xylene	ug/kg	< 2	MCERTS	< 2	< 2	< 2		
MTBE	ug/kg	< 5	MCERTS	< 5	< 5	< 5		

Analytical results are expressed on a dry weight basis where samples are assisted-dried at less than 30°C





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#### Soil Analysis Certificate - Sample Descriptions

QTS Environmental Report No: 18-72887

TRC Companies Ltd

Site Reference: Rookery Farm

Project / Job Ref: 289128

Order No: C289128

Reporting Date: 05/04/2018

QTSE Sample No	TP / BH No	Additional Refs	Depth (m)	Moisture Content (%)	Sample Matrix Description
324885	WS1	None Supplied	0.50 - 0.60	9.6	Brown sandy clay with stones and concrete
324886	WS1	None Supplied	4.70 - 4.90	15.7	Brown sandy clay
324887	WS2	None Supplied	0.90 - 1.00	8.7	Brown sandy clay with brick and concrete
324888	WS2	None Supplied	3.20 - 3.40	17.4	Brown sandy clay
324889	WS3	None Supplied	0.10 - 0.20	12.5	Brown sandy clay with brick and concrete
324890	WS3	None Supplied	2.70 - 2.80	12.6	Brown sandy clay with brick and concrete
324891	WS3	None Supplied	3.60 - 3.70	19.8	Blue sandy clay
324892	WS4	- 0.20, 0.60 - 0.70)	None Supplied	8.9	Black sandy clay with brick
324893	WS4	None Supplied	1.20	5.4	Brown sandy clay with stones and concrete

Moisture content is part of procedure E003 & is not an accredited test

Insufficient Sample <sup>1/5</sup>

& samples received in inappropriate containers for hydrocarbon analysis

**Soil Analysis Certificate - Methodology & Miscellaneous Information**

**QTS Environmental Report No: 18-72887**

**TRC Companies Ltd**

**Site Reference: Rookery Farm**

**Project / Job Ref: 289128**

**Order No: C289128**

**Reporting Date: 05/04/2018**

Matrix	Analysed On	Determinand	Brief Method Description	Method No
Soil	D	Boron - Water Soluble	Determination of water soluble boron in soil by 2:1 hot water extract followed by ICP-OES	E012
Soil	AR	BTEX	Determination of BTEX by headspace GC-MS	E001
Soil	D	Cations	Determination of cations in soil by aqua-regia digestion followed by ICP-OES	E002
Soil	D	Chloride - Water Soluble (2:1)	Determination of chloride by extraction with water & analysed by ion chromatography	E009
Soil	AR	Chromium - Hexavalent	Determination of hexavalent chromium in soil by extraction in water then by acidification, addition of 1,5 diphenylcarbazide followed by colorimetry	E016
Soil	AR	Cyanide - Complex	Determination of complex cyanide by distillation followed by colorimetry	E015
Soil	AR	Cyanide - Free	Determination of free cyanide by distillation followed by colorimetry	E015
Soil	AR	Cyanide - Total	Determination of total cyanide by distillation followed by colorimetry	E015
Soil	D	Cyclohexane Extractable Matter (CEM)	Gravimetrically determined through extraction with cyclohexane	E011
Soil	AR	Diesel Range Organics (C10 - C24)	Determination of hexane/acetone extractable hydrocarbons by GC-FID	E004
Soil	AR	Electrical Conductivity	Determination of electrical conductivity by addition of saturated calcium sulphate followed by electrometric measurement	E022
Soil	AR	Electrical Conductivity	Determination of electrical conductivity by addition of water followed by electrometric measurement	E023
Soil	D	Elemental Sulphur	Determination of elemental sulphur by solvent extraction followed by GC-MS	E020
Soil	AR	EPH (C10 - C40)	Determination of acetone/hexane extractable hydrocarbons by GC-FID	E004
Soil	AR	EPH Product ID	Determination of acetone/hexane extractable hydrocarbons by GC-FID	E004
Soil	AR	EPH TEXAS (C6-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C40)	Determination of acetone/hexane extractable hydrocarbons by GC-FID for C8 to C40. C6 to C8 by headspace GC-MS	E004
Soil	D	Fluoride - Water Soluble	Determination of Fluoride by extraction with water & analysed by ion chromatography	E009
Soil	D	FOC (Fraction Organic Carbon)	Determination of fraction of organic carbon by oxidising with potassium dichromate followed by titration with iron (II) sulphate	E010
Soil	D	Loss on Ignition @ 450oC	Determination of loss on ignition in soil by gravimetrically with the sample being ignited in a muffle furnace	E019
Soil	D	Magnesium - Water Soluble	Determination of water soluble magnesium by extraction with water followed by ICP-OES	E025
Soil	D	Metals	Determination of metals by aqua-regia digestion followed by ICP-OES	E002
Soil	AR	Mineral Oil (C10 - C40)	Determination of hexane/acetone extractable hydrocarbons by GC-FID fractionating with SPE cartridge	E004
Soil	AR	Moisture Content	Moisture content; determined gravimetrically	E003
Soil	D	Nitrate - Water Soluble (2:1)	Determination of nitrate by extraction with water & analysed by ion chromatography	E009
Soil	D	Organic Matter	Determination of organic matter by oxidising with potassium dichromate followed by titration with iron (II) sulphate	E010
Soil	AR	PAH - Speciated (EPA 16)	Determination of PAH compounds by extraction in acetone and hexane followed by GC-MS with the use of surrogate and internal standards	E005
Soil	AR	PCB - 7 Congeners	Determination of PCB by extraction with acetone and hexane followed by GC-MS	E008
Soil	D	Petroleum Ether Extract (PEE)	Gravimetrically determined through extraction with petroleum ether	E011
Soil	AR	pH	Determination of pH by addition of water followed by electrometric measurement	E007
Soil	AR	Phenols - Total (monohydric)	Determination of phenols by distillation followed by colorimetry	E021
Soil	D	Phosphate - Water Soluble (2:1)	Determination of phosphate by extraction with water & analysed by ion chromatography	E009
Soil	D	Sulphate (as SO4) - Total	Determination of total sulphate by extraction with 10% HCl followed by ICP-OES	E013
Soil	D	Sulphate (as SO4) - Water Soluble (2:1)	Determination of sulphate by extraction with water & analysed by ion chromatography	E009
Soil	D	Sulphate (as SO4) - Water Soluble (2:1)	Determination of water soluble sulphate by extraction with water followed by ICP-OES	E014
Soil	AR	Sulphide	Determination of sulphide by distillation followed by colorimetry	E018
Soil	D	Sulphur - Total	Determination of total sulphur by extraction with aqua-regia followed by ICP-OES	E024
Soil	AR	SVOC	Determination of semi-volatile organic compounds by extraction in acetone and hexane followed by GC-MS	E006
Soil	AR	Thiocyanate (as SCN)	Determination of thiocyanate by extraction in caustic soda followed by acidification followed by addition of ferric nitrate followed by colorimetry	E017
Soil	D	Toluene Extractable Matter (TEM)	Gravimetrically determined through extraction with toluene	E011
Soil	D	Total Organic Carbon (TOC)	Determination of organic matter by oxidising with potassium dichromate followed by titration with iron (II) sulphate	E010
Soil	AR	TPH CWG (ali: C5- C6, C6-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C34, aro: C5-C7, C7-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C35)	Determination of hexane/acetone extractable hydrocarbons by GC-FID fractionating with SPE cartridge for C8 to C35. C5 to C8 by headspace GC-MS	E004
Soil	AR	TPH LQM (ali: C5-C6, C6-C8, C8-C10, C10-C12, C12-C16, C16-C35, C35-C44, aro: C5-C7, C7-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C35, C35-C44)	Determination of hexane/acetone extractable hydrocarbons by GC-FID fractionating with SPE cartridge for C8 to C44. C5 to C8 by headspace GC-MS	E004
Soil	AR	VOCs	Determination of volatile organic compounds by headspace GC-MS	E001
Soil	AR	VPH (C6-C8 & C8-C10)	Determination of hydrocarbons C6-C8 by headspace GC-MS & C8-C10 by GC-FID	E001

**D Dried**  
**AR As Received**





Stephanie Nichols  
TRC Companies Ltd  
175 - 185 Gray's Inn Road  
London  
WC1X 8UE

**DETS Ltd**  
Unit 1  
Rose Lane Industrial Estate  
Rose Lane  
Lenham Heath  
Kent  
ME17 2JN  
t: 01622 850410  
[russell.jarvis@qtsenvironmental.com](mailto:russell.jarvis@qtsenvironmental.com)

## **DETS Report No: 18-73258**

**Site Reference:** Rookery Farm

**Project / Job Ref:** 289128

**Order No:** C289128

**Sample Receipt Date:** 06/04/2018

**Sample Scheduled Date:** 06/04/2018

**Report Issue Number:** 1

**Reporting Date:** 12/04/2018

**Authorised by:**

Kevin Old  
Associate Director of Laboratory

**Authorised by:**

Dave Ashworth  
Deputy Quality Manager



**DETS Ltd**  
**Unit 1, Rose Lane Industrial Estate**  
**Rose Lane**  
**Lenham Heath**  
**Maidstone**  
**Kent ME17 2JN**  
**Tel : 01622 850410**



Water Analysis Certificate						
<b>QTS Environmental Report No: 18-73258</b>	<b>Date Sampled</b>	03/04/18	03/04/18	03/04/18	03/04/18	
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied	None Supplied	
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS1	WS2	WS3	WS4	
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied	None Supplied	
<b>Order No: C289128</b>	<b>Depth (m)</b>	None Supplied	None Supplied	None Supplied	None Supplied	
<b>Reporting Date: 12/04/2018</b>	<b>QTSE Sample No</b>	326500	326501	326502	326503	

Determinand	Unit	RL	Accreditation	(hs)			
pH	pH Units	N/a	ISO17025	7.6	8.1	7.0	11.2
Ammoniacal Nitrogen as NH <sub>4</sub>	ug/l	< 50	NONE	1540	3590	23600	15000
Nitrate as NO <sub>3</sub>	mg/l	< 0.5	ISO17025	1.5	< 0.5	4.6	1.6
Nitrite as NO <sub>2</sub>	mg/l	< 0.5	NONE	< 0.5	< 0.5	< 0.5	< 0.5
Chemical Oxygen Demand	mg/l	< 5	NONE	72	98	178	165
Biological Oxygen Demand	mg/l	< 5	NONE	7	8	139	45
Arsenic (dissolved)	ug/l	< 5	ISO17025	< 5	7	11	10
Boron (dissolved)	ug/l	< 5	ISO17025	500	243	121	22
Cadmium (dissolved)	ug/l	< 0.4	ISO17025	< 0.4	< 0.4	< 0.4	< 0.4
Chromium (dissolved)	ug/l	< 5	ISO17025	< 5	< 5	< 5	19
Chromium (hexavalent)	ug/l	< 20	NONE	< 20	< 20	< 20	< 20
Copper (dissolved)	ug/l	< 5	ISO17025	< 5	< 5	< 5	61
Lead (dissolved)	ug/l	< 5	ISO17025	< 5	5	< 5	< 5
Mercury (dissolved)	ug/l	< 0.05	ISO17025	< 0.05	0.06	< 0.05	< 0.05
Nickel (dissolved)	ug/l	< 5	ISO17025	13	8	9	16
Selenium (dissolved)	ug/l	< 5	ISO17025	5	9	< 5	19
Zinc (dissolved)	ug/l	< 2	ISO17025	10	< 2	< 2	< 2

Subcontracted analysis <sup>(S)</sup>

Insufficient sample <sup>I/S</sup>

Unsuitable Sample <sup>U/S</sup>

(hs) Please note deviating sample due to head space in container



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**Unit 1, Rose Lane Industrial Estate**  
**Rose Lane**  
**Lenham Heath**  
**Maidstone**  
**Kent ME17 2JN**  
**Tel : 01622 850410**

Water Analysis Certificate - Speciated PAH						
QTS Environmental Report No: 18-73258	Date Sampled	03/04/18	03/04/18	03/04/18	03/04/18	
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied	None Supplied	
Site Reference: Rookery Farm	TP / BH No	WS1	WS2	WS3	WS4	
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied	None Supplied	
Order No: C289128	Depth (m)	None Supplied	None Supplied	None Supplied	None Supplied	
Reporting Date: 12/04/2018	QTSE Sample No	326500	326501	326502	326503	

Determinand	Unit	RL	Accreditation	(hs)			
Naphthalene	ug/l	< 0.01	NONE	0.05	0.22	0.25	0.17
Acenaphthylene	ug/l	< 0.01	NONE	< 0.01	< 0.01	0.01	< 0.01
Acenaphthene	ug/l	< 0.01	NONE	0.02	0.06	0.17	0.07
Fluorene	ug/l	< 0.01	NONE	< 0.01	0.04	0.14	0.04
Phenanthrene	ug/l	< 0.01	NONE	< 0.01	0.07	0.22	0.15
Anthracene	ug/l	< 0.01	NONE	< 0.01	0.02	0.03	0.03
Fluoranthene	ug/l	< 0.01	NONE	0.03	0.03	0.04	0.05
Pyrene	ug/l	< 0.01	NONE	0.02	0.02	0.03	0.03
Benzo(a)anthracene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Chrysene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Benzo(b)fluoranthene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Benzo(k)fluoranthene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Benzo(a)pyrene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Indeno(1,2,3-cd)pyrene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Dibenz(a,h)anthracene	ug/l	< 0.01	NONE	< 0.01	< 0.01	< 0.01	< 0.01
Benzo(ghi)perylene	ug/l	< 0.008	NONE	< 0.008	< 0.008	< 0.008	< 0.008
Total EPA-16 PAHs	ug/l	< 0.01	NONE	0.12	0.46	0.89	0.54



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**Unit 1, Rose Lane Industrial Estate**  
**Rose Lane**  
**Lenham Heath**  
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**Tel : 01622 850410**

**Water Analysis Certificate - TPH CWG Banded**

<b>QTS Environmental Report No: 18-73258</b>	<b>Date Sampled</b>	03/04/18	03/04/18	03/04/18	03/04/18
<b>TRC Companies Ltd</b>	<b>Time Sampled</b>	None Supplied	None Supplied	None Supplied	None Supplied
<b>Site Reference: Rookery Farm</b>	<b>TP / BH No</b>	WS1	WS2	WS3	WS4
<b>Project / Job Ref: 289128</b>	<b>Additional Refs</b>	None Supplied	None Supplied	None Supplied	None Supplied
<b>Order No: C289128</b>	<b>Depth (m)</b>	None Supplied	None Supplied	None Supplied	None Supplied
<b>Reporting Date: 12/04/2018</b>	<b>QTSE Sample No</b>	326500	326501	326502	326503

<b>Determinand</b>	<b>Unit</b>	<b>RL</b>	<b>Accreditation</b>	<b>(hs)</b>				
Aliphatic >C5 - C6	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C6 - C8	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C8 - C10	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C10 - C12	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C12 - C16	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C16 - C21	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic >C21 - C34	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aliphatic (C5 - C34)	ug/l	< 70	NONE	< 70	< 70	< 70	< 70	< 70
Aromatic >C5 - C7	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C7 - C8	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C8 - C10	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C10 - C12	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C12 - C16	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C16 - C21	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic >C21 - C35	ug/l	< 10	NONE	< 10	< 10	< 10	< 10	< 10
Aromatic (C5 - C35)	ug/l	< 70	NONE	< 70	< 70	< 70	< 70	< 70
Total >C5 - C35	ug/l	< 140	NONE	< 140	< 140	< 140	< 140	< 140

(hs) Please note deviating sample due to head space in container



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Water Analysis Certificate - BTEX / MTBE						
QTS Environmental Report No: 18-73258	Date Sampled	03/04/18	03/04/18	03/04/18	03/04/18	
TRC Companies Ltd	Time Sampled	None Supplied	None Supplied	None Supplied	None Supplied	
Site Reference: Rookery Farm	TP / BH No	WS1	WS2	WS3	WS4	
Project / Job Ref: 289128	Additional Refs	None Supplied	None Supplied	None Supplied	None Supplied	
Order No: C289128	Depth (m)	None Supplied	None Supplied	None Supplied	None Supplied	
Reporting Date: 12/04/2018	QTSE Sample No	326500	326501	326502	326503	

Determinand	Unit	RL	Accreditation	(hs)				
Benzene	ug/l	< 1	ISO17025	< 1	< 1	< 1	< 1	< 1
Toluene	ug/l	< 5	ISO17025	< 5	< 5	< 5	< 5	< 5
Ethylbenzene	ug/l	< 5	ISO17025	< 5	< 5	< 5	< 5	< 5
p & m-xylene	ug/l	< 10	ISO17025	< 10	< 10	< 10	< 10	< 10
o-xylene	ug/l	< 5	ISO17025	< 5	< 5	< 5	< 5	< 5
MTBE	ug/l	< 10	ISO17025	< 10	< 10	< 10	< 10	< 10

(hs) Please note deviating sample due to head space in container



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**Kent ME17 2JN**  
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# Soil Analysis Certificate - Methodology & Miscellaneous Information

**QTS Environmental Report No: 18-73258**

**TRC Companies Ltd**

**Site Reference: Rookery Farm**

**Project / Job Ref: 289128**

**Order No: C289128**

**Reporting Date: 12/04/2018**

Matrix	Analysed On	Determinand	Brief Method Description	Method No
Water	UF	Alkalinity	Determination of alkalinity by titration against hydrochloric acid using bromocresol green as the end point	E103
Water	UF	BTEX	Determination of BTEX by headspace GC-MS	E101
Water	F	Cations	Determination of cations by filtration followed by ICP-MS	E102
Water	UF	Chemical Oxygen Demand (COD)	Determination using a COD reactor followed by colorimetry	E112
Water	F	Chloride	Determination of chloride by filtration & analysed by ion chromatography	E109
Water	F	Chromium - Hexavalent	Determination of hexavalent chromium by acidification, addition of 1,5 diphenylcarbazide followed by	E116
Water	UF	Cyanide - Complex	Determination of complex cyanide by distillation followed by colorimetry	E115
Water	UF	Cyanide - Free	Determination of free cyanide by distillation followed by colorimetry	E115
Water	UF	Cyanide - Total	Determination of total cyanide by distillation followed by colorimetry	E115
Water	UF	Cyclohexane Extractable Matter (CEM)	Gravimetrically determined through liquid:liquid extraction with cyclohexane	E111
Water	F	Diesel Range Organics (C10 - C24)	Determination of liquid:liquid extraction with hexane followed by GC-FID	E104
Water	F	Dissolved Organic Content (DOC)	Determination of DOC by filtration followed by low heat with persulphate addition followed by IR detection	E110
Water	UF	Electrical Conductivity	Determination of electrical conductivity by electrometric measurement	E123
Water	F	EPH (C10 - C40)	Determination of liquid:liquid extraction with hexane followed by GC-FID	E104
Water	F	EPH TEXAS (C6-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C40)	Determination of liquid:liquid extraction with hexane followed by GC-FID for C8 to C40. C6 to C8 by headspace GC-MS	E104
Water	F	Fluoride	Determination of Fluoride by filtration & analysed by ion chromatography	E109
Water	F	Hardness	Determination of Ca and Mg by ICP-MS followed by calculation	E102
Leachate	F	Leachate Preparation - NRA	Based on National Rivers Authority leaching test 1994	E301
Leachate	F	Leachate Preparation - WAC	Based on BS EN 12457 Pt1, 2, 3	E302
Water	F	Metals	Determination of metals by filtration followed by ICP-MS	E102
Water	F	Mineral Oil (C10 - C40)	Determination of liquid:liquid extraction with hexane followed by GC-FID	E104
Water	F	Nitrate	Determination of nitrate by filtration & analysed by ion chromatography	E109
Water	UF	Monohydric Phenol	Determination of phenols by distillation followed by colorimetry	E121
Water	F	PAH - Speciated (EPA 16)	Determination of PAH compounds by concentration through SPE cartridge, collection in dichloromethane followed by GC-MS	E105
Water	F	PCB - 7 Congeners	Determination of PCB compounds by concentration through SPE cartridge, collection in dichloromethane followed by GC-MS	E108
Water	UF	Petroleum Ether Extract (PEE)	Gravimetrically determined through liquid:liquid extraction with petroleum ether	E111
Water	UF	pH	Determination of pH by electrometric measurement	E107
Water	F	Phosphate	Determination of phosphate by filtration & analysed by ion chromatography	E109
Water	UF	Redox Potential	Determination of redox potential by electrometric measurement	E113
Water	F	Sulphate (as SO4)	Determination of sulphate by filtration & analysed by ion chromatography	E109
Water	UF	Sulphide	Determination of sulphide by distillation followed by colorimetry	E118
Water	F	SVOC	Determination of semi-volatile organic compounds by concentration through SPE cartridge, collection in dichloromethane followed by GC-MS	E106
Water	UF	Toluene Extractable Matter (TEM)	Gravimetrically determined through liquid:liquid extraction with toluene	E111
Water	UF	Total Organic Carbon (TOC)	Low heat with persulphate addition followed by IR detection	E110
Water	F	TPH CWG (ali: C5-C6, C6-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C34, aro: C5-C7, C7-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C35)	Determination of liquid:liquid extraction with hexane, fractionating with SPE followed by GC-FID for C8 to C35. C5 to C8 by headspace GC-MS	E104
Water	F	TPH LQM (ali: C5-C6, C6-C8, C8-C10, C10-C12, C12-C16, C16-C35, C35-C44, aro: C5-C7, C7-C8, C8-C10, C10-C12, C12-C16, C16-C21, C21-C35, C35-C44)	Determination of liquid:liquid extraction with hexane, fractionating with SPE followed by GC-FID for C8 to C44. C5 to C8 by headspace GC-MS	E104
Water	UF	VOCs	Determination of volatile organic compounds by headspace GC-MS	E101
Water	UF	VPH (C6-C8 & C8-C10)	Determination of hydrocarbons C6-C8 by headspace GC-MS & C8-C10 by GC-FID	E101

**Key**

**F Filtered**  
**UF Unfiltered**



## **Annex E: Screened Data**

## TRC Environmental - Chemical Assessment Record

<b>Contract Engineer</b>	Troy Randall
<b>Project/Site Name</b>	Rookery Farm
<b>Project Number</b>	289128

<b>Sample Reference</b>	WS101	WS101	WS102	WS102	WS103	WS103	WS104	WS104
<b>Depth</b>	0.50 - 0.60	4.70 - 4.90	0.90 - 1.00	3.20 - 3.40	0.10 - 0.20	2.70 - 2.80	3.60 - 3.70	1.20
<b>Date Sampled</b>	26/03/2018	26/03/2018	26/03/2018	26/03/2018	26/03/2018	26/03/2018	26/03/2018	26/03/2018
<b>Time Taken</b>	-	-	-	-	-	-	-	-

Analytical Parameter (Soil Analysis)	Units	S4UL								
Stone Content	%									
Moisture Content	%									

## Speciated PAHs

Naphthalene	mg/kg	2.3	< 0.1	< 0.1	< 0.1	< 0.1	< 0.1	0.19	< 0.1	< 0.1
Acenaphthylene	mg/kg	170	< 0.1	< 0.1	0.38	< 0.1	< 0.1	< 0.1	< 0.1	< 0.1
Acenaphthene	mg/kg	210	0.23	< 0.1	0.2	< 0.1	< 0.1	0.89	< 0.1	< 0.1
Fluorene	mg/kg	170	0.19	< 0.1	0.54	< 0.1	< 0.1	0.89	< 0.1	< 0.1
Phenanthrene	mg/kg	95	1.63	< 0.1	5.58	< 0.1	0.29	4.66	< 0.1	0.39
Anthracene	mg/kg	2400	0.51	< 0.1	1.01	< 0.1	< 0.1	1.22	< 0.1	< 0.1
Fluoranthene	mg/kg	280	3.29	< 0.1	4.99	< 0.1	0.75	5.42	< 0.1	0.53
Pyrene	mg/kg	620	2.81	< 0.1	3.91	< 0.1	0.74	4.06	< 0.1	0.4
Benzo(a)anthracene	mg/kg	7.2	1.74	< 0.1	2	< 0.1	0.48	2.35	< 0.1	0.2
Chrysene	mg/kg	15	1.52	< 0.1	1.69	< 0.1	0.43	1.96	< 0.1	0.17
Benzo(b)fluoranthene	mg/kg	2.6	2.12	< 0.1	2.05	< 0.1	0.7	2.49	< 0.1	0.22
Benzo(k)fluoranthene	mg/kg	77	0.71	< 0.1	0.69	< 0.1	0.29	0.84	< 0.1	< 0.1
Benzo(a)pyrene	mg/kg	2.2	1.75	< 0.1	1.69	< 0.1	0.61	1.91	< 0.1	0.16
Indeno(1,2,3-cd)pyrene	mg/kg	27	1.16	< 0.1	1.05	< 0.1	0.39	1.2	< 0.1	0.11
Dibenz(a,h)anthracene	mg/kg	0.24	0.21	< 0.1	0.19	< 0.1	< 0.1	0.23	< 0.1	< 0.1
Benzo(ghi)perylene	mg/kg	320	1	< 0.1	0.84	< 0.1	0.33	0.94	< 0.1	< 0.1

## Total PAH

Speciated Total EPA-16 PAHs	mg/kg		18.9	< 1.6	26.8	< 1.6	5	29.3	< 1.6	2.2
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## Heavy Metals / Metalloids

[illegible]

Chromium (III)	mg/kg	910	21	22	17	25	16	15	18	15
Copper	mg/kg	2400	36	11	13	10	19	18	10	15
Lead	mg/kg	276	686	318	138	70	110	65	35	53
Elemental Mercury	mg/kg	1.2	< 1	< 1	< 1	< 1	< 1	< 1	< 1	< 1
Inorganic Mercury	mg/kg	40								
Methyl Mercury	mg/kg	11								
Nickel	mg/kg	180	11	12	7	15	11	7	9	9
Selenium	mg/kg	250	< 3	< 3	< 3	< 3	< 3	< 3	< 3	< 3
Zinc	mg/kg	3700	104	42	54	39	86	50	39	72

#### Monoaromatics

Benzene	µg/kg	87	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
Toluene	µg/kg	130000	< 5	< 5	< 5	< 5	< 5	< 5	< 5	< 5
Ethylbenzene	µg/kg	47000	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
p & m-xylene	µg/kg	117000	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
o-xylene	µg/kg	60000	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
MTBE (Methyl Tertiary Butyl Ether)	µg/kg	20000	< 5	< 5	< 5	< 5	< 5	< 5	< 5	< 5

#### Petroleum Hydrocarbons

TPH-CWG - Aliphatic >EC5 - EC6	mg/kg	42	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01
TPH-CWG - Aliphatic >EC6 - EC8	mg/kg	100	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05
TPH-CWG - Aliphatic >EC8 - EC10	mg/kg	27	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
TPH-CWG - Aliphatic >EC10 - EC12	mg/kg	130	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
TPH-CWG - Aliphatic >EC12 - EC16	mg/kg	1100	< 3	< 3	< 3	< 3	< 3	< 3	< 3	< 3
TPH-CWG - Aliphatic >EC16 - EC21	mg/kg	65000	14	< 3	< 3	< 3	< 3	< 3	< 3	< 3
TPH-CWG - Aliphatic >EC21 - EC35	mg/kg		14	< 10	32	< 10	< 10	< 10	< 10	44
TPH-CWG - Aliphatic (EC5 - EC35)	mg/kg		28	< 21	32	< 21	< 21	< 21	< 21	44

#### Petroleum Hydrocarbons

TPH-CWG - Aromatic >EC5 - EC7	mg/kg	70	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01
TPH-CWG - Aromatic >EC7 - EC8	mg/kg	130	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05	< 0.05
TPH-CWG - Aromatic >EC8 - EC10	mg/kg	34	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
TPH-CWG - Aromatic >EC10 - EC12	mg/kg	74	< 2	< 2	< 2	< 2	< 2	< 2	< 2	< 2
TPH-CWG - Aromatic >EC12 - EC16	mg/kg	140	< 2	< 2	2	< 2	< 2	8	< 2	< 2
TPH-CWG - Aromatic >EC16 - EC21	mg/kg	260	34	< 3	27	< 3	5	29	< 3	6
TPH-CWG - Aromatic >EC21 - EC35	mg/kg	1100	124	< 10	107	< 10	28	93	< 10	< 10
TPH-CWG - Aromatic (EC5 - EC35)	mg/kg		158	< 21	136	< 21	33	130	< 21	< 21

EHS Projects - Chemical Assessment Record										
Contract Engineer					Troy Randall					
Project/Site Name					Rookery Farm					
Project Number					289128					

Sample Reference	WS101	WS102	WS103	WS104			
Depth							
Date Sampled	03/04/2018	03/04/2018	03/04/2018	03/04/2018			
Time Taken							

Determinand	Unit	RL	Screening Criteria	Min	Max						
<b>Heavy Metals / Metalloids</b>											
Arsenic (dissolved)	ug/l	< 5	10	<5	11	< 5	7	11	10		
Boron (dissolved)	ug/l	< 5	1,000	22	500	500	243	121	22		
Cadmium (dissolved)	ug/l	< 0.4	5	<0.4	<0.4	< 0.4	< 0.4	< 0.4	< 0.4		
Chromium (dissolved)	ug/l	< 5	50	<5	19	< 5	< 5	< 5	19		
Chromium (hexavalent)	ug/l	< 20	50	<20	<20	< 20	< 20	< 20	< 20		
Copper (dissolved)	ug/l	< 5	2,000	<5	61	< 5	< 5	< 5	61		
Lead (dissolved)	ug/l	< 5	10	<5	<5	< 5	5	< 5	< 5		
Mercury (dissolved)	ug/l	< 0.05	1	<0.05	<0.05	< 0.05	0.06	< 0.05	< 0.05		
Nickel (dissolved)	ug/l	< 5	20	8	16	13	8	9	16		
Selenium (dissolved)	ug/l	< 5	10	<5	19	5	9	< 5	19		
Zinc (dissolved)	ug/l	< 2	5,000	<2	10	10	< 2	< 2	< 2		

<b>Speciated PAHs</b>											
Naphthalene (aq)	ug/l	< 0.01	0.01	0.05	0.25	0.05	0.22	0.25	0.17		
Acenaphthene (aq)	ug/l	< 0.01	0.01	0.02	0.17	0.02	0.06	0.17	0.07		
Acenaphthylene (aq)	ug/l	< 0.01	0.01	<0.01	0.01	< 0.01	< 0.01	0.01	< 0.01		
Fluoranthene (aq)	ug/l	< 0.01	0.01	0.03	0.05	0.03	0.03	0.04	0.05		
Anthracene (aq)	ug/l	< 0.01	0.01	<0.01	0.03	< 0.01	0.02	0.03	0.03		
Phenanthrene (aq)	ug/l	< 0.01	0.01	<0.01	0.22	< 0.01	0.07	0.22	0.15		
Fluorene (aq)	ug/l	< 0.01	0.01	<0.01	0.14	< 0.01	0.04	0.14	0.04		
Chrysene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Pyrene (aq)	ug/l	< 0.01	0.01	0.02	0.03	0.02	0.02	0.03	0.03		
Benzo(a)anthracene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Benzo(b)fluoranthene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Benzo(k)fluoranthene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Benzo(a)pyrene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Dibenzo(a,h)anthracene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Benzo(g,h,i)perylene (aq)	ug/l	< 0.01	0.01	<0.008	<0.008	< 0.008	< 0.008	< 0.008	< 0.008		
Indeno(1,2,3-cd)pyrene (aq)	ug/l	< 0.01	0.01	<0.01	<0.01	< 0.01	< 0.01	< 0.01	< 0.01		
Total EPA-16 PAHs	ug/l	< 0.01	0.01	0.12	0.89	0.12	0.46	0.89	0.54		

<b>Petroleum Hydrocarbons</b>											
Aliphatic >C5 - C6	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C6 - C8	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C8 - C10	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C10 - C12	ug/l	< 10	90	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C12 - C16	ug/l	< 10	90	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C16 - C21	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic >C21 - C34	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aliphatic (C5 - C34)	ug/l	< 70	0.1	<70	<70	< 70	< 70	< 70	< 70		

<b>Petroleum Hydrocarbons</b>											
Aromatic >C5 - C7	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C7 - C8	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C8 - C10	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C10 - C12	ug/l	< 10	90	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C12 - C16	ug/l	< 10	90	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C16 - C21	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Aromatic >C21 - C35	ug/l	< 10	0.1	<10	<10	< 10	< 10	< 10	< 10		
Total >C5 - C35	ug/l	< 140		<70	<70	< 70	< 70	< 70	< 70		

<b>Monoaromatics</b>											
Benzene	ug/l	< 1	1	<1	<1	< 1	< 1	< 1	< 1		
Toluene	ug/l	< 5		<5	<5	< 5	< 5	< 5	< 5		
Ethylbenzene	ug/l	< 5		<5	<5	< 5	< 5	< 5	< 5		
p & m-xylene	ug/l	< 10		<10	<10	< 10	< 10	< 10	< 10		
o-xylene	ug/l	< 5		<5	<5	< 5	< 5	< 5	< 5		
MTBE	ug/l	< 10		<10	<10	< 10	< 10	< 10	< 10		

## **Annex F: Laboratory Geotechnical Data**



# LABORATORY REPORT



4043

**Contract Number: PSL18/1486**

Report Date: 10 April 2018

Client's Reference: 289128



**For the attention of: Troy Randall**

Contract Title: Rookery Farm

Date Received: 29/3/2018

Date Commenced: 29/3/2018

Date Completed: 10/4/2018

**Notes: Opinions and Interpretations are outside the UKAS Accreditation**

A copy of the Laboratory Schedule of accredited tests as issued by UKAS is attached to this report. This certificate is issued in accordance with the accreditation requirements of the United Kingdom Accreditation Service. The results reported herein relate only to the material supplied to the laboratory. This certificate shall not be reproduced other than in full, without the prior written approval of the laboratory.

Checked and Approved Signatories:

R Gunson  
(Director)

A Watkins  
(Director)

R Berriman  
(Quality Manager)



L Knight  
(Senior Technician)

S Eyre  
(Senior Technician)

A Fry  
(Senior Technician)





## SUMMARY OF LABORATORY SOIL DESCRIPTIONS

[illegible]

**PSL**  
**Professional Soils Laboratory**

## Rookery Farm

**Contract No:**

PSL18/1486

**Client Ref:**

289128

# SUMMARY OF SOIL CLASSIFICATION TESTS

**(BS1377 : PART 2 : 1990)**

[illegible]

**SYMBOLS :** NP : Non Plastic

**\* : Liquid Limit and Plastic Limit Wet Sieved.**



4043

**PSL**

## Professional Soils Laboratory

## Rookery Farm

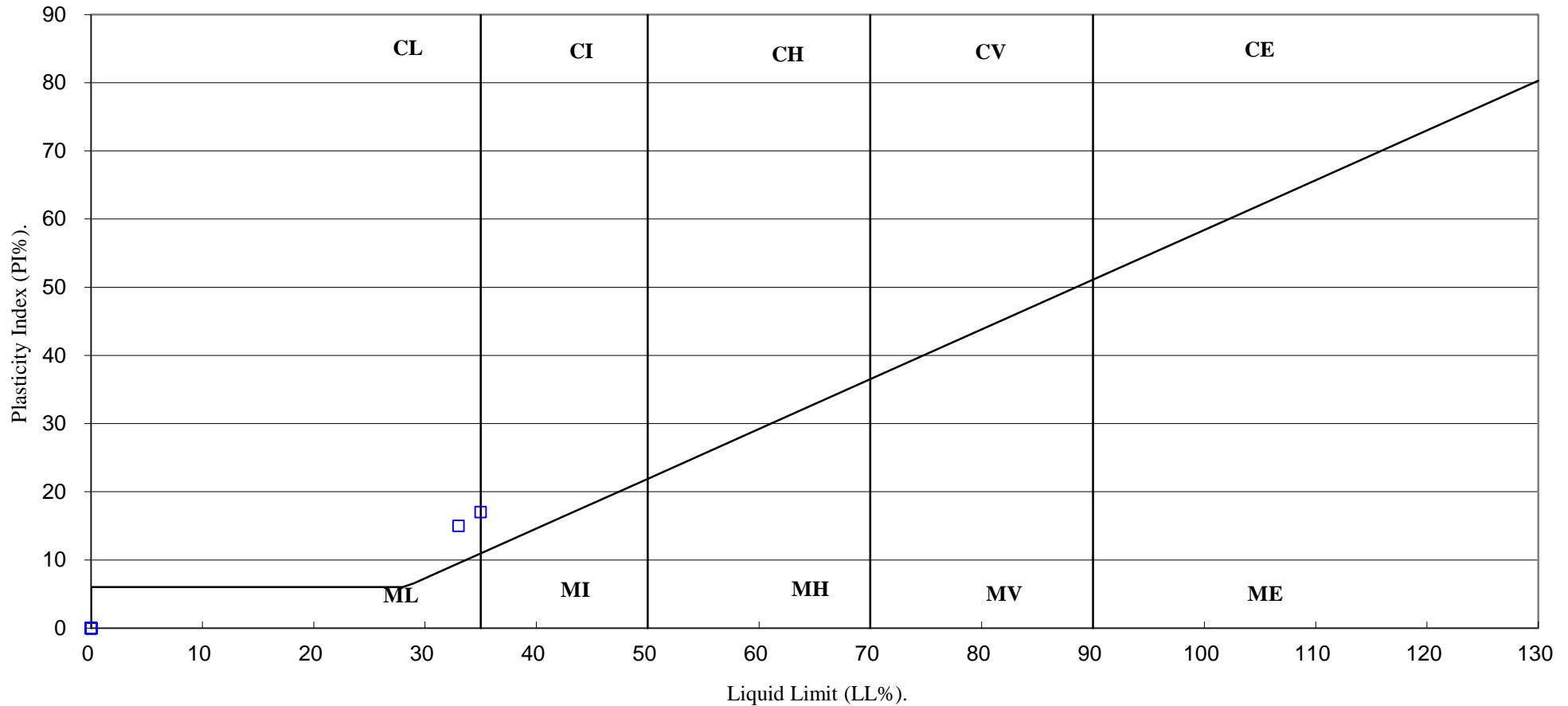
**Contract No:**

PSL18/1486

**Client Ref:**

289128

# PLASTICITY CHART FOR CASAGRANDE CLASSIFICATION.



4043

**PSL**  
Professional Soils Laboratory

Rookery Farm

Contract No:

PSL18/1486

Client Ref:

289128

# PARTICLE SIZE DISTRIBUTION TEST

BS1377 : Part 2 : 1990

Wet Sieve & Pipette Analysis, Clause 9.2 & 9.4

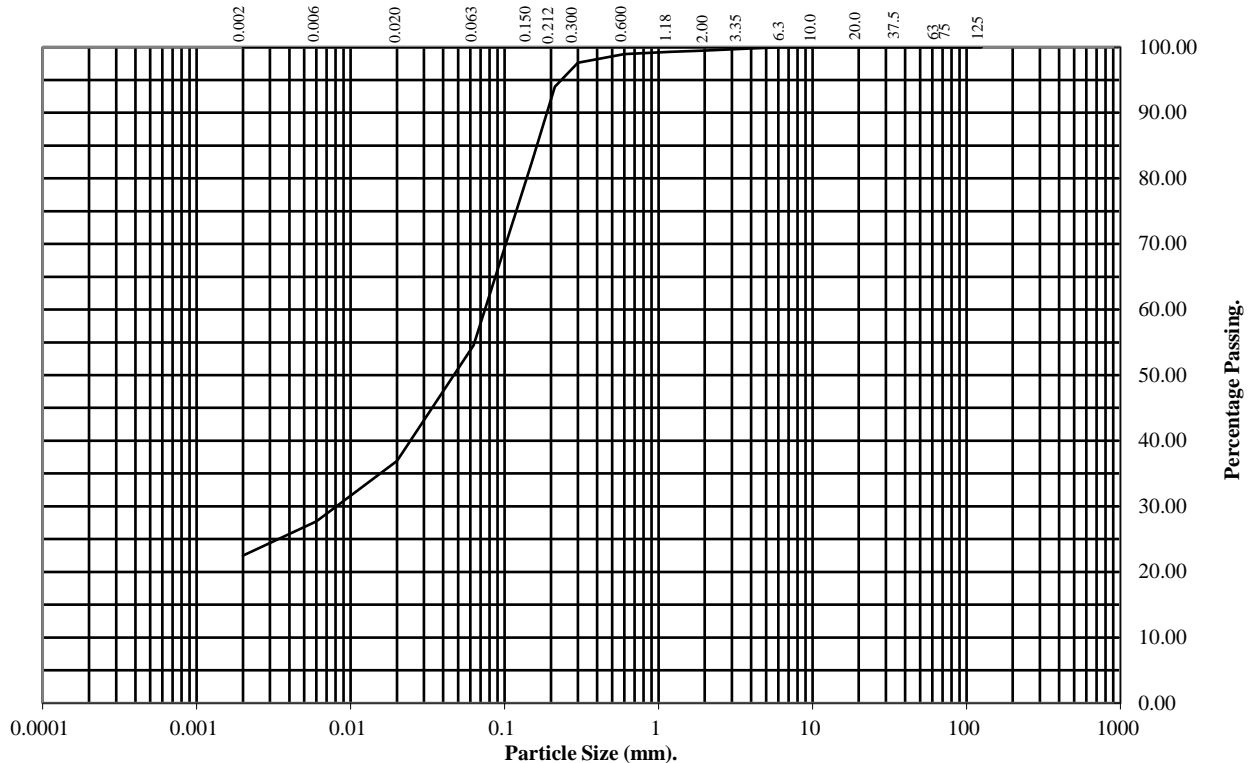
Hole Number: WS101

Top Depth (m): 4.70

Sample Number:

Base Depth(m): 4.90

Sample Type: D

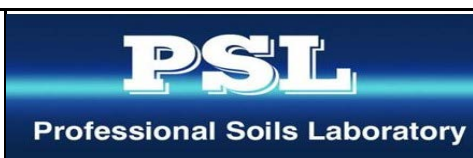


BS Test Sieve (mm)	Percentage Passing
125	100
75	100
63	100
37.5	100
20	100
10	100
6.3	100
3.35	100
2	99
1.18	99
0.6	99
0.3	98
0.212	94
0.15	82
0.063	55

Particle Diameter	Percentage Passing
0.02	37
0.006	28
0.002	22

Soil Fraction	Total Percentage
Cobbles	0
Gravel	1
Sand	44
Silt	33
Clay	22

**Remarks:**  
See Summary of Soil Descriptions



Rookery Farm

Contract No:
PSL18/1486
Client Ref:
289128

# PARTICLE SIZE DISTRIBUTION TEST

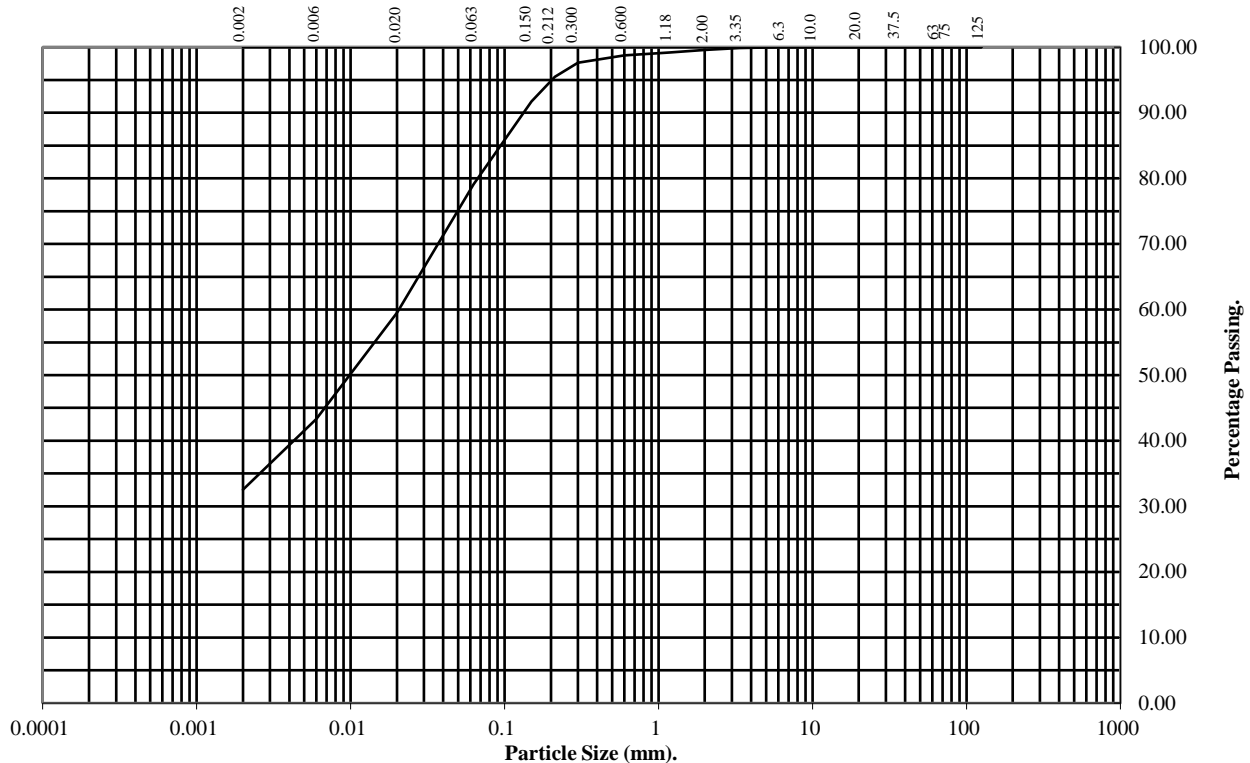
BS1377 : Part 2 : 1990

Wet Sieve & Pipette Analysis, Clause 9.2 & 9.4

Hole Number: WS102 Top Depth (m): 3.20

Sample Number: Base Depth(m): 3.40

Sample Type: D

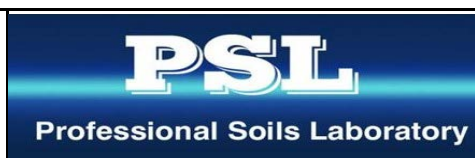


BS Test Sieve (mm)	Percentage Passing
125	100
75	100
63	100
37.5	100
20	100
10	100
6.3	100
3.35	100
2	100
1.18	99
0.6	99
0.3	98
0.212	95
0.15	92
0.063	79

Particle Diameter	Percentage Passing
0.02	60
0.006	43
0.002	33

Soil Fraction	Total Percentage
Cobbles	0
Gravel	0
Sand	21
Silt	46
Clay	33

**Remarks:**  
See Summary of Soil Descriptions



Rookery Farm

Contract No:
PSL18/1486
Client Ref:
289128



## Certificate of Analysis

*Certificate Number* 18-07878

11-Apr-18



*Our Reference* 18-07878

*Client Reference* PSL18/1486

*Order No* (not supplied)

*Contract Title* Rookery Farm (289128)

*Description* 7 Soil samples.

*Date Received* 05-Apr-18

*Date Started* 05-Apr-18

*Date Completed* 11-Apr-18

*Test Procedures* Identified by prefix DETSn (details on request).

*Notes* Opinions and interpretations are outside the laboratory's scope of ISO 17025 accreditation. This certificate is issued in accordance with the accreditation requirements of the United Kingdom Accreditation Service. The results reported herein relate only to the material supplied to the laboratory. This certificate shall not be reproduced except in full, without the prior written approval of the laboratory.

*Approved By*



Adam Fenwick  
Contracts Manager





## Summary of Chemical Analysis

### Soil Samples

Our Ref 18-07878

Client Ref PSL18/1486

Contract Title Rookery Farm (289128)

Lab No	1320426	1320427	1320428	1320429	1320430	1320431	1320432
Sample ID	WS101	WS101	WS102	WS102	WS103	WS103	WS104
Depth	0.50-0.60	4.70-4.90	0.30-0.40	3.20-3.40	0.10-0.20	3.60-3.70	0.10-0.20
Other ID							
Sample Type	D	D	D	D	D	D	D
Sampling Date	n/s	n/s	n/s	n/s	n/s	n/s	n/s
Sampling Time	n/s	n/s	n/s	n/s	n/s	n/s	n/s

Test	Method	LOD	Units							
<b>Metals</b>										
Magnesium Aqueous Extract	DETSC 2076*	10	mg/l	< 10	13	< 10	< 10	< 10	< 10	< 10
<b>Inorganics</b>										
pH	DETSC 2008#			9.8	7.7	10.5	7.9	11.4	7.7	9.5
Chloride Aqueous Extract	DETSC 2055	1	mg/l	20	25	9.0	16	80	9.8	16
Nitrate Aqueous Extract as NO3	DETSC 2055	1	mg/l	5.9	< 1.0	2.4	1.0	< 1.0	< 1.0	4.5
Sulphate Aqueous Extract as SO4	DETSC 2076#	10	mg/l	370	210	370	180	200	51	250
Sulphur as S, Total	DETSC 2320	0.01	%	0.08	0.04	0.08	0.02	0.12	0.02	0.05
Sulphate as SO4, Total	DETSC 2321#	0.01	%	0.18	0.05	0.18	0.03	0.27	0.03	0.09

## Information in Support of the Analytical Results

Our Ref 18-07878  
 Client Ref PSL18/1486  
 Contract Rookery Farm (289128)

### Containers Received & Deviating Samples

Lab No	Sample ID	Date Sampled	Containers Received	Holding time exceeded for tests	Inappropriate container for tests
1320426	WS101 0.50-0.60 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320427	WS101 4.70-4.90 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320428	WS102 0.30-0.40 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320429	WS102 3.20-3.40 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320430	WS103 0.10-0.20 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320431	WS103 3.60-3.70 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	
1320432	WS104 0.10-0.20 SOIL		PT 1L	Sample date not supplied, Anions 2:1 (365 days), Total Sulphur ICP (365 days), Total Sulphate ICP (730 days), Metals ICP Prep (365 days), pH + Conductivity (7 days)	

Key: P-Plastic T-Tub

DETS cannot be held responsible for the integrity of samples received whereby the laboratory did not undertake the sampling. In this instance samples received may be deviating. Deviating Sample criteria are based on British and International standards and laboratory trials in conjunction with the UKAS note 'Guidance on Deviating Samples'. All samples received are listed above. However, those samples that have additional comments in relation to hold time, inappropriate containers etc are deviating due to the reasons stated. This means that the analysis is accredited where applicable, but results may be compromised due to sample deviations. If no sampled date (soils) or date+time (waters) has been supplied then samples are deviating. However, if you are able to supply a sampled date (and time for waters) this will prevent samples being reported as deviating where specific hold times are not exceeded and where the container supplied is suitable.

### Soil Analysis Notes

Inorganic soil analysis was carried out on a dried sample, crushed to pass a 425µm sieve, in accordance with BS1377.

Organic soil analysis was carried out on an 'as received' sample. Organics results are corrected for moisture and expressed on a dry weight basis.

The Loss on Drying, used to express organics analysis on an air dried basis, is carried out at a temperature of 28°C +/-2°C.

### Disposal

From the issue date of this test certificate, samples will be held for the following times prior to disposal :-

Soils - 1 month, Liquids - 2 weeks, Asbestos (test portion) - 6 months

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)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

Postcode:

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?

- |   |           |
|---|-----------|
| <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 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



**White, Lauren**

---

**From:** Lynne <[REDACTED]>  
**Sent:** 29 July 2021 15:20  
**To:** Consultation  
**Subject:** Representations to the Revised Fareham Local Plan 2037  
**Attachments:** BL1.pdf; DEVELOPMENT STRATEGY.pdf; FTC3.pdf; FTC4.pdf; FTC5.pdf; H1.pdf; HA4.pdf; HA7.pdf; HA42.pdf; HA55.pdf; HA56.pdf; HP4.pdf; ROOKERY FARM.pdf; SA AND SEA.pdf; 4.1- 4.20.pdf; July 2021 REPS FINAL. docx.pdf; Appendix 6 Phase 1\_Rookery Farm\_29 November 2017.pdf; Appendix 7 Phase 2\_RookeryFarm.pdf

**Importance:** High

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Please find the representations we are submitting today on behalf of Raymond Brown Minerals & Recycling Ltd to the above Plan.

The reps include:

a) Completed forms in respect of:

Policies BL1; FTC3; FTC4; FTC5; H1 (and paras 4.1 – 4.20); HA4; HA7; HA42; HA55; HA56 HP4; the omission site of Rookery Farm; Development Strategy and the SA and SEA

b) Representations from Southern Planning Practice to support and inform the objections raised on the above forms, together with appendices.

c) Appendices 6 and 7 are separately attached to this email.

Please acknowledge receipt of the representations.

We would be grateful for an early opportunity to discuss the submitted reps further with you.

Kind regards

Lynne

Lynne Evans BA MA MRTPI MRICS

Consultant

[REDACTED]

[www.southernplanning.co.uk](http://www.southernplanning.co.uk)

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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)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

Postcode:

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?

- |  |           |
|--|-----------|
| <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 |
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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

FTC3

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 SEE ATTACHED REPRESENTATIONS

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

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☒ Yes, I want to take part in a hearing session

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**FAREHAM**  
BOROUGH COUNCIL



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FTC4

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B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
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FTC5

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B2 Do you think the Revised Publication Local Plan is:

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H1

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	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Title:

MS

First Name:

LYNNE

Last Name:

EVANS

Job Title: (where relevant)

Organisation: (where relevant)

SOUTHERN PLANNING PRACTICE LIMITED

Address:

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Y

Postcode:

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Telephone Number:

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- |  |           |
|--|-----------|
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Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
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BOROUGH COUNCIL

# PERSONAL DETAILS

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☒ 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:	
Postcode:	
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

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See Alphabetical Order - Raymond Brown  
Reps Final for full response

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C  
Y  
T  
V

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T  
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Address:

C/O SOUTHERN PLANNING PRACTICE LIMITED  
[REDACTED]

Postcode:

[REDACTED]

Telephone Number:

[REDACTED]

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:

[REDACTED]

Postcode:

S

Telephone Number:

[REDACTED]

Email Address:

[REDACTED]

B1

Which part of the Revised Publication 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 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

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☒ 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

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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:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

MS

First Name:

LYNNE

Last Name:

EVANS

Job Title: (where relevant)

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HP4

B1c Which part of the Policies Map ?

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

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	Yes	No
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**FAREHAM**  
BOROUGH COUNCIL



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First Name:

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Address:

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OMISSION SITE - ROOKERY FARM TO BE ALLOCATED AS HOUSING SITE

B1c Which part of the Policies Map ?

OMISSION SITE - POLICIES MAP TO INCLUDE ROOKERY FARM

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Thank you for taking part and having your say.

**FAREHAM**  
BOROUGH COUNCIL

**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



<b><u>Contents:</u></b>	<b>Page</b>
<b>1.0 INTRODUCTION AND SUMMARY.....</b>	<b>1</b>
<b>2.0 OBJECTION TO STRATEGIC POLICY H1 – HOUSING PROVISION .....</b>	<b>3</b>
<b>Overview.....</b>	<b>3</b>
<b>i) Objectively Assessed Housing Need.....</b>	<b>4</b>
<b>ii) Duty to Co-Operate and Unmet Need from Neighbouring Authorities.....</b>	<b>6</b>
<b>iii) Additional Factors affecting Fareham’s Housing Numbers, including 5 Year Housing land supply position and Contingency Provision .....</b>	<b>10</b>
<b>iv) Over Reliance on Welborne Garden Village .....</b>	<b>12</b>
<b>v) Affordable Housing .....</b>	<b>13</b>
<b>vi) Windfall Allowance.....</b>	<b>15</b>
<b>vii) Inadequate Priority to Available Brownfield Sites and Over Reliance on Greenfield Sites.....</b>	<b>16</b>
<b>OBJECTION to Policy HP4 – Five Year Housing Land Supply .....</b>	<b>19</b>
<b>3.0 ANALYSIS OF HOUSING ALLOCATIONS.....</b>	<b>20</b>
<b>4.0 ROOKERY FARM .....</b>	<b>30</b>
<b>5.0 MODIFICATIONS REQUIRED TO THE PLAN TO MAKE IT SOUND .....</b>	<b>38</b>

## **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.

<b>PfSH East</b>	<b>Current Local Plan Requirement</b>	<b>Average Delivery (last 3 years)</b>	<b>New Standard method</b>	<b>Difference between current Local Plan requirement and standard method</b>	<b>Difference between standard method and delivery</b>
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
<b>Total</b>	<b>1,804</b>	<b>1,828</b>	<b>2,802</b>	<b>+998</b>	<b>+974</b>

**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 23<sup>rd</sup> 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 121,964m<sup>2</sup> of new employment floorspace;
  - The strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200 m<sup>2</sup> 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

<b>Site Name:</b> Down End West (Land at Down End Road)	
<b>Allocation Policy:</b> n/a	<b>SHLAA Reference:</b> 3009 (SA assessment 3009)
<b>SHLAA Status:</b> Developable Housing Site	
<b>Overview:</b> 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.	
<b>Overall Conclusion of Site:</b>	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.

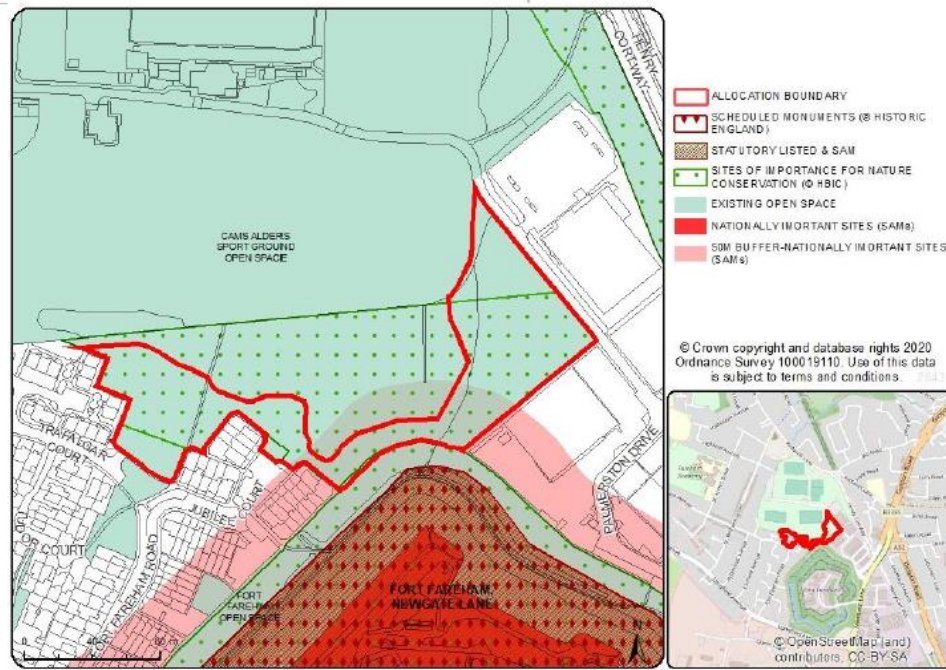
Paragraph 017 Reference ID: 3-017-20190722 of the Planning Practice Guidance states that: *Plan-makers will need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This will provide information on which a judgement can be made as to 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.

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## 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: 8<sup>th</sup> June 2021**

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### **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 withdrew<sup>1</sup> that aspect of its case before the appellants presented their evidence on the matter<sup>2</sup>. 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

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<sup>1</sup> Including the evidence given by Mr Whitehead.

<sup>2</sup> 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 Bridgemary, 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 Bridgemary. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemary 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 aesthetic<sup>3</sup>, 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

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<sup>3</sup> 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 Farm<sup>4</sup>), 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

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<sup>4</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 accidents<sup>5</sup>. 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.

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<sup>5</sup> 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 Bridgemary 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 possible<sup>6</sup>. 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

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<sup>6</sup> 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 optimistic<sup>7</sup>.
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 attention<sup>8</sup>, 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

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<sup>7</sup> Statements of Common Ground, January 2021 (paragraphs 7.14).

<sup>8</sup> 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 requirements<sup>9</sup>.

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;

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<sup>9</sup> 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 colleagues<sup>10</sup>, 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

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<sup>10</sup> 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:

**Mr D Lintott**

Of Counsel

He called

**Mr I Dudley**

BSc(Hons) MICFor CEnv CMLI

**Mr C Whitehead**

BEng CEng

**Mr J Mundy**

MSc IMICE

**Mr N Sibbett**

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:

**Mr C Boyle**

QC

He called

**Mr J Atkin**

BSc(Hons) DIP LM CMLI

**Mr N Tiley**

ARTPI

**Miss M Hoskins**

BA(Hons) MCIHT

**Mr A Jones**

BSc(Hons) MCIHT

**Mr D West**

MEnv Sci(Hons) CEnv MCIEEM

**Mr D Weaver**

BA(Hons) MA MRTPI

**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 Bridgemark 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.

**Sign this petition**

**13,680 signatures**

[Show on a map](#)

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

## **At 100,000 signatures...**

At 100,000 signatures, this petition will be considered for debate in Parliament

## **Other parliamentary business**

Report on the future of the planning system in England published



House of Commons

Housing, Communities and  
Local Government Committee

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# The future of the planning system in England

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**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*

**HC 38**

Published on 10 June 2021  
by authority of the House of Commons

## 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.

### Current membership

[Mr Clive Betts MP](#) (*Labour, Sheffield South East*) (Chair)

[Bob Blackman MP](#) (*Conservative, Harrow East*)

[Ian Byrne MP](#) (*Labour, Liverpool, West Derby*)

[Brendan Clarke-Smith MP](#) (*Conservative, Bassetlaw*)

[Florence Eshalomi MP](#) (*Labour, Vauxhall*)

[Ben Everitt MP](#) (*Conservative, Milton Keynes North*)

[Rachel Hopkins MP](#) (*Labour, Luton South*)

[Ian Levy MP](#) (*Conservative, Blyth Valley*)

[Andrew Lewer MP](#) (*Conservative, Northampton South*)

[Mary Robinson MP](#) (*Conservative, Cheadle*)

[Mohammad Yasin MP](#) (*Labour, Bedford*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

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Committee's reports are published on the Committee's website at [www.parliament.uk/hclg](http://www.parliament.uk/hclg) and in print by Order of the House.

### Committee staff

The current staff of the Committee are Eldon Gallagher (Committee Operations Officer), Edward Hicks (Committee Specialist), Thomas Lacy (Committee Operations Manager), Rebecca Lees (Second Clerk), Paul Owen (Committee Specialist), George Perry (Media Officer), and Joanna Welham (Clerk).

### Contacts

All correspondence should be addressed to the Clerk of the Housing, Communities and Local Government Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5364; the Committee's email address is [hclgcom@parliament.uk](mailto:hclgcom@parliament.uk).

You can follow the Committee on Twitter using [@CommonsHCLG](https://twitter.com/CommonsHCLG)

# Contents

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<b>Summary</b>	<b>5</b>
<b>1 Our current planning system</b>	<b>9</b>
Our inquiry	9
Attitudes to the current planning system	10
The Government's proposed reforms	13
<b>2 The Government's three areas proposal</b>	<b>15</b>
Growth areas	17
Renewal areas	18
Protected areas	19
<b>3 Local Plans</b>	<b>23</b>
Views on current Local Plans	23
Reforms to Local Plans	24
The role of statutory consultees	25
A timeframe for Local Plans	25
The Minister's views	26
Neighbourhood planning	27
Strategic infrastructure and the duty to cooperate	29
What should replace the duty to cooperate?	30
<b>4 Public engagement</b>	<b>33</b>
Current rates of public engagement	33
The Government's proposed reforms	34
Planning and the legal system	37
Technology	38
<b>5 The housing formula</b>	<b>43</b>
The current situation	43
The Government's initial proposal	44
Do we need a standard method?	44
Views of the Government's proposed formula	46
The Government's revised formula	48
Opinions on the revised formula	49
<b>6 How to deliver new homes</b>	<b>53</b>
The challenge	53
Views about the housing target	53
Build out	54

Speeding up build out rates	56
Encouraging small builders	58
Specialist, affordable and social housing	59
First Homes	61
Brownfield sites	62
Permitted Development Rights	63
<b>7 Omissions</b>	<b>65</b>
Introduction	65
The Minister's response	65
<b>8 Land capture and the funding of infrastructure</b>	<b>67</b>
Background	67
The Community Infrastructure Levy (CIL)	69
Section 106	70
Views of the Government's reforms	71
How much revenue would it bring in?	72
Local versus national rates	72
Redistribution	73
At what point should the levy be charged?	74
Affordable housing	74
Small sites and rural areas	75
<b>9 Resources and skills</b>	<b>77</b>
Need for additional resources	77
The need for skills	78
<b>10 Design and beauty</b>	<b>81</b>
Government proposals	81
Current situation	82
Beauty	83
Public involvement	85
A National Design Body	86
National and Local Design Guides and Codes	86
<b>11 Green Belt</b>	<b>88</b>
Background	88
Support for the Green Belt	88
The function and purpose of the Green Belt	89
Should the Green Belt be reviewed?	89
Metropolitan Open Land	90

<b>12 Environmental and historical protections</b>	<b>92</b>
Background	92
Current protections	93
Further protections—heritage, science and culture	93
Further protections—flooding	96
Further protections—nature and wildlife	96
<b>Conclusions and recommendations</b>	<b>99</b>
<b>Appendix 1: Public engagement survey</b>	<b>109</b>
About the survey	109
Respondents' experience with the planning system	109
Nature and wildlife	110
Brownfield land	110
Experiences of the current planning system	111
Opinions about whether the planning system makes it too easy or too difficult to build	114
Attitudes towards local authorities and planning departments	115
Opinions about local housing need	115
Opinions about national housing need	116
Government proposals for reform	117
Affordable and social housing	120
Other proposed reforms to the current system	121
<b>Appendix 2: Public engagement event</b>	<b>122</b>
Details of the event	122
Discussion	122
Is the current planning system fair?	122
What should be the most important concerns for the planning system?	123
Will the proposals in the White Paper improve the planning system?	124
<b>Formal minutes</b>	<b>126</b>
<b>Witnesses</b>	<b>127</b>
<b>Published written evidence</b>	<b>128</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>133</b>





## 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,<sup>1</sup> and consultations on significant changes to the planning system.<sup>2</sup>

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.<sup>3</sup> 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 MHCLG, 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.<sup>4</sup> Chapter 9 examines the argument for additional

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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.”<sup>5</sup>

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,<sup>6</sup> the “flexibility and democratic accountability” of the planning system,<sup>7</sup> and the protection of the natural and historic environment.<sup>8</sup> 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.”<sup>9</sup> 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.<sup>10</sup>

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.”<sup>11</sup> 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.”<sup>12</sup> 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.<sup>13</sup> The system was criticised for not delivering enough affordable housing,<sup>14</sup> and housing for disabled people.<sup>15</sup> It was blamed for having reinforced economic imbalances, favouring London and other high growth areas.<sup>16</sup> Other criticisms included that it had failed to provide sufficient replacement minerals;<sup>17</sup> that it incentivised car dependence;<sup>18</sup> provided only imperfect protection for the environment;<sup>19</sup> and did not ensure clean air.<sup>20</sup> Our public engagement survey also highlighted unhappiness at a perceived lack of effective enforcement of planning conditions.<sup>21</sup>

7. Another strand of criticisms in the written evidence concentrated on local authorities, with submissions arguing that Local Plans were either absent or outdated,<sup>22</sup> that there was a lack of regional and strategic planning,<sup>23</sup> that the system was excessively politicised,<sup>24</sup> and that local planning authorities (LPAs) were under-resourced.<sup>25</sup> The process of the planning system also attracted the ire of some. There were allegations of a fixation with process,<sup>26</sup> and widespread complaints that the system was too complex, obscure and slow.<sup>27</sup> 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.”<sup>28</sup> 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.<sup>29</sup>

8. Criticisms of the current system sometimes incorporated criticism of the Government's past measures and new proposals.<sup>30</sup> The expansion of permitted development rights and permissions in principle received particular censure.<sup>31</sup> Highgate Society described it as “the disastrous widening of permitted development which means that “planning” for communities is almost impossible.”<sup>32</sup> Other critiques of recent changes argued there had been an excessive focus on housing delivery.<sup>33</sup> Furthermore, the result of proposals supposed to simplify and speed up the planning system had been to make it more complicated.<sup>34</sup> 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.<sup>35</sup> This was reflected in several submissions.<sup>36</sup> We were also told a reason for the slowness of the current system were the “overly long or incomplete documentation submitted by developers.”<sup>37</sup> There were complaints that the system favoured homeowners and secure tenants.<sup>38</sup> 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.”<sup>39</sup>

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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.<sup>40</sup>

12. The second, longer-term, set of reforms were proposed in the six consultations the Government launched in 2020–21.<sup>41</sup> 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.<sup>42</sup>

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.”<sup>43</sup>

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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.<sup>44</sup> Several submissions claimed that the White Paper was more akin to a Green Paper, a discussion document rather than a document detailing proposed legislation.<sup>45</sup> 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.<sup>46</sup> 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."<sup>47</sup>

15. The Minister acknowledged that would need to be legislation, for instance to make Local Plans compulsory.<sup>48</sup> The Bill was subsequently announced in the Queen's Speech in May 2021.<sup>49</sup> 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."<sup>50</sup> 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."<sup>51</sup>

**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

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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.<sup>52</sup>

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.<sup>53</sup> Other arguments advanced in favour of the proposals were that it would facilitate the construction of housing on brownfield sites,<sup>54</sup> could support self and

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52 MHCLG, [White Paper: Planning for the Future](#), pp 24, 29, 32

53 Centre for Cities ([FPS0144](#))

54 National Grid ([FPS0088](#))



custom built housing,<sup>55</sup> ensure quicker and better quality planning proposals,<sup>56</sup> and could help (through strict rules) to reduce polluted air and ensure low carbon emissions.<sup>57</sup> 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.<sup>58</sup>

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.<sup>59</sup>

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.”<sup>60</sup> Southwark, Bristol and Newcastle councils all argued there were particular problems in cities owing to the complex nature of their neighbourhoods.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup>

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

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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.<sup>65</sup> Secondly, some submissions wished to know how the reforms would interact with, and avoid hindering, other priorities such as promoting sustainable transport,<sup>66</sup> and bolstering town centres.<sup>67</sup> 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.<sup>68</sup> 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”.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> This reflects the fact that the statutory consultees who must be consulted for planning permissions of certain types or in certain locations,<sup>72</sup> 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”.<sup>73</sup>

## 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.”<sup>74</sup> One benefit highlighted was that it would encourage self-builders, particularly through the proposal to permit LPAs to identify sub-areas for self-build.<sup>75</sup>

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- 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.<sup>76</sup> 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.”<sup>77</sup> 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.”<sup>78</sup> 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’.<sup>79</sup>

The LGA suggested further consultation on the consolidation of the different existing routes for permission<sup>80</sup>

23. Evidence suggested that other specific issues which may need further consideration by Government include the impact on cultural sites,<sup>81</sup> and on data centres.<sup>82</sup> 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.<sup>83</sup>

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.<sup>84</sup> 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.”<sup>85</sup>

## 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.”<sup>86</sup> 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.<sup>87</sup>

Other submissions voiced fears about the loss of cultural assets,<sup>88</sup> and that renewal areas would lead to the loss of green spaces in villages.<sup>89</sup>

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.”<sup>90</sup> 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.<sup>91</sup>

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.”<sup>92</sup> It has subsequently been reported that Ministers are undecided on whether to include this renewal area in their final proposals.<sup>93</sup>

## 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.<sup>94</sup> 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;<sup>95</sup> on whether national parks would be included (and how they would be affected by adjoining land designated growth or renewal status);<sup>96</sup> and the treatment of ancient woodland in city centres.<sup>97</sup> 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.”<sup>98</sup>

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.”<sup>99</sup> We were told that conservation areas (especially in town centres), and river and canal areas needed to be able to adapt.<sup>100</sup> Fears were also raised that protected areas would stifle growth in rural areas, through excessive restrictions on building,<sup>101</sup> and discourage developments of energy and water infrastructure.<sup>102</sup> 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.<sup>103</sup>

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).<sup>104</sup> The National Trust suggested reframing ‘Protected Areas’ as ‘Areas for Protection and Enhancement’ “in order to promote positive change.”<sup>105</sup> 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.<sup>106</sup> Contrastingly, Hackney Council argued the protected areas were unnecessary as existing environmental and historical protections are sufficient.<sup>107</sup>

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.<sup>108</sup>

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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.<sup>109</sup> 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.<sup>110</sup> 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.<sup>111</sup> 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.<sup>112</sup> In 2018 our predecessor Committee reiterated calls for Local Plans to be up to date and a statutory duty upon local authorities.<sup>113</sup>

#### 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.<sup>114</sup> 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.<sup>115</sup> Other criticisms were that the Local Plans did not properly reflect local views,<sup>116</sup> that they had neglected people in caravans and houseboats,<sup>117</sup> and favoured larger stakeholders.<sup>118</sup> They were thought to take too long to complete and involved too much documentation.<sup>119</sup> 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.”<sup>120</sup> 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.<sup>121</sup>

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.<sup>122</sup>

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.<sup>123</sup> There was some support for the principle of "simpler, standardised and faster" Local Plans,<sup>124</sup> for nationally set development management policies (albeit not always as part of the NPPF).<sup>125</sup> There was some support for a simpler sustainable development test;<sup>126</sup> but far greater reservations about the lack of detail and public understanding of the phrase.<sup>127</sup>

39. However, it was thought that Local Plans would lack the necessary detail to adequately cover local circumstances, or to guide developers clearly enough.<sup>128</sup> 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.<sup>129</sup>

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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.”<sup>130</sup> 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.<sup>131</sup> 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.”<sup>132</sup> There was also objections to the possible abolition of the ‘right to be heard’ at the examination stage of Local Plan formation.<sup>133</sup>

## 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.<sup>134</sup> This reflects a long-standing complaint.<sup>135</sup> 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.”<sup>136</sup>

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.<sup>137</sup> 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.<sup>138</sup>

## 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.<sup>139</sup> In contrast, during our oral evidence, local authority representatives were sceptical about the timeframe. Andrew Longley told us:

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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.<sup>140</sup>

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.”<sup>141</sup> This echoed written evidence that we had received.<sup>142</sup> 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.”<sup>143</sup> The GLA warned us that the timescale would not permit enough time for the increased focus on beauty and design that the Government wanted.<sup>144</sup>

## 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.”<sup>145</sup> 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”.<sup>146</sup>

**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.<sup>147</sup> 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.<sup>148</sup>

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.<sup>149</sup> Moreover, neighbourhood planners tended to be predominantly people with greater wealth and time on their hands.<sup>150</sup> 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.<sup>151</sup> Lisa Fairmaner explained how existing plans created very local planning frameworks and encouraged public engagement in London.<sup>152</sup> We raised with her the reputed lack of support in London for neighbourhood plans mentioned by Neighbourhood Planners London.<sup>153</sup> She acknowledged that different boroughs had been mixed in their responses.<sup>154</sup>

50. Consequently, there was strong criticism of the Government's perceived downgrading of neighbourhood plans.<sup>155</sup> Particularly singled out was the loss of involvement in development management, as threatening community engagement and confidence.<sup>156</sup> 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.<sup>157</sup>

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.<sup>158</sup> We were also told plans needed to be put in place more quickly and cheaply.<sup>159</sup> 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."<sup>160</sup>

**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.<sup>161</sup> 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.<sup>162</sup> In 2014 the same committee recommended giving combined authorities the power to oversee local authorities' duty to cooperate.<sup>163</sup> 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.<sup>164</sup> The Government rejected this idea in their response.<sup>165</sup> 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.<sup>166</sup>

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.”<sup>167</sup> 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.<sup>168</sup>

55. We were given specific examples of its failings in different council areas across England, such as the collapse of St Albans' Local Plan.<sup>169</sup> The LGA said that the duty “has had mixed success and does not always guarantee a successful outcome from the process.”<sup>170</sup> The negative consequences of the duty were that it was “piecemeal and fragmented”,<sup>171</sup> had not effectively delivered infrastructure, mineral supply and waste

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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,<sup>172</sup> discouraged urban councils from maximising their own land before calling on neighbouring rural councils whilst lengthening the time taken for Local Plan examinations,<sup>173</sup> and that it delayed the delivery of new plans and housing sites.<sup>174</sup>

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.”<sup>175</sup> We were told every other European country has a spatial plan system.<sup>176</sup> The White Paper was thought not to have provided sufficient information about it.<sup>177</sup> The benefits of strategic planning for infrastructure was particularly stressed. It could support sustainable transport,<sup>178</sup> tackle infrastructure challenges such as water provision, minerals, meeting net-zero, and create “communities where people want to live, work and relax.”<sup>179</sup>

57. However, the duty is clearly working in some places. We were told it has been operating successfully in north Northamptonshire,<sup>180</sup> between Newcastle and Gateshead,<sup>181</sup> and “in the south-west, in Norfolk and beyond, which have been produced specifically to address some of these questions around infrastructure”.<sup>182</sup> Examples of regional planning cited to us included the Oxford–Cambridge Arc,<sup>183</sup> the Oxfordshire Growth Board,<sup>184</sup> and Greater Manchester combined authority (all of which divided opinion).<sup>185</sup> The spatial plans in Glasgow and the Clyde Valley, and Cambridgeshire and Peterborough Combined Authority were also praised.<sup>186</sup>

## 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.<sup>187</sup> 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,<sup>188</sup> and a lack of consideration of infrastructure had created challenges for the Oxford–Cambridge Arc.<sup>189</sup> There were numerous proposals on how to enhance co-operation. Some favoured retaining the existing duty.<sup>190</sup> or a strengthened or compulsory requirement for LPAs to work together.<sup>191</sup> There was support for using pre-existing bodies, such as sub-national transport bodies (STBs),<sup>192</sup> devolved administrations with elected mayors making use of spatial development strategies,<sup>193</sup> Local Nature Recovery Strategies,<sup>194</sup> and organisations such as the Northern Powerhouse.<sup>195</sup> UK2070 Commission proposed building on these organisations by establishing a similar body for London and the wider south east.<sup>196</sup> Spatial frameworks, drawing on the Oxford to Cambridge Arc idea, was also cited as an alternative approach.<sup>197</sup> Subsequently the Government has published an introduction to the spatial framework for the Arc.<sup>198</sup>

59. Others urged the creation of a national spatial strategy.<sup>199</sup> Some advocates of this linked it with developing a framework for regional and sub-regional planning accompanied by either networks of Local Plans,<sup>200</sup> or regional planning bodies.<sup>201</sup> There were calls for a “sub-national strategic planning mechanism”,<sup>202</sup> including regional associations either directly elected or composed of local councillors.<sup>203</sup> Ireland’s model of regional authorities were also cited as a possible model.<sup>204</sup> 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.<sup>205</sup> However, there was also resistance to reverting to regional spatial strategies, which were described as a “resource-heavy, hungry layer of complexity”.<sup>206</sup> 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.<sup>207</sup> This was supported by the Institution of Civil Engineers,<sup>208</sup> but vigorously opposed by the LGA.<sup>209</sup>

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.”<sup>210</sup>

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.***

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210 [Q135](#) (The Minister)

## 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.<sup>211</sup> 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.<sup>212</sup> But these figures originated from an article published by Sue Manns on the RTPI website, not from nationwide figures.<sup>213</sup>

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.<sup>214</sup> The Government's view that participation was skewed towards particular groups, with younger people less likely to participate, also had some support.<sup>215</sup> Priced Out argued that young people were failed and local campaign groups, disproportionately made up of older and homeowners residents, dominated the system.<sup>216</sup> 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.<sup>217</sup>

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.<sup>218</sup>

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.<sup>219</sup> 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.<sup>220</sup>

66. Doubt was expressed that the disproportionate involvement of existing residents ends up blocking development.<sup>221</sup> 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."<sup>222</sup>

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.<sup>223</sup> 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.<sup>224</sup>

## 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.<sup>225</sup>

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.<sup>226</sup>

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,<sup>227</sup> cause the system to work more efficiently by reducing political interventions that prioritise local resistance to development,<sup>228</sup> and enable proper discussion of the trade-offs “rather than playing whack-a-mole with residents’ objections.”<sup>229</sup>

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

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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.<sup>230</sup> 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.”<sup>231</sup> 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.<sup>232</sup>

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.<sup>233</sup> 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.<sup>234</sup>

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,

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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.<sup>235</sup>

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.<sup>236</sup> We raised with the Minister the absence of references to councillors in the White Paper.<sup>237</sup> 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.<sup>238</sup>

## 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.<sup>239</sup> 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.<sup>240</sup> The Smith Institute feared this potential increase in legal challenges “would be a major disaster—especially at this very difficult time.”<sup>241</sup> We were also warned that the changes would take time to bed in as new legal precedents were established.<sup>242</sup> The changes could also lead to a diversion of “resources into fighting off five-year housing-land-supply appeals”.<sup>243</sup> 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’.<sup>244</sup> That is one option proposed by the Government in its consultation.<sup>245</sup>

**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.<sup>246</sup>

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."<sup>247</sup> The Institute of Historic Building Conservation stated: "There is scope to utilise more digital technology in planning."<sup>248</sup> We were told that there was a lack of access to datasets.<sup>249</sup> 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.<sup>250</sup> 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.<sup>251</sup> We were told that it was "not user friendly and should be revamped."<sup>252</sup>

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.<sup>253</sup> 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.<sup>254</sup> It was noted those with care responsibilities and mobility problem had been able to participate.<sup>255</sup> 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.”<sup>256</sup> It was also suggested that direct subscriptions to get notifications of planning application should become commonplace.<sup>257</sup>

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,<sup>258</sup> alongside retailers and prospective homeowners.<sup>259</sup> It was also thought likely to increase the pace and efficiency of the system.<sup>260</sup> There was support for the better collection of data with a creation of national data standards and templates;<sup>261</sup> and for 3D maps.<sup>262</sup> We were told information gathered through the planning system could help with building safety through fostering a golden thread of building information,<sup>263</sup> and that digital technology could facilitate planning across local authorities.<sup>264</sup> 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.<sup>265</sup>

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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.<sup>266</sup> 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,<sup>267</sup> that 9 million people in the UK struggle to use the internet independently,<sup>268</sup> and that 11.9 million people lack the digital skills needed to go online.<sup>269</sup> The changes might adversely affect people living in rural areas (because of a less reliable connection to broadband),<sup>270</sup> the elderly,<sup>271</sup> the poor,<sup>272</sup> those in manual occupations,<sup>273</sup> those without English as a first language,<sup>274</sup> disabled people,<sup>275</sup> and Gypsy and Traveller communities.<sup>276</sup> It was suggested, drawing on experience from neighbourhood plans, that IT was often the less successful way of engaging local people.<sup>277</sup> The poor record of central government in delivering IT solutions was also emphasised.<sup>278</sup>

84. The possible automation of aspects of the planning process also attracted scepticism.<sup>279</sup> Friends of the Earth argued it would lead to a tick-boxes approach devoid of consideration of the context of applications.<sup>280</sup> The Civic Voice feared using digital technology to decide

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- 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.”<sup>281</sup> 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.<sup>282</sup> 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.”<sup>283</sup>

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.<sup>284</sup> The techniques of neighbourhood planning were recommended as a way to enhance public engagement.<sup>285</sup> The News Media Association stressed to us the harmful impact on local newspapers that would result from withdrawing statutory notices.<sup>286</sup> It was suggested in both written and oral evidence that a review of the role of local newspapers might be due.<sup>287</sup>

86. Several submissions suggested that citizens assemblies might have a role to play in planning.<sup>288</sup> They were particularly recommended as a means to draw in hitherto under-represented members of a community.<sup>289</sup> The CPRE saw it as a way to reduce the adversarial culture of planning.<sup>290</sup> 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.<sup>291</sup>

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.<sup>292</sup>

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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.<sup>293</sup> 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.<sup>294</sup> 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.<sup>295</sup>

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.<sup>296</sup> 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.<sup>297</sup>

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.<sup>298</sup> 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.<sup>299</sup> These views were reiterated in February 2019.<sup>300</sup> In June 2020 the ONS released 2018-based household projections, with results very similar to the 2016-based projections.<sup>301</sup>

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.<sup>302</sup> 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.<sup>303</sup>

### 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.<sup>304</sup> The Housing Delivery Test would remain in place, with the housing requirement made binding, and resulting from the standard method.<sup>305</sup> 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.<sup>306</sup>

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.<sup>307</sup> 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.<sup>308</sup>

South Worcestershire Council, among others, favoured reverting back to LPAs using local evidence to calculate housing need and including it in Local Plans.<sup>309</sup> There was also support for a regional approach.<sup>310</sup> Some did acknowledge there were merits to a standardised approach whilst ultimately still wanting decisions taken locally.<sup>311</sup> 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.<sup>312</sup>

97. Some organisations supported the principle of a standard method, whilst wanting proper consideration of local circumstances and revisions to the proposed approach.<sup>313</sup> 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.<sup>314</sup>

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- 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.<sup>315</sup> 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.<sup>316</sup> 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.”<sup>317</sup> 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.<sup>318</sup>

## 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.<sup>319</sup> 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.<sup>320</sup>

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.”<sup>321</sup> 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)<sup>322</sup> Our evidence also included claims it would have a negative impact on the countryside, and preferences for local decision-making.<sup>323</sup>

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

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- 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.”<sup>324</sup> 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.<sup>325</sup> There was criticism of the quality of the household projection data.<sup>326</sup> 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.”<sup>327</sup>

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.<sup>328</sup> There were proposals to include natural population growth and exclude net migration in and out of an area,<sup>329</sup> to include data on hidden households and local housing needs (particularly social housing),<sup>330</sup> and that the formula should take account of median pension earnings to ensure housing for the elderly.<sup>331</sup> The CLA wanted to ensure settlements of under 3,000 houses were included in housing needs assessments.<sup>332</sup> 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.<sup>333</sup> The Federation of Master Builders suggested greater use of developer forums to determine and agree local need, citing the example of North East Lincolnshire.<sup>334</sup>

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.”<sup>335</sup> It was also proposed that the National Parks should be exempt from the method.<sup>336</sup> The Centre for Cities wanted a greater emphasis placed on

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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.<sup>337</sup> Attaching significance to affordability was championed by other submissions.<sup>338</sup> 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.<sup>339</sup> 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”.<sup>340</sup> 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.<sup>341</sup>

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.”<sup>342</sup> 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.”<sup>343</sup> 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.<sup>344</sup> 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.<sup>345</sup>

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 Amenities & 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.<sup>346</sup> 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.<sup>347</sup> 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.<sup>348</sup>

**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
<b>North East of England</b>	<b>9,816</b>	<b>6,625</b>	<b>-3,191</b>	<b>-32.51%</b>
Newcastle upon Tyne	1,867	1,399	-468	-25.07%
<b>North West of England</b>	<b>29,844</b>	<b>22,057</b>	<b>-7,787</b>	<b>-26.09%</b>
Liverpool	2,500	2,103	-397	-15.88%
Manchester	3,108	3,527	419	+13.48%
<b>Yorkshire and the Humber</b>	<b>19,930</b>	<b>18,851</b>	<b>-1,079</b>	<b>-5.41%</b>
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
<b>East Midlands</b>	<b>22,454</b>	<b>21,679</b>	<b>-775</b>	<b>-3.45%</b>
Derby	645	1,189	544	+84.34%
Leicester	1,490	1,341	-149	-10.00%
Nottingham	1,552	1,551	-1	-0.06%
<b>West Midlands</b>	<b>23,777</b>	<b>21,960</b>	<b>-1,817</b>	<b>-7.64%</b>
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%
<b>East England</b>	<b>26,655</b>	<b>34,089</b>	<b>7,434</b>	<b>+27.89%</b>
<b>London</b>	<b>36,686</b>	<b>93,579</b>	<b>56,893</b>	<b>+155.08%</b>
<b>South East</b>	<b>40,668</b>	<b>50,188</b>	<b>9,520</b>	<b>+23.41%</b>
Brighton and Hove	461	1,247	786	+170.50%
Reading	710	876	166	+23.38%
Southampton	967	1,353	386	+39.92%
<b>South West</b>	<b>26,006</b>	<b>28,210</b>	<b>2,204</b>	<b>+8.47%</b>
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.<sup>349</sup> 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.<sup>350</sup> 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.<sup>351</sup> 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*

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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.<sup>352</sup> 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.<sup>353</sup> 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."<sup>354</sup>

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.<sup>355</sup> 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.<sup>356</sup>

### 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.<sup>357</sup> Representatives from North Northamptonshire and the GLA supported it.<sup>358</sup> The Adam Smith Institute thought 500,000 or a million homes a year should be produced given current prices.<sup>359</sup> In contrast, other submissions stated that the 300,000 figure was "not based on any evidence",<sup>360</sup> or was "arbitrary."<sup>361</sup> There was a questioning of the idea that increasing housing supply would automatically lower prices.<sup>362</sup> Having received doubts about whether the construction industry could deliver 300,000 units,<sup>363</sup> 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.<sup>364</sup>

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.<sup>365</sup>

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.<sup>366</sup> Rutland County Council referred to remarks in 2017 by the then Minister for Housing, Alok Sharma MP, urging greater transparency about build-out rates.<sup>367</sup> The council concluded that "Three years later no such action has been taken."<sup>368</sup> 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.<sup>369</sup> 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,<sup>370</sup> and small builders tended to deliver faster build out rates because of the smaller scale of their development.<sup>371</sup> It was also claimed that build out rates were less of a problem with high-scale tower blocs in urban areas,<sup>372</sup> but that slow build out rates did stymie downsizing by the elderly.<sup>373</sup>

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.<sup>374</sup> Developers disputed that they were deliberately slow, arguing instead that they encouraged swift delivery.<sup>375</sup> Other explanations were offered, such as the challenges of viability as demonstrated by the slow pace of brownfield construction,<sup>376</sup> and the uncertainty produced by a discretionary planning system.<sup>377</sup> 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.<sup>378</sup> 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.<sup>379</sup> He said that the greatest barrier to construction was the planning system.<sup>380</sup>

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

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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.<sup>381</sup> Other submissions suggested both the planning system and build out rates were jointly at fault,<sup>382</sup> (or neither),<sup>383</sup> or that the problem was multifaceted.<sup>384</sup> Academics also cautioned against build out being seen as the primary problem, identifying instead “development finance, infrastructure provision, land ownership ... and legal delays.”<sup>385</sup> A small number of submissions also mentioned the economic cycle,<sup>386</sup> foreign ownership,<sup>387</sup> lack of infrastructure,<sup>388</sup> inequality,<sup>389</sup> and a lack of demand.<sup>390</sup>

## 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.<sup>391</sup>
- A mandatory delivery test that identified barriers to housing delivery and steps to mitigate them.<sup>392</sup>
- Greater delivery of housing through the public sector,<sup>393</sup> including through the state purchasing land from non-builders and then selling it to developers with conditions on building within a particular timeframe.<sup>394</sup>
- Greater use of development corporations.<sup>395</sup>
- Empowering councils to direct diverse tenures be built within sites.<sup>396</sup>
- Streamlining the compulsory purchase process so local authorities can purchase land where developers have not met their agreed timescales for build out.<sup>397</sup>

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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.<sup>398</sup>
- Land value taxes,<sup>399</sup> levying council tax a given amount of time after permission was granted,<sup>400</sup> or taxing land in growth zones to encourage its rapid conversion to housing.<sup>401</sup>
- Penalties (financial or through restriction of further consent) for delaying the completion of a planning permission.<sup>402</sup>
- Greater use of multi-tenure delivery on large sites, as proposed in the Letwin Review.<sup>403</sup>
- Requiring Section 106 agreements to be met within 12 months after permission was agreed, on pain of permission being cancelled.<sup>404</sup>

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.<sup>405</sup> 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.<sup>406</sup> 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.”<sup>407</sup>

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

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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.<sup>408</sup>

## 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.<sup>409</sup> The Government also held a consultation on data on land control to help assist SMEs and new entrants to the housebuilding sector.<sup>410</sup> 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.<sup>411</sup> 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).<sup>412</sup>

125. There has been a reduction in the contribution of small builders to house construction in recent years.<sup>413</sup> The Federation of Master Builders stated that SMEs had built 40% of new homes in 1980s, and 23% in 2008,<sup>414</sup> but now build only 12%.<sup>415</sup> 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.<sup>416</sup> 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.”<sup>417</sup> 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.<sup>418</sup> 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,<sup>419</sup> 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.<sup>420</sup>

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.<sup>421</sup> 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.<sup>422</sup>

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.<sup>423</sup> 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.<sup>424</sup> 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.<sup>425</sup> 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.<sup>426</sup>

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.<sup>427</sup> 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.<sup>428</sup>

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.”<sup>429</sup> 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.<sup>430</sup> This reflected support for affordable and social house construction being a significant part of the increase in housing units.<sup>431</sup> 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.<sup>432</sup>

133. Shelter argued that there was a need for 90,000 social homes each year to meet housing needs.<sup>433</sup> 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.<sup>434</sup> Philip Waddy from RIBA eagerly supported the ideas in the White Paper for giving local authorities more power to develop their own housing.<sup>435</sup> There was disagreement on whether affordable housing need should be determined locally,<sup>436</sup> or that instead affordability calculations in the housing formula should be used to produce specific targets by types of housing tenure.<sup>437</sup>

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

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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.”<sup>438</sup>

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.”<sup>439</sup> 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.<sup>440</sup>

**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.<sup>441</sup> There would be exceptions for certain sites. First Homes would also be exempt from the Community Infrastructure Levy.<sup>442</sup>

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%.<sup>443</sup> 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.<sup>444</sup> 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.<sup>445</sup> It was also suggested there should be a much wider rural exemption.<sup>446</sup> It was suggested that exemptions from the Infrastructure Levy should apply to all discounted market sale homes and affordable rent to buy properties.<sup>447</sup> In April 2021 the Government reiterated their proposal that 25% of Section 106 units be First Homes, albeit with exemptions for certain sites.<sup>448</sup>

**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.<sup>449</sup> 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.<sup>450</sup>

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.<sup>451</sup> This including possibly introducing compulsory brownfield targets,<sup>452</sup> or that undeveloped brownfield land could be taxed to encourage its development.<sup>453</sup> We were told that brownfield sites could often be the location for specialist retirement housing.<sup>454</sup> 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.<sup>455</sup> 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].”<sup>456</sup>

143. The Government has allocated additional funding to brownfield sites, with £400 million allocated in the 2020 Budget to councils and Mayoral Combined Authorities,<sup>457</sup> and a further £100 million for non-Mayoral Combined Authorities for 2021–22 at the 2020 Spending Review.<sup>458</sup>

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.<sup>459</sup> *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,<sup>460</sup> there was far more criticism. The unintended consequences of successive reforms showed a consistent lack of safeguards.<sup>461</sup> 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;<sup>462</sup> and diminish community engagement in the planning process.<sup>463</sup> Concerns were raised about the poor quality of design and lack of amenities;<sup>464</sup> the perceived negative impact of PDR in urban,<sup>465</sup> and in rural areas;<sup>466</sup> the loss of business space through conversion of offices to housing;<sup>467</sup> the increase of potential fire risks;<sup>468</sup> and the negative impact on cultural and creative clusters.<sup>469</sup> There was alarm the extension of PDR would harm local listed heritage,<sup>470</sup> and undermine the protection of habitats and species.<sup>471</sup> 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.<sup>472</sup> A first strand of omissions related to economic activities being ignored. These included mineral provision,<sup>473</sup> commercial property,<sup>474</sup> agriculture,<sup>475</sup> local shopping areas,<sup>476</sup> London, economic activities, the environment,<sup>477</sup> and how the planning reforms are linked to bolstering employment.<sup>478</sup> The British Property Federation simply stated "two words absent from the White Paper are 'commercial property'".<sup>479</sup> 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),<sup>480</sup> the role of credit and the impact of the financialisation of housing,<sup>481</sup> and provision for gypsy and traveller communities.<sup>482</sup> A third strand included worries about the omission of transport-related subjects, especially how sustainable transport would be encouraged.<sup>483</sup> A fourth strand related to the lack of discussion of other subjects connected to the planning system, such as energy networks,<sup>484</sup> and the perceived lack of detail around climate change,<sup>485</sup> Green Belt,<sup>486</sup> neighbourhood plans,<sup>487</sup> and the protections for historic, environmental and architectural buildings,<sup>488</sup> and leisure facilities for play and sport.<sup>489</sup>

### 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

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- 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 Shtebunaev (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 Shtebunaev (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.<sup>490</sup>

**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*

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490 [Qq133–134](#) (The Minister)

## 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.<sup>491</sup> 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.<sup>492</sup> Criticism of it, including from one of our predecessor committees,<sup>493</sup> 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.<sup>494</sup> 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.<sup>495</sup> 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.<sup>496</sup> 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.<sup>497</sup>

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.<sup>498</sup> In 2019 a House of Lords Committee also recommended the Government establish a six-month inquiry into land value capture.<sup>499</sup>

153. We reiterated our commitment to reform of the Land Compensation Act 1961 in our recent report on social housing.<sup>500</sup> 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.<sup>501</sup> Otherwise progress had been limited.<sup>502</sup> Reforms are still needed to the Land Compensation Act 1961.<sup>503</sup> 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.<sup>504</sup>

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.<sup>505</sup>

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”.<sup>506</sup>

157. The CIL came in for rigorous criticism, being described as “both complicating and challenging”.<sup>507</sup> The CIL “does not work in low growth areas”,<sup>508</sup> 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.”<sup>509</sup> 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 Gallant ([FPS0131](#))



authorities”, resulting from “viability concerns” and “exemptions”.<sup>510</sup> 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.”<sup>511</sup> 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.<sup>512</sup>

## 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.”<sup>513</sup> Their representative expressed a wish to preserve Section 106.<sup>514</sup> Section 106 was also praised for helping deliver affordable housing.<sup>515</sup> 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.<sup>516</sup> Different infrastructure related organisations highlighted the importance of Section 106 agreements.<sup>517</sup> This fed into worries about the ambiguity of how the new Levy would operate in relation to nuclear legacy sites or decommissioning.<sup>518</sup>

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.”<sup>519</sup> The suspicion of secretive negotiations persisted despite the reforms to viability arrangements,<sup>520</sup> alongside unhappiness at having to renegotiate them when developers offered a new viability case.<sup>521</sup> 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.”<sup>522</sup> Local authorities were in turn criticised for providing a “shopping list of aspirations” to developers to meet through Section 106.<sup>523</sup> 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.<sup>524</sup>

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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.<sup>525</sup> Simon Gallagher did acknowledge that the non-financial functions of Section 106 agreements would need to be retained in a new system.<sup>526</sup>

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.<sup>527</sup>

This was echoed by the Home Builders Federation,<sup>528</sup> and the British Property Federation who were concerned about whether the levy would apply to office developments and if viability assessments would persist.<sup>529</sup> The LGA stated “It is unclear in the White Paper, however, how any new Infrastructure Levy will work with Neighbourhood Plans.”<sup>530</sup>

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.<sup>531</sup>

164. It was suggested that the white paper should have gone further—for example taxing increases in land value,<sup>532</sup> partially removing capital gains tax relief from principle private residences,<sup>533</sup> and restricting the ability of developers to “claim later that the site is no longer financial viable”.<sup>534</sup> Local authority organisations also urged the strengthening of compulsory purchase orders (CPOs) to enable them to “bring forwards stalled sites.”<sup>535</sup> The CPRE urged that “Local councils should have first refusal on buying development land”, alongside confiscating planning permissions where build-out was too slow.<sup>536</sup>

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.<sup>537</sup> The District Council Network argued that “Currently CIL and S106 are fairly limited in their effectiveness of capturing land value uplift.”<sup>538</sup> Shelter cited the Centre for Progressive Policy's estimate that reforming the Land Compensation Act 1961 could raise £214 billion over 20 years.<sup>539</sup>

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.<sup>540</sup> 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.”<sup>541</sup> This echoed other calls for additional revenues to be raised through the reforms.<sup>542</sup> 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.<sup>543</sup> 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.<sup>544</sup>

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.<sup>545</sup>

## 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.<sup>546</sup> 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.<sup>547</sup> A 20% national levy rate would be both too high for low land value areas whilst not capturing much from higher value areas.<sup>548</sup> The British Property Federation argued “[t]he more any levy can be tailored to individual circumstances the more it is likely to raise.”<sup>549</sup>

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”.<sup>550</sup> The Minister stated that there had been no final decision over whether to have a national rate, or several localised ones.<sup>551</sup>

## Redistribution

169. The White Paper stated that “Revenues would continue to be collected and spent locally.”<sup>552</sup> This approach was supported by St Albans Civic Society who saw local spending as necessary to ensure public trust.<sup>553</sup> 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”.<sup>554</sup> There was also a call for a stronger role for neighbourhood forums in deciding on local priorities for spending the levy revenue.<sup>555</sup>

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.<sup>556</sup>

The Canal and River Trust also supported the need for redistribution.<sup>557</sup> We were also told that the lack of redistribution would worsen existing regional inequalities.<sup>558</sup> The RICS noted that the lack of land value capture “does not mean the funding is not needed for the infrastructure”.<sup>559</sup> 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.”<sup>560</sup>

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.”<sup>561</sup>

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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 Fairman), [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.”<sup>562</sup> There were also complaints there would be gaming of the system.<sup>563</sup> There were calls for clarity on whether residual land value or gross development value would be used.<sup>564</sup> We were warned it could discourage brownfield sites being brought forward.<sup>565</sup> 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.<sup>566</sup> 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.<sup>567</sup>

173. Developers did express support for the change.<sup>568</sup> We were told that moving to the occupation point would help small developers,<sup>569</sup> “obviate some of the issues around viability”,<sup>570</sup> and would be more efficient through being applied to every development.<sup>571</sup> 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.<sup>572</sup>

## Affordable housing

174. There was some scepticism about funding affordable housing through the levy, either through payments or through in-kind delivery.<sup>573</sup> It was noted that the levy would be less

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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.<sup>574</sup> These concerns fed into fears the new levy could result in less affordable housing.<sup>575</sup> 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.”<sup>576</sup> 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.<sup>577</sup>

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.<sup>578</sup> 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,<sup>579</sup> or spending on infrastructure would mean less affordable housing is delivered. They preferred on site delivery as being more cost effective.<sup>580</sup> Conversely, the City of London Corporation welcomed the ability of affordable housing to be delivered off-site.<sup>581</sup> 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.<sup>582</sup>

## 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.<sup>583</sup> The Government consultation proposed temporarily raising the threshold for sites exempt from providing affordable housing to 40 or 50 dwellings.<sup>584</sup> Supporters of this move emphasised it was necessary to “increase capacity in the housing market”, through promoting “micro-housebuilders”.<sup>585</sup> 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.<sup>586</sup> There were also fears there would be a loss of affordable housing generally, and particularly in rural areas.<sup>587</sup> This lack of affordable housing would also leave smaller builders more vulnerable to a market downturn.<sup>588</sup>

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.<sup>589</sup> *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.*

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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.<sup>590</sup> As planning fees do not cover the cost of applications, taxpayers are contributing nearly £180 million a year.<sup>591</sup> 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.<sup>592</sup> 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.<sup>593</sup> 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.<sup>594</sup>

179. The lack of resources, coupled with a lack of expertise, were seen to have added to delays in the planning process.<sup>595</sup> 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."<sup>596</sup> Kate Henderson emphasised reforming the system "will require a huge amount of resource up front."<sup>597</sup> The need for funding to undertake a transformation in the planning system was reiterated by local authority representatives,<sup>598</sup> alongside the greater resources needed to enhance the digital aspects of the planning system.<sup>599</sup> Additional costs may also result from the transitional period where there would have to be two planning systems simultaneously.<sup>600</sup>

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.<sup>601</sup> 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.<sup>602</sup>

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.<sup>603</sup> 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.<sup>604</sup>

## 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.<sup>605</sup> 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.”<sup>606</sup> Instead there was a need to improve the reputation of working in planning.<sup>607</sup>

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.<sup>608</sup>

An array of different skills was identified as being needed to implement the Government’s reforms. Foremost amongst these was design.<sup>609</sup> 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.<sup>610</sup> 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.”<sup>611</sup> 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.”<sup>612</sup>

184. Other skills areas highlighted to us where there are shortages included conservation skills,<sup>613</sup> local ecology specialists,<sup>614</sup> those with experience with heritage buildings,<sup>615</sup> and planning for minerals.<sup>616</sup> Local authorities also needed to improve their expertise in meeting the needs of the elderly,<sup>617</sup> and improving water management.<sup>618</sup> The development of digital platforms would also require LPAs to have “the resources and skills necessary to achieve this.”<sup>619</sup> To ensure place-makers are available in every local authority, the RTPI proposed these should be chartered town planners.<sup>620</sup> 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”.<sup>621</sup> Similarly, the increased role of the Planning Inspectorate in evaluating Local Plans will “require sufficient resources to carry out this important role effectively.”<sup>622</sup> It was suggested that increased training and upskilling would ensure “local authority personnel across different areas are able to apply policy and guidance”.<sup>623</sup>

**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.”<sup>624</sup>

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.”<sup>625</sup> The Government's proposals followed hot on the heels of the Building Better, Building Beautiful Commission whose final report was published in January 2020.<sup>626</sup> 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.”<sup>627</sup>

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.<sup>628</sup> 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.<sup>629</sup> But the broad consensus was that design had been undervalued. We were told surveys and research had showed declining design standards,<sup>630</sup> and low levels of satisfaction with the houses that people moved into.<sup>631</sup> Local buildings were denounced as “boring and unimaginative.”<sup>632</sup> Place Alliance drew our attention to their *A Housing Design Audit for England*, which found that 54% of new schemes were judged “mediocre”.<sup>633</sup> 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.<sup>634</sup> 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.<sup>635</sup>

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,<sup>636</sup> builders being able to ignore local design codes,<sup>637</sup> the stronger negotiating position of housebuilders especially over design issues,<sup>638</sup> and the tendency of schemes refused on design grounds to be overturned on appeal resulting in LPAs becoming risk averse about rejecting proposals.<sup>639</sup> 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.”<sup>640</sup> Blame was also laid upon high land prices,<sup>641</sup> permitted

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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,<sup>642</sup> prioritisation of “quantitative measures rather than aesthetic quality”,<sup>643</sup> the 1980s policy change that removed design considerations from the planning system,<sup>644</sup> and that housebuilders imitated the housing built elsewhere in the country.<sup>645</sup>

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.<sup>646</sup> Contrastingly ADEPT argued local authorities did challenge proposals lacking local distinctiveness and reducing carbon.<sup>647</sup> 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.<sup>648</sup>

## Beauty

193. The Government proposed to promote a “fast track for beauty”, following the recommendations of the Building Better, Building Beautiful Commission.<sup>649</sup> 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.<sup>650</sup> 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.”<sup>651</sup> 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.”<sup>652</sup> 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.”<sup>653</sup>

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.”<sup>654</sup> 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.<sup>655</sup>

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,<sup>656</sup> and that good design would require “site and scheme-specific participation”.<sup>657</sup> 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.<sup>658</sup> A different emphasis was on the importance of function.<sup>659</sup> Historic England emphasised that beautiful buildings “cannot be considered in isolation; the planning system must create beautiful and sustainable *places*.”<sup>660</sup> They accentuated how historic environments could foster “good, modern design”. Environmental quality and climate change were also emphasised.<sup>661</sup> 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.”<sup>662</sup>

196. Concerns were also expressed that prescriptive measures—for example pattern books—would be a barrier to innovation.<sup>663</sup> 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.”<sup>664</sup> We were told that innovation in materials and methods was vital to tackling climate change and that design codes should accommodate that.<sup>665</sup> The need for design to tackle energy efficiency was also stressed.<sup>666</sup>

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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.<sup>667</sup>

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.<sup>668</sup>

## 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."<sup>669</sup> Some welcomed this greater involvement by the community.<sup>670</sup> 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.<sup>671</sup> 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;<sup>672</sup> 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.<sup>673</sup>

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.<sup>674</sup> 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."<sup>675</sup>

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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.<sup>676</sup> 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.<sup>677</sup> We were advised that it should not be situated in Homes England and it should not only focus on aesthetics and beauty.<sup>678</sup> Instead it should "positively promote innovative and creative design".<sup>679</sup>

## National and Local Design Guides and Codes

201. The National Design Guide was published on 1 October 2019,<sup>680</sup> and praised for showing how well-designed places can be achieved.<sup>681</sup> It is also seen as primarily focused on residential developments.<sup>682</sup> The National Design Code was published in January 2021, after most of our evidence was received.<sup>683</sup> 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.<sup>684</sup> Those who thought they had been neglected supported greater weight being given to them.<sup>685</sup> We were told that design codes should also apply to non-residential developments.<sup>686</sup> 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.<sup>687</sup> 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

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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.”<sup>688</sup> Similarly, it was emphasised that Local Plans needed to “set out clear tangible requirements” and not have subjective assessments.<sup>689</sup>

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”.<sup>690</sup> The CPRE commented “Design codes in themselves cannot guarantee the design quality of future development.”<sup>691</sup> The Place Alliance argued there had to be a move away from a standardised approach towards appropriate design for each site.<sup>692</sup> There was scepticism that the design code could ensure the community would approve of the resultant buildings,<sup>693</sup> and worries that the codes would take a long time to prepare and add little beyond other design statements such as masterplans.<sup>694</sup> It was feared that the codes would adversely impact on historic areas be inappropriate for the local contexts.<sup>695</sup> They were seen as possibly stifling innovation yet still permitting unsuitable developments.<sup>696</sup> 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”.<sup>697</sup>

**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.***

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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.”<sup>698</sup> There was criticism of the perceived neglect of the Green Belt in the White Paper.<sup>699</sup> 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.<sup>700</sup>

## 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,<sup>701</sup> and should be extended.<sup>702</sup> 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.<sup>703</sup> There has been a net reduction in Green Belt of 2.2% since 1997.<sup>704</sup> 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.<sup>705</sup> We were told the “Green Belt is good, positive planning” stopping urban sprawl and ensuring countryside near to cities.<sup>706</sup> 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.<sup>707</sup>

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 Fairman)

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,<sup>708</sup> and overlook its original purpose having been to keep urban areas apart.<sup>709</sup> It was pointed out that there are many Green Belts across the country serving different purposes.<sup>710</sup> 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.<sup>711</sup>

## Should the Green Belt be reviewed?

207. We received numerous calls for reviews of the Green Belt.<sup>712</sup> There was only one submission proposing the outright abolition of the Green Belt.<sup>713</sup> 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.”<sup>714</sup> 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.<sup>715</sup> 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.<sup>716</sup> 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.”<sup>717</sup> There was disagreement over the level at which such reviews should take place: at local authority or neighbourhood plan level,<sup>718</sup> or at a sub-national or “strategic” level,<sup>719</sup> or at a national level.<sup>720</sup>

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- 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,<sup>721</sup> to build data centres and logistic facilities, and extract minerals.<sup>722</sup> 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.<sup>723</sup> Savills proposed permitting garden towns/villages/communities in the Green Belt.<sup>724</sup> 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.<sup>725</sup> It was suggested that the Green Belt should be subject to the “same tests of soundness” as any other Local Plan policy.<sup>726</sup> 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.<sup>727</sup>

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.”<sup>728</sup>

**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.<sup>729</sup> The GLA called for the same protections that apply to Green Belt to apply for Metropolitan Open Land, including consideration when settling housing targets.<sup>730</sup>

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

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### 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.<sup>731</sup> 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.<sup>732</sup> 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.<sup>733</sup> 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.<sup>734</sup> 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.<sup>735</sup> We have begun a new inquiry to examine this subject more thoroughly and will make recommendations to Government.

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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.<sup>736</sup> There was very little support for weakening the existing rules, although there was criticism of specific listing decisions.<sup>737</sup> 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.<sup>738</sup> 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.<sup>739</sup>

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.”<sup>740</sup> Similar worries were echoed with respect to Areas of Outstanding Natural Beauty (AONB).<sup>741</sup> 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.<sup>742</sup> The National Trust were among those worried that enforcement was ineffectual through being under-resourced, discretionary, politicised, reactive, and lacking strong penalties.<sup>743</sup> 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;<sup>744</sup> and there was inadequate funding for bodies such as Local Nature Partnerships.<sup>745</sup>

## Further protections—heritage, science and culture

217. Urban Vision Enterprise declared that “The Planning White Paper mentions heritage in passing, but with little focus.”<sup>746</sup> It was similarly noted there had been no question on heritage protection in the consultation.<sup>747</sup> 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.<sup>748</sup>

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.<sup>749</sup> 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.<sup>750</sup>

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.<sup>751</sup>

218. There was some wariness about blanket protections for protected areas, with a wish for local authorities to take a flexible approach,<sup>752</sup> allowing for “improvement and enhancement to maximise opportunities.”<sup>753</sup> There was a plea for greater consistency,<sup>754</sup> and for ensuring historic buildings can be made energy efficient.<sup>755</sup>

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.<sup>756</sup> 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.<sup>757</sup> Their representative also stressed to us that heritage is not a barrier to development.<sup>758</sup> 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.<sup>759</sup>

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,<sup>760</sup> 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)<sup>761</sup> 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).<sup>762</sup> They proposed putting the Historic Environment Record datasets on a statutory footing, an approach supported by Historic England.<sup>763</sup> Historic England recommended “a precautionary approach, and a duty to report finds at on-site stage.”<sup>764</sup>

221. Alongside improved information there were calls for increased protections, including through primary legislation. These included for World Heritage Sites,<sup>765</sup> Jodrell Bank Observatory (to prevent interference with their telescopes),<sup>766</sup> existing conservation areas with historic towns, such as Saltaire near Bradford,<sup>767</sup> cultural venues that should have a ‘cultural characteristics’ designation in growth and renewal areas,<sup>768</sup> and buildings of local interest.<sup>769</sup> This linked to permitting local designations of green spaces and heritage sites.<sup>770</sup>

222. The Minister agreed that heritage was not an obstacle to development.<sup>771</sup> 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.”<sup>772</sup> 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.”<sup>773</sup>

**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.<sup>774</sup> 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."<sup>775</sup>

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,<sup>776</sup> and that the White Paper had said little beyond advocating tree lined streets.<sup>777</sup> There were concerns that the proposals would weaken protection in growth and renewal areas.<sup>778</sup> There was uncertainty whether environmental assessments would need to be carried out at the Local Plan stage or later in the process.<sup>779</sup>

227. There were concerns about a simplified process for environmental impact assessments.<sup>780</sup> 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."<sup>781</sup>

228. The CPRE called for further protections for non-Green Belt countryside around towns,<sup>782</sup> 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.<sup>783</sup> 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.<sup>784</sup> 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.<sup>785</sup> This was echoed in our oral evidence session, by Paula Hewitt from ADEPT.<sup>786</sup> 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.<sup>787</sup> Other measures proposed included the assessment of trees to determine their environmental and financial value,<sup>788</sup> use of locally conducted landscape character assessments and implementation of Julian Glover’s *Landscape Review*.<sup>789</sup> There were also calls for greater information about the impact on different types of species and habitats.<sup>790</sup> 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.<sup>791</sup> There was also support for the retention of sustainability assessments,<sup>792</sup> and the establishment of Bioregional Forums that could map areas and feed into Local Plans, including resolving cross-boundary issues,<sup>793</sup> and greater cooperation between local authorities.<sup>794</sup>

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.<sup>795</sup> 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.<sup>796</sup>

***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.***

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795 [Q134](#) (Simon Gallagher and the Minister), [Q157](#) (The Minister)

796 [Q157](#) (The Minister)

# Conclusions and recommendations

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## 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)*

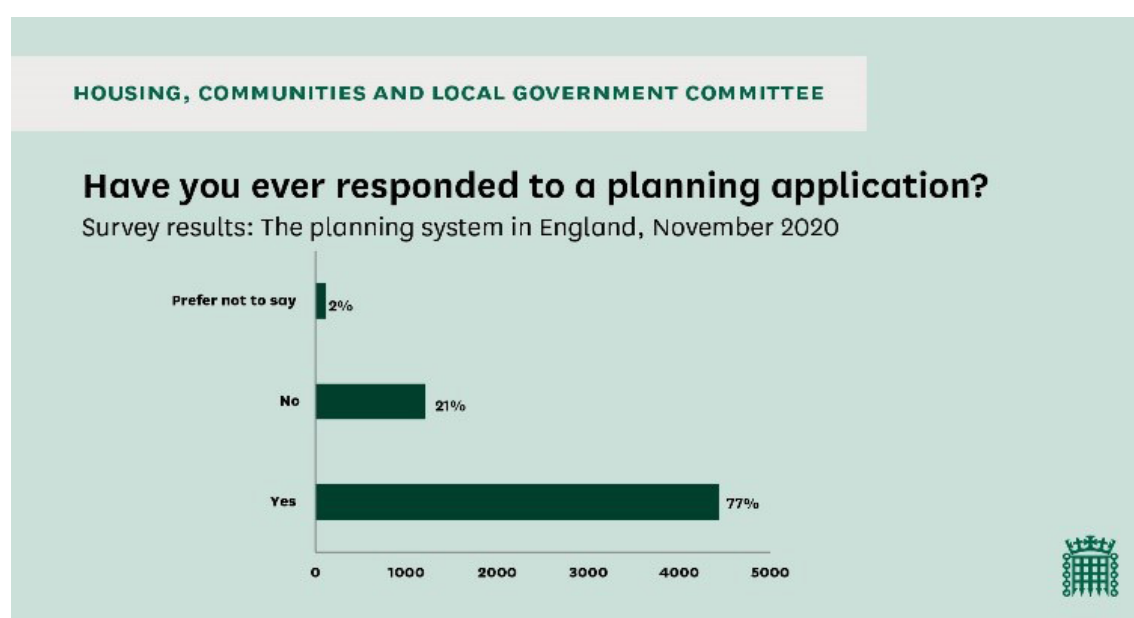
# Appendix 1: Public engagement survey

## 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:

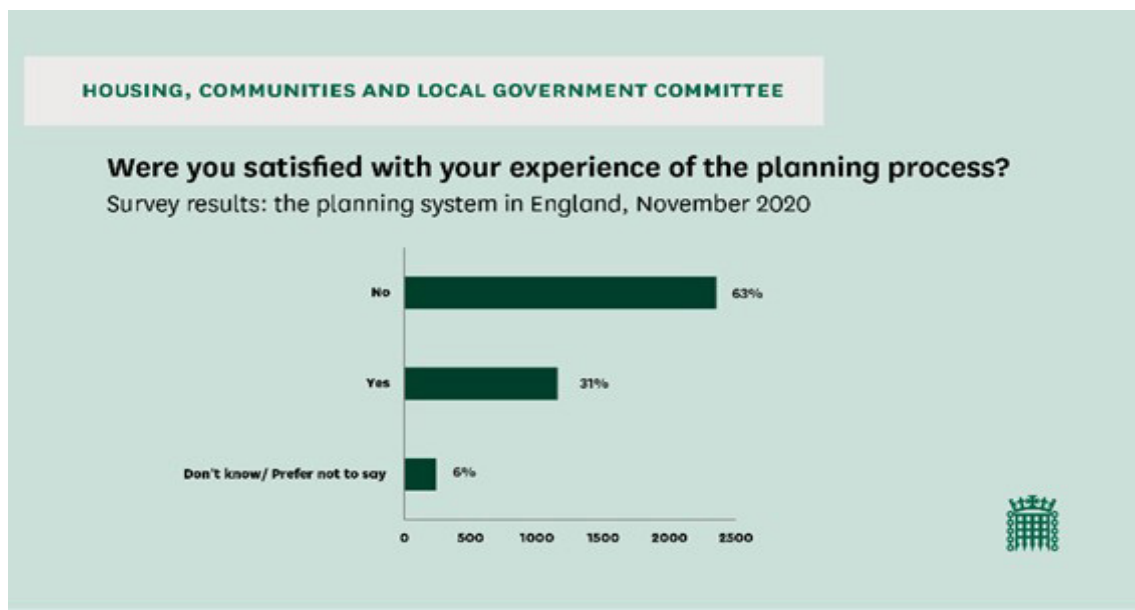
- “I would prefer that it is made more difficult to build on green belt when brownfield sites are available. Green belt should only be used when other options have been exhausted.”
- “Green belt should always stay as green belt and never be built on.”
- “Brown field should be exhausted until green belt 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.”

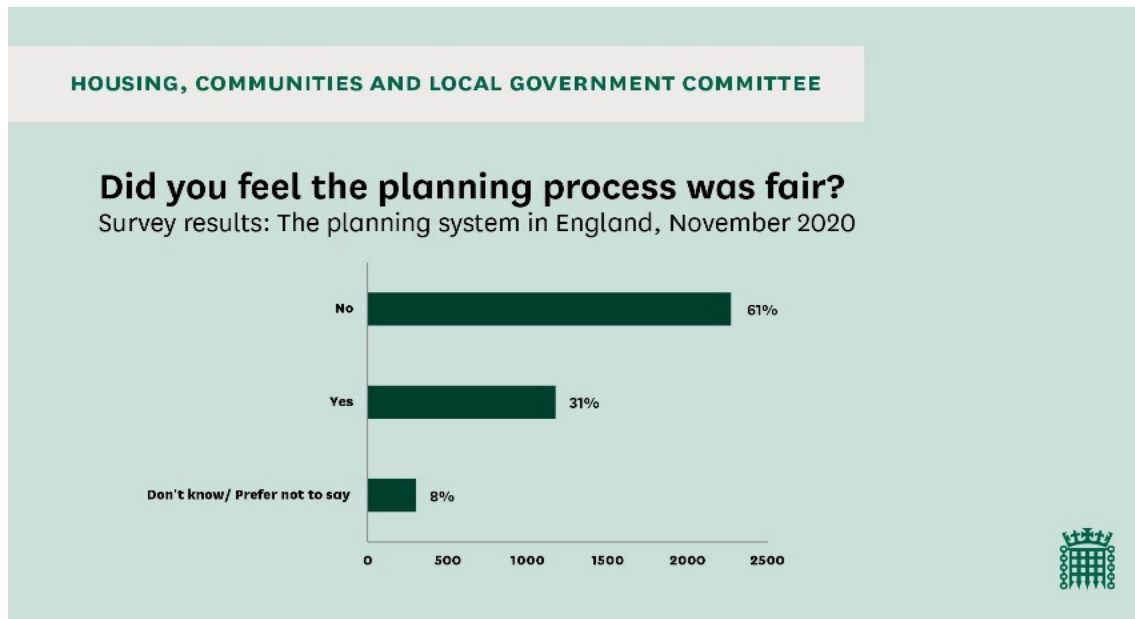
- “Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.”
- “There are swathes of derelict offices and buildings that can be sensibly converted into homes.”
- “There may be some need for new homes but I doubt the number 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 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 a 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

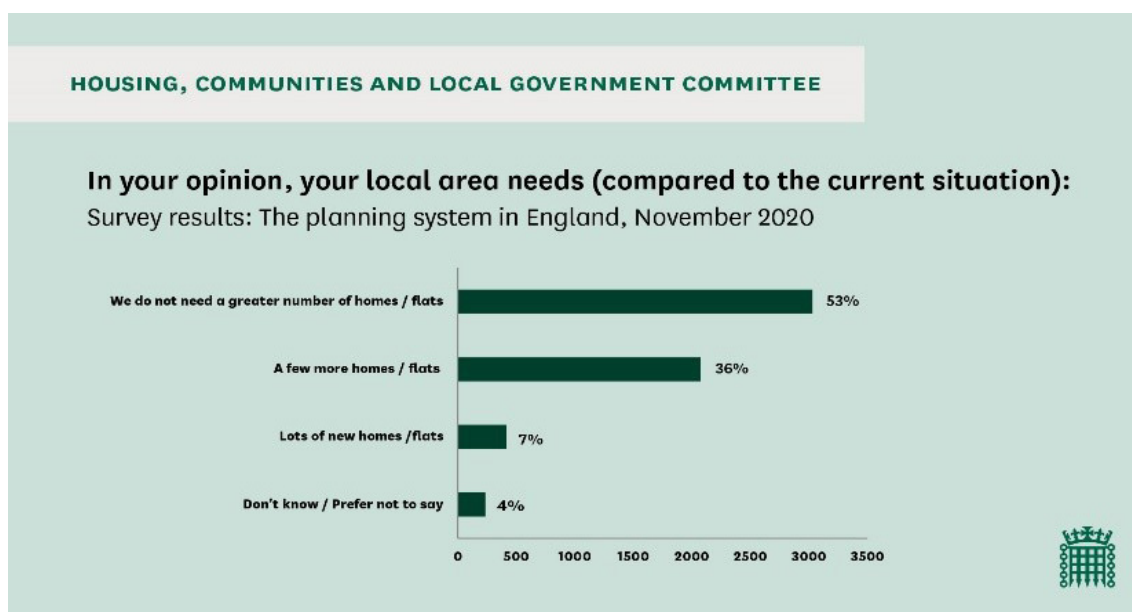
15. There were specific criticisms of the unhelpfulness and inconsistency of some planning offices. There were calls for planning committees to be better informed. Worries were also raised about conflicts of interest where councils are involved in the development. Some of the comments included:

- “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

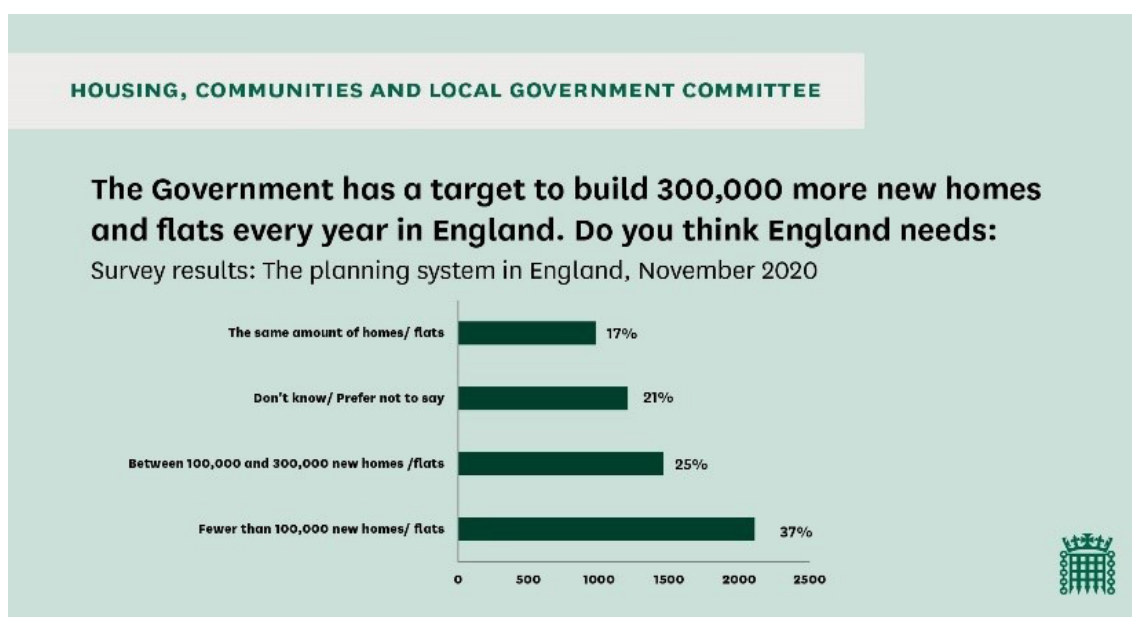
16. The majority of our respondents thought that it was too easy to build houses and flats in their area. This was echoed in responses to our question about how many new homes or flats were needed in their local area. 53% of respondents said their area did not need a

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

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### 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

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**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

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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 Federation ([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

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All publications from the Committee are available on the publications page of the Committee's website.

## Session 2019–21

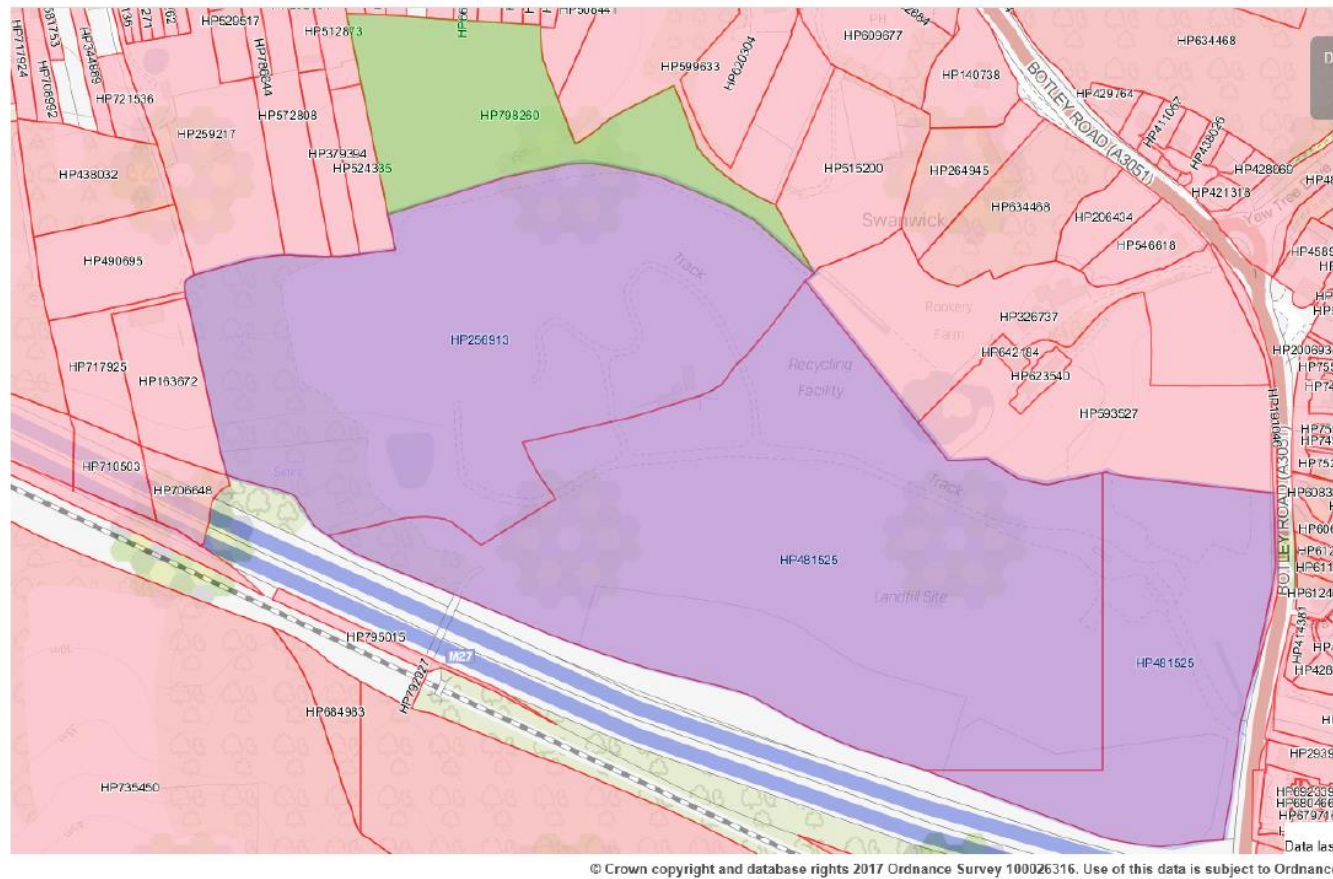
Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting 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 4

Shaded Green - Prospective Estates Ltd  
Shaded Blue - Raymond Brown Rookery Properties Ltd



## 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](#)

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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,



**Economy, Transport & Environment**

EII Court West  
The Castle  
Winchester  
Hampshire  
SO23 8UD



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[www.hants.gov.uk/sharedexpertise](http://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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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)

RAYMOND BROWN MINERALS AND RECYCLING LIMITED

Address:

Postcode:

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?

- |  |           |
|--|-----------|
| <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 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

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

SA AND SEA

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 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.

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



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.



- 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 6<sup>th</sup> 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 4<sup>th</sup> 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.

<b>a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and</b>	Unsound, for the reasons set out above.
<b>c) Building heights are limited to a maximum of 2 storeys; and</b>	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

	building heights are acceptable. This criterion should be deleted.
<b>e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and</b>	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.
<b>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</b>	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 (24<sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> October 2020. Under consideration
P/20/0809/FP	Installation Of Haul Road (Retrospective)	Approved 9 <sup>th</sup> 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 3<sup>rd</sup> March 2021. It has been prepared in response to the Further Landscape Response prepared by Turley Associates on behalf of the Applicant, dated 26<sup>th</sup> 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**

**4<sup>th</sup> 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**





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.

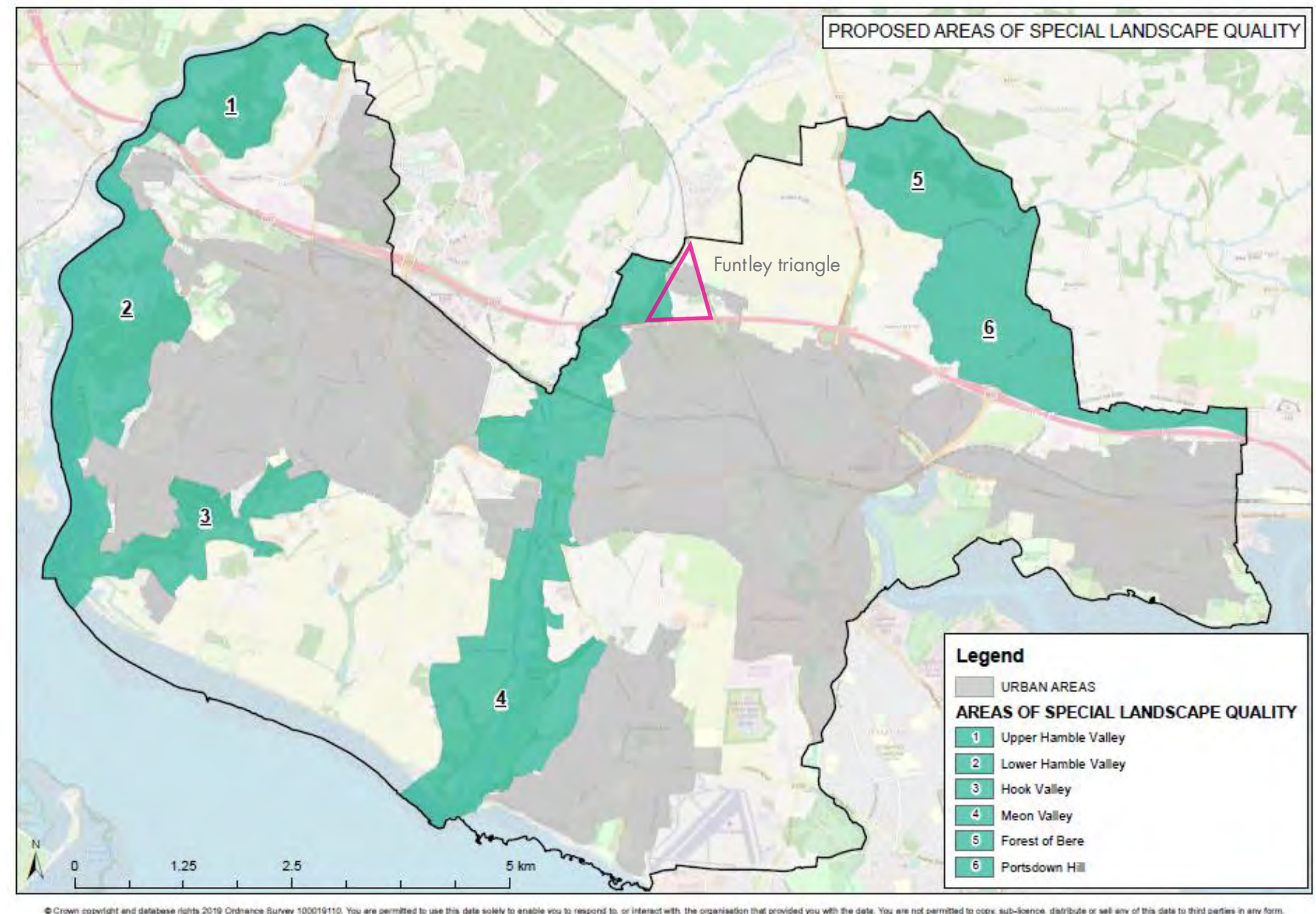
Fareham Borough Local Plan to 2036 proposes an Area of Special Landscape Quality (ASLQ) in the Meon Valley, along with other river valleys and Portsdown Hill. The policy states that there will be a presumption against major development in such areas unless it can be demonstrated that the quality and 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.

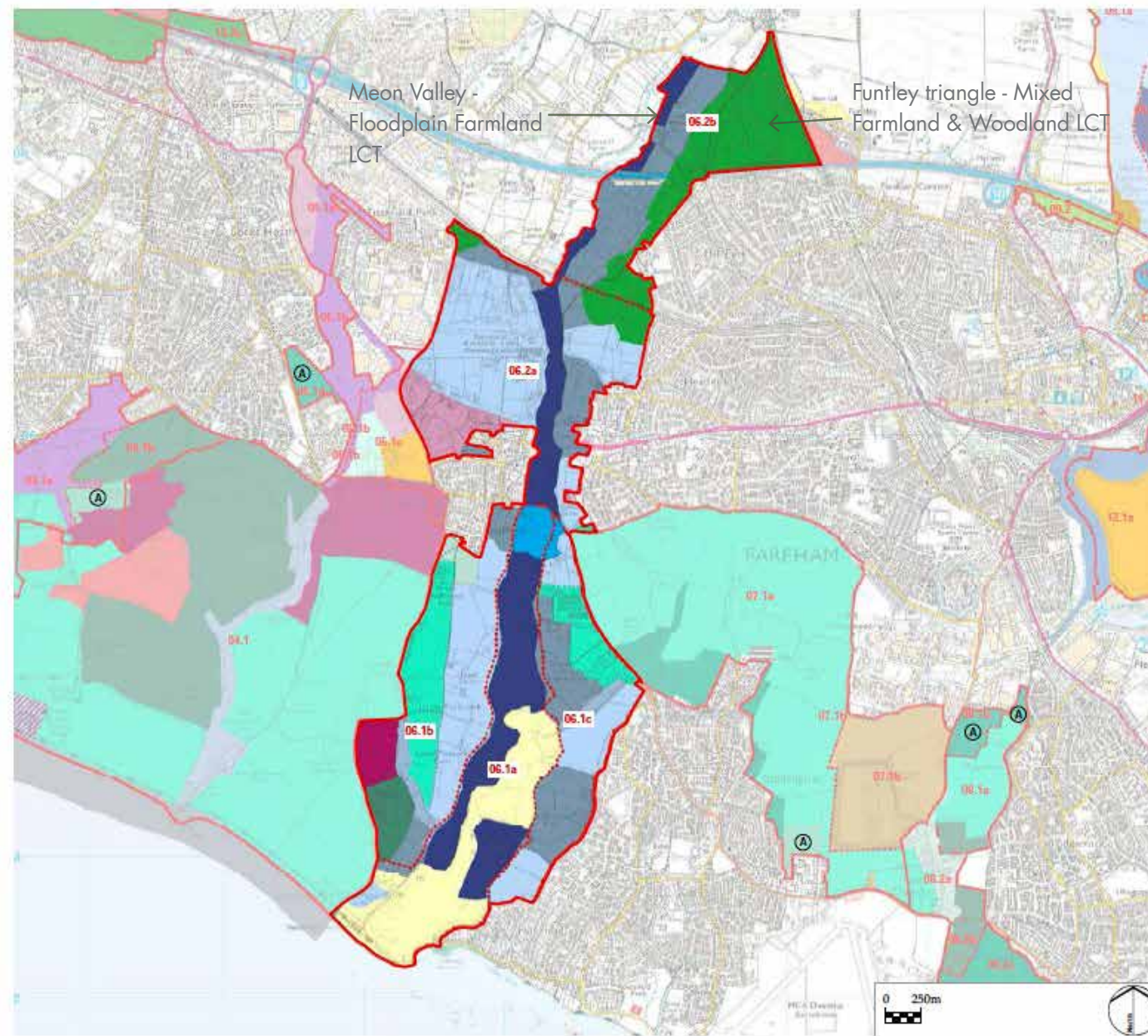
The mapping of the Upper Meon Valley ASLQ in relation to the Funtley triangle, which lies at the northern end of the Borough is however unclear, due to the low resolution of the indicative map. The ASLQ appears to include some land to the east of the disused railway (known as the Deviation Line) in the 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

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Mixed Farmland & Woodland: Small Scale     | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> Small Scale Enclosed Valley     |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> Horticulture & Smallholdings: Small Scale   | <span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> Open Floodplain Farmland         |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> Horticulture & Smallholdings: Large Scale | <span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> Enclosed Floodplain Farmland         |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> Open Coastal Plain: Weak Structure    | <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Marsh, Reedswamp & Brackish Lagoon |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: darkgreen; border: 1px solid black;"></span> Open Coastal Plain: Strong Structure   | <span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black;"></span> Enclosed Valley Side                 |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: lightcyan; border: 1px solid black;"></span> Open Coastal Plain: Fringe Character   | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> 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.

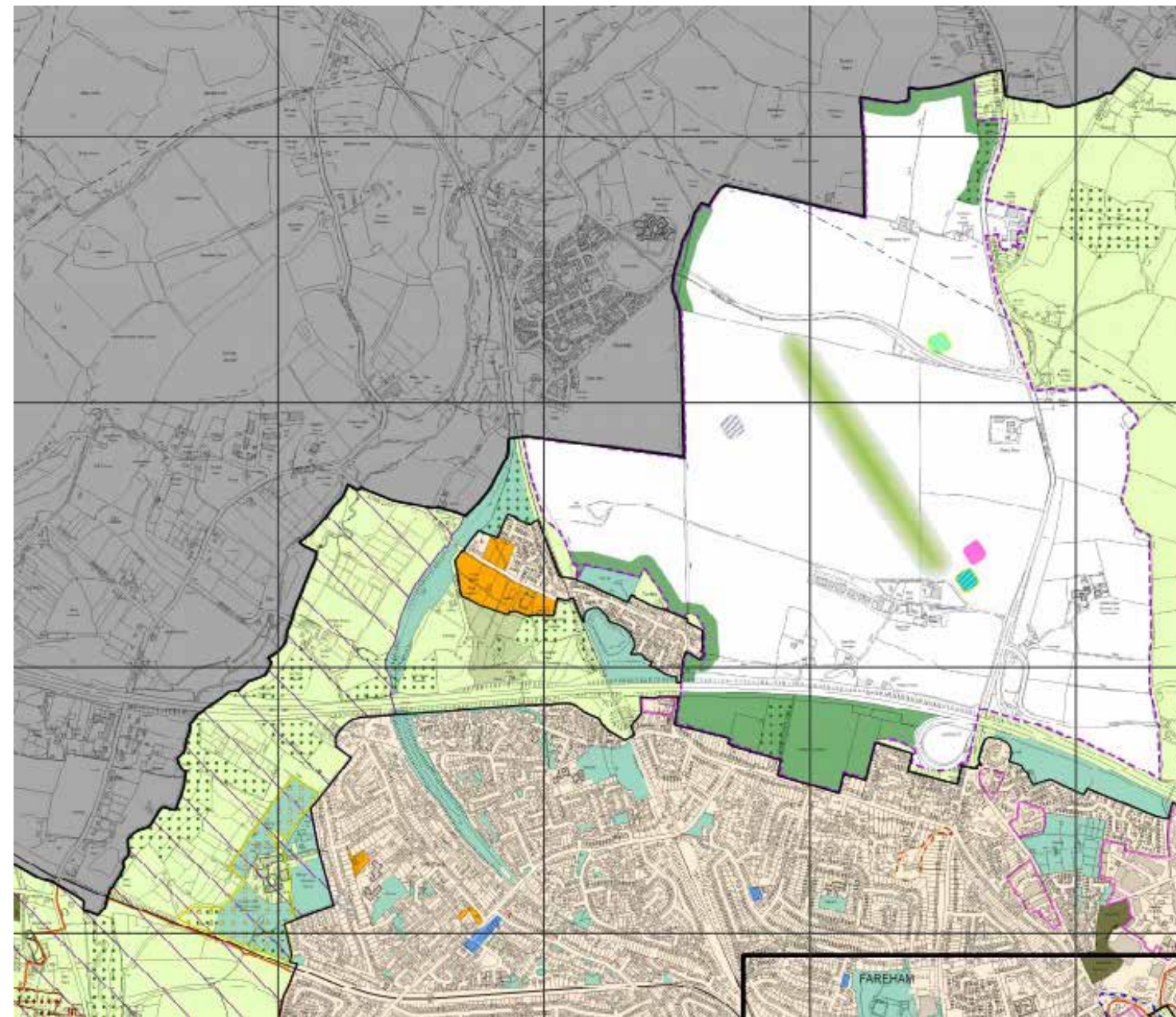
The LVA visual assessment also assessed a range of public viewpoints, both short and long distance, including several within the Meon Valley to the west. The LVA concluded that there is no visual connection between the site and the Meon Valley, due to the Deviation Line and its wooded margins, which 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, horticulture 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.

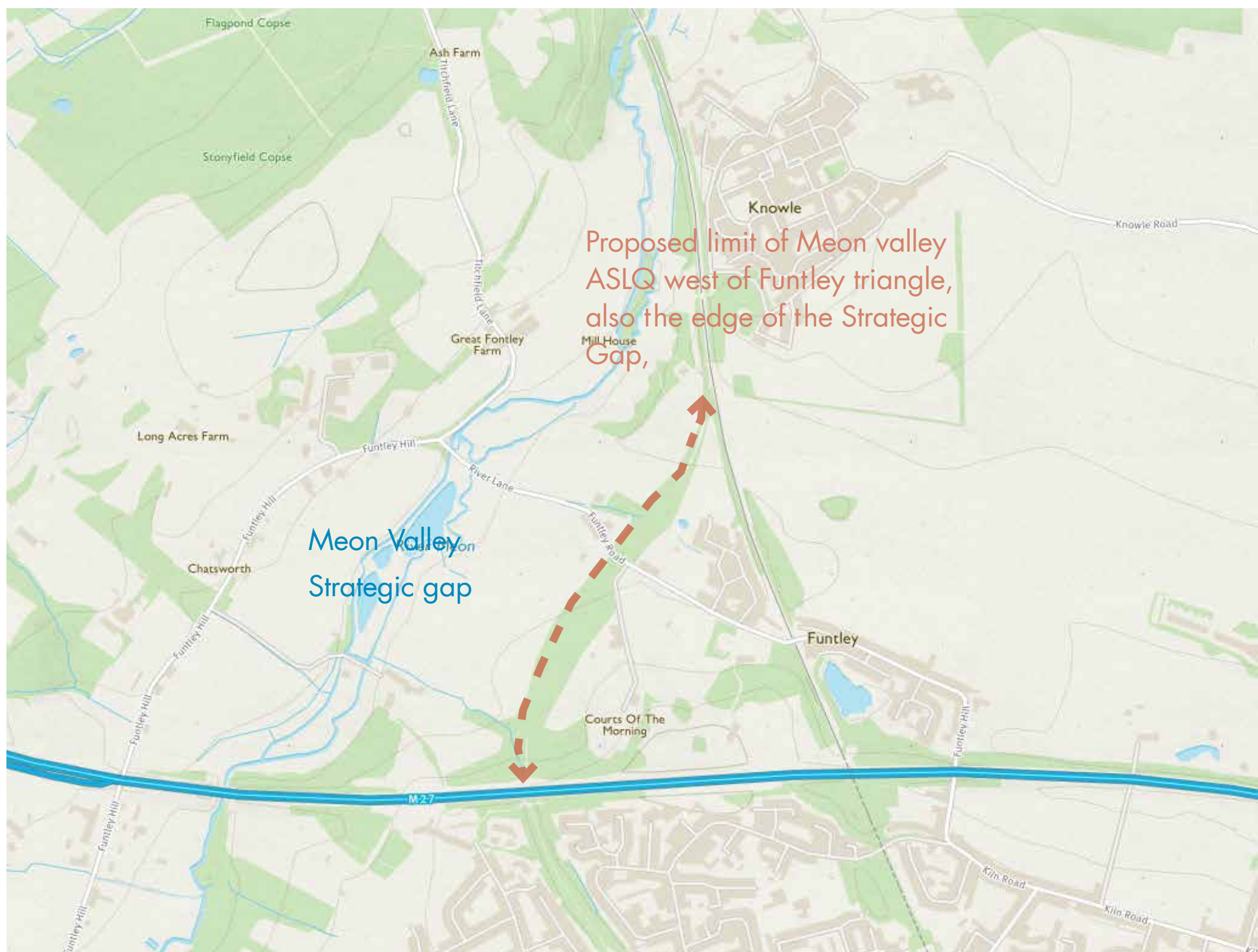
FBC's own evidence base, together with other studies carried out in relation to the Funtley South planning application by Reside's landscape consultants, show that the eastern boundary of the Meon valley ASLQ should be defined by the Deviation Line and that there is no logical reason, based on landscape 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

[www.rummey.co.uk](http://www.rummey.co.uk)

## Appendix 4: Illustrative Masterplan (2021)



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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	© A1 DRAWING NO.
02.09/20	DO/RR	1:1000	RD1731-F31100
			REVISION NO.
			P2

Rummay design

Masterplanners • Urban Designers • Landscape Architects





## 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



Introduction	5
LVA, 2018	6
Development proposal	8
Landscape and visual implications of development proposal	10
Appendix i Landscape and Visual Appraisal prepared by Fabrik, January 2018	





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.

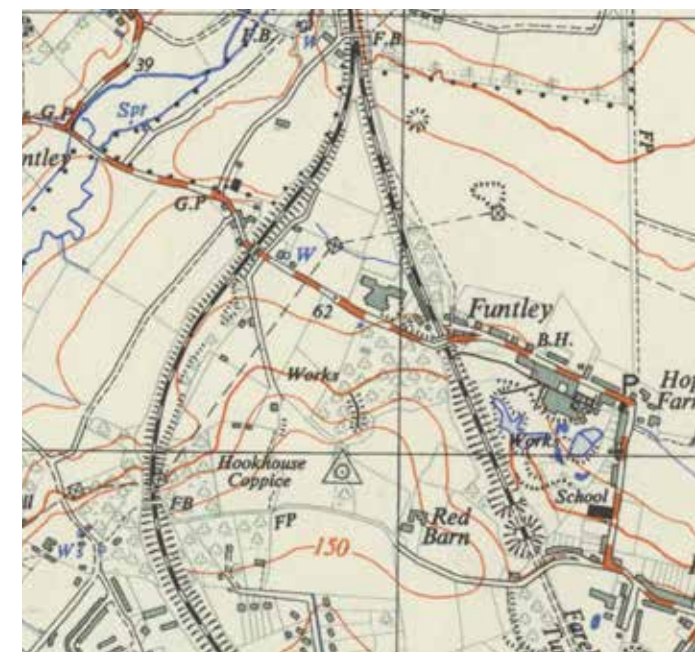
Restoring the historic pattern in green fingers to integrate development and reconnect the valley landscape with the wooded horizons has been one of the key landscape drivers for the revised layout reflected, on the illustrative masterplan by green links and rural edge treatments, which structure the 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



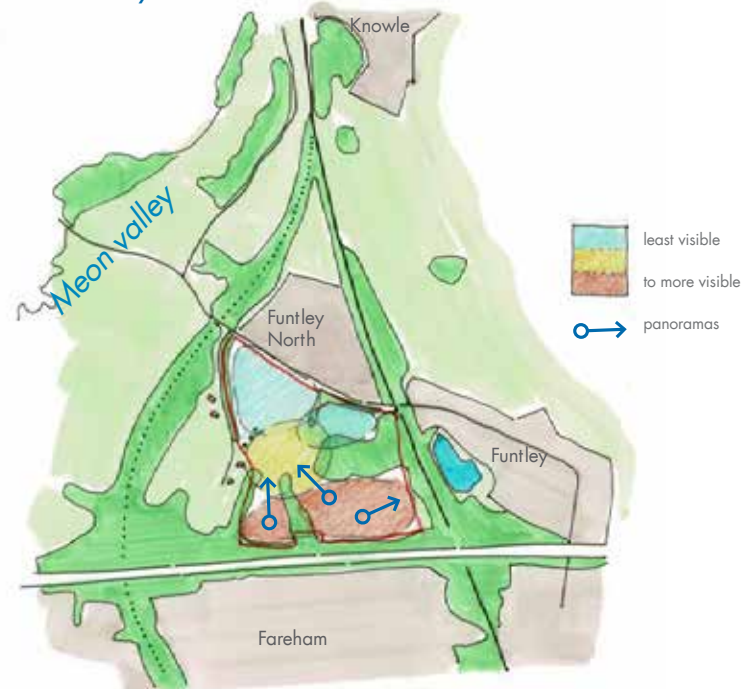


The development is to provide for up to 125 dwellings, community building incorporating a local shop with associated infrastructure, new Community Park, landscaping and access as shown on the Illustrative Masterplan opposite.

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.

## Visibility & Views



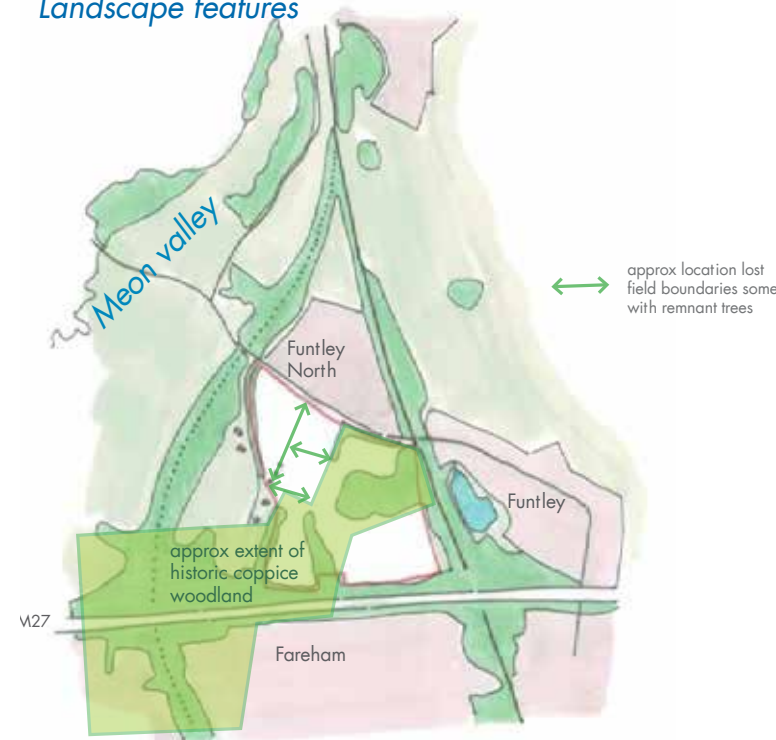
concentrate development in less visible areas on lower slopes, in valley and areas contained by vegetation. Community open space in areas with wider views maintaining and celebrating key panoramas to wooded horizons ...

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.

## 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 ...

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.

## 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





# 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 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

Contents

<b>1. Introduction</b>	4	<b>6. Appraisal of Landscape and Visual Effects</b>	75
1.1 Introduction	4	6.1 Effects on Heritage Assets	75
1.3 Desktop Research and Study Area	4	6.2 Effects on Topography	75
1.4 Field Work	4	6.3 Effects on Land Use	75
<b>2. Baseline Conditions</b>	6	6.6 Effects on Landscape Character	77
2.1 Landscape and Heritage Designation	6	6.7 Effects on Visual Receptors	78
2.2 National Landscape Policy	6	<b>7. Policy Compliance</b>	80
2.3 Local Landscape Policy	10	<b>8. Summary and Conclusions</b>	82
2.4 Introduction	16	8.1 Summary of the baseline conditions	82
2.5 Topographic Context	16	8.2 Summary of the landscape effects	82
2.6 Contextual Landscape Elements	18	8.3 Summary of the visual effects	83
2.7 Contextual Public Rights of Way	20	8.3 Conclusions	83
2.8 Contextual Movement Corridors	22	<b>8. Summary and Conclusions</b>	83
2.9 Landscape Character Context	24	<b>Appendix 1 – fabrik LVA Methodology</b>	84
2.10 Existing Landscape Conditions at Site Level	35		
2.11 Internal Visual Survey	38		
<b>3. Visual Baseline Conditions and Sensitivities</b>	49		
3.1 Introduction	49		
3.2 Visual Appraisal	49		
3.3 Visual Appraisal from the Local Area	52		
3.4 Visual Appraisal from the Wider Study Area	62		
<b>4. Landscape Constraints and Opportunities</b>	71		
4.1 Introduction	71		
4.2 Constraints	71		
4.3 Opportunities	71		
<b>5. Illustrative Proposed Development Parameters</b>	73		
5.1 Landscape Development Parameters	73		

## 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

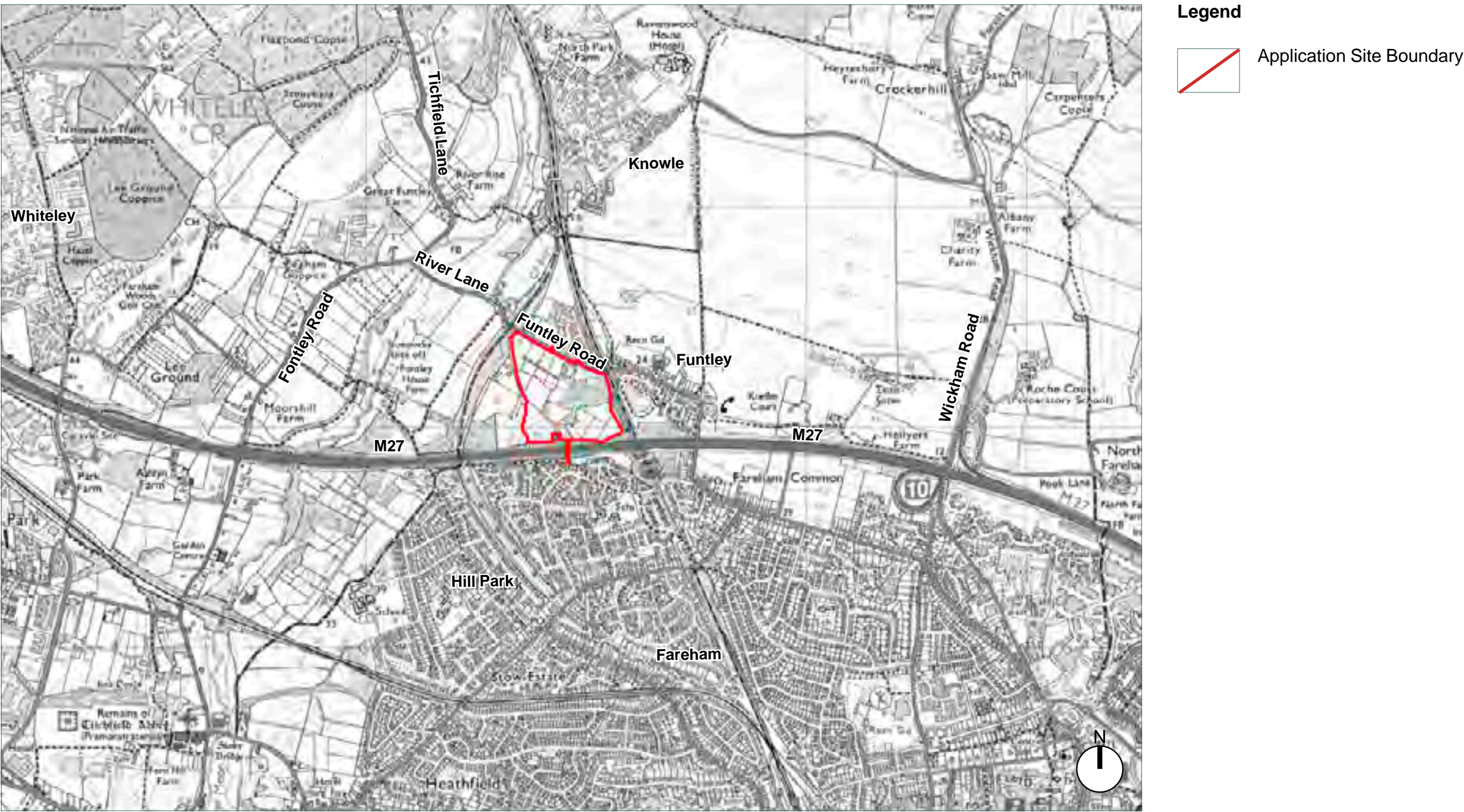


Figure 1.1 – Extract from Ordnance Survey Plan showing the Application Site location and boundary (fabrik, 2018)



## 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 at 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)."*

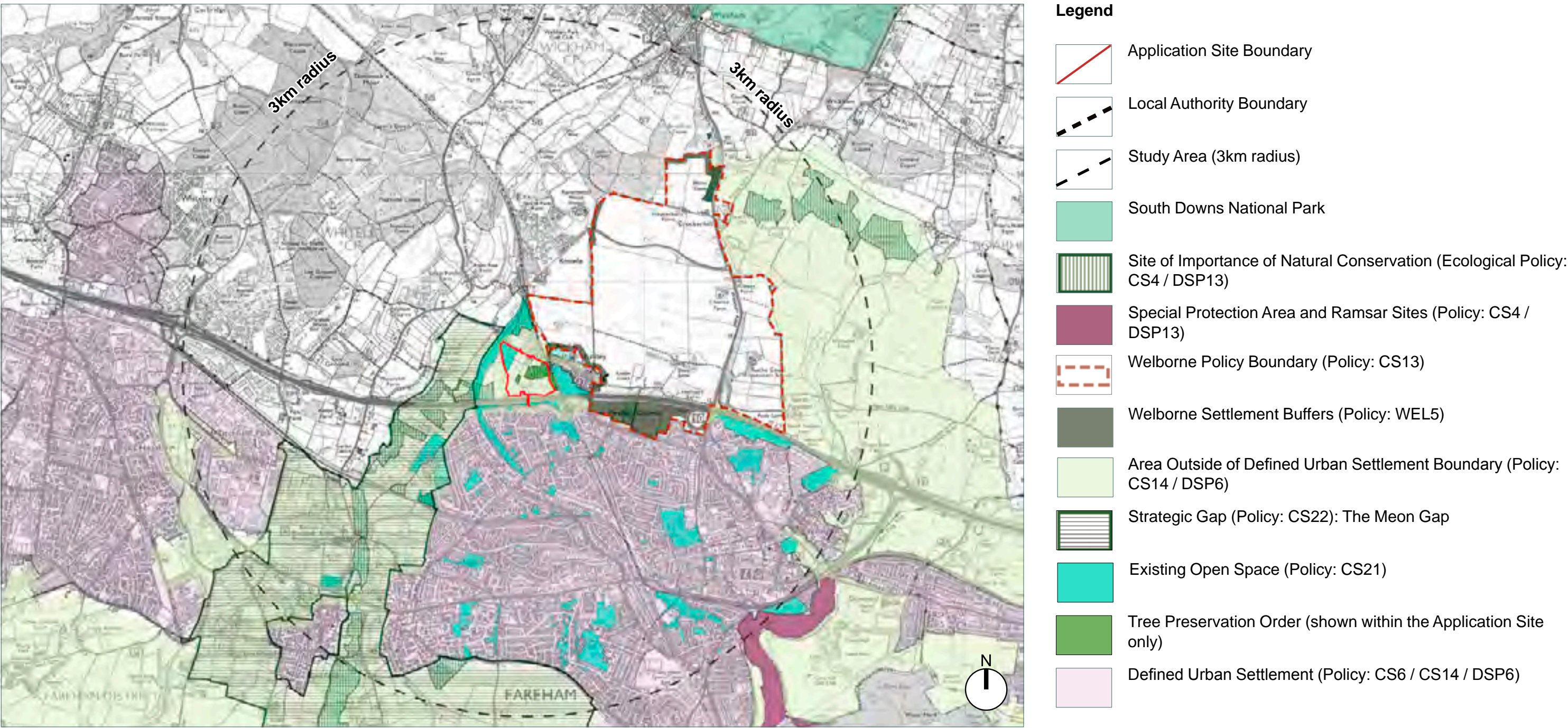
Section 8 of the NPPF deals with 'Promoting healthy communities' and seeks to achieve:

- *"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

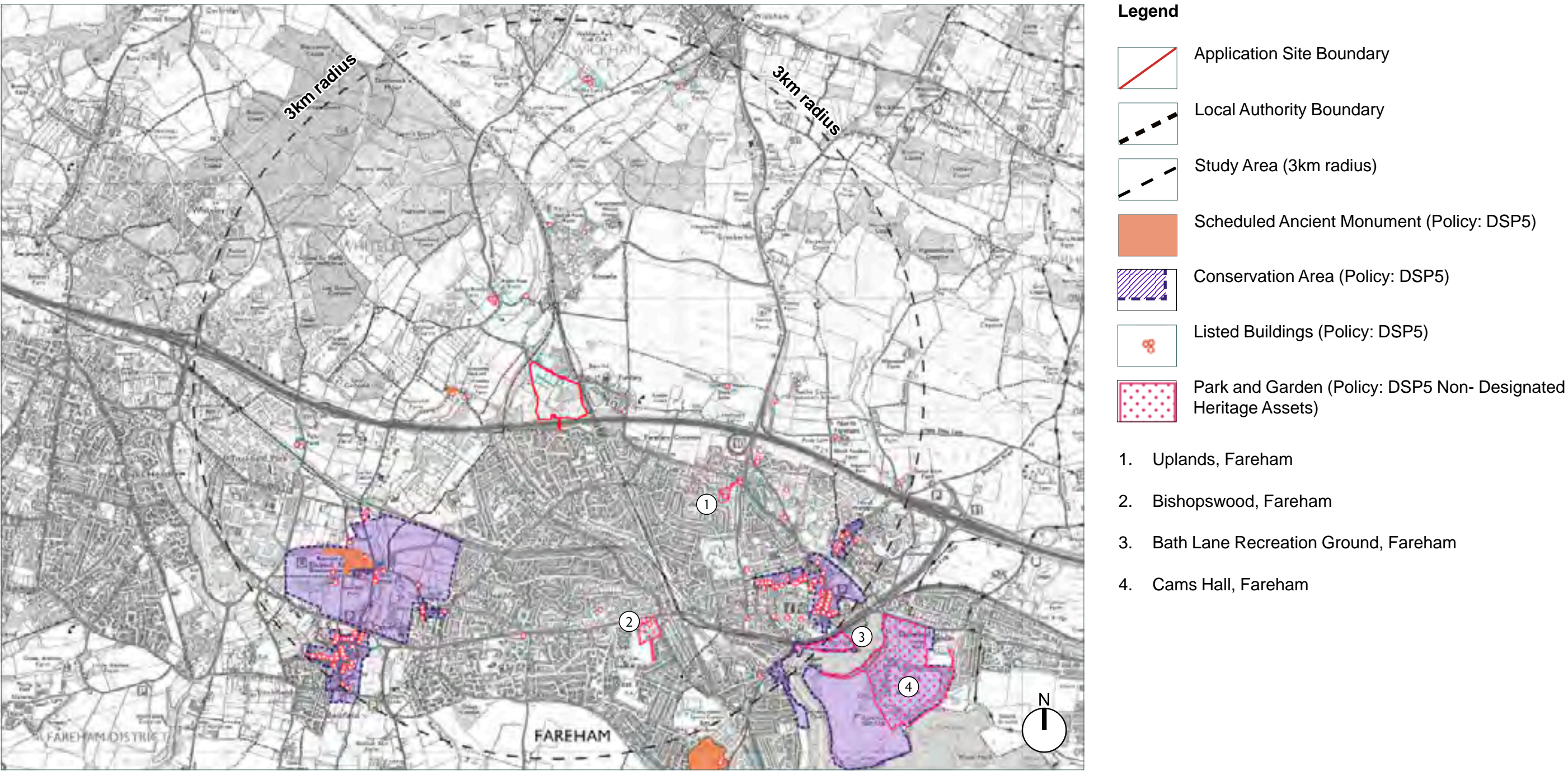


Figure 2.2 – Plan illustrating heritage assets within the 3km study area (fabrik, 2018)



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 NPPF 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 relates 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."

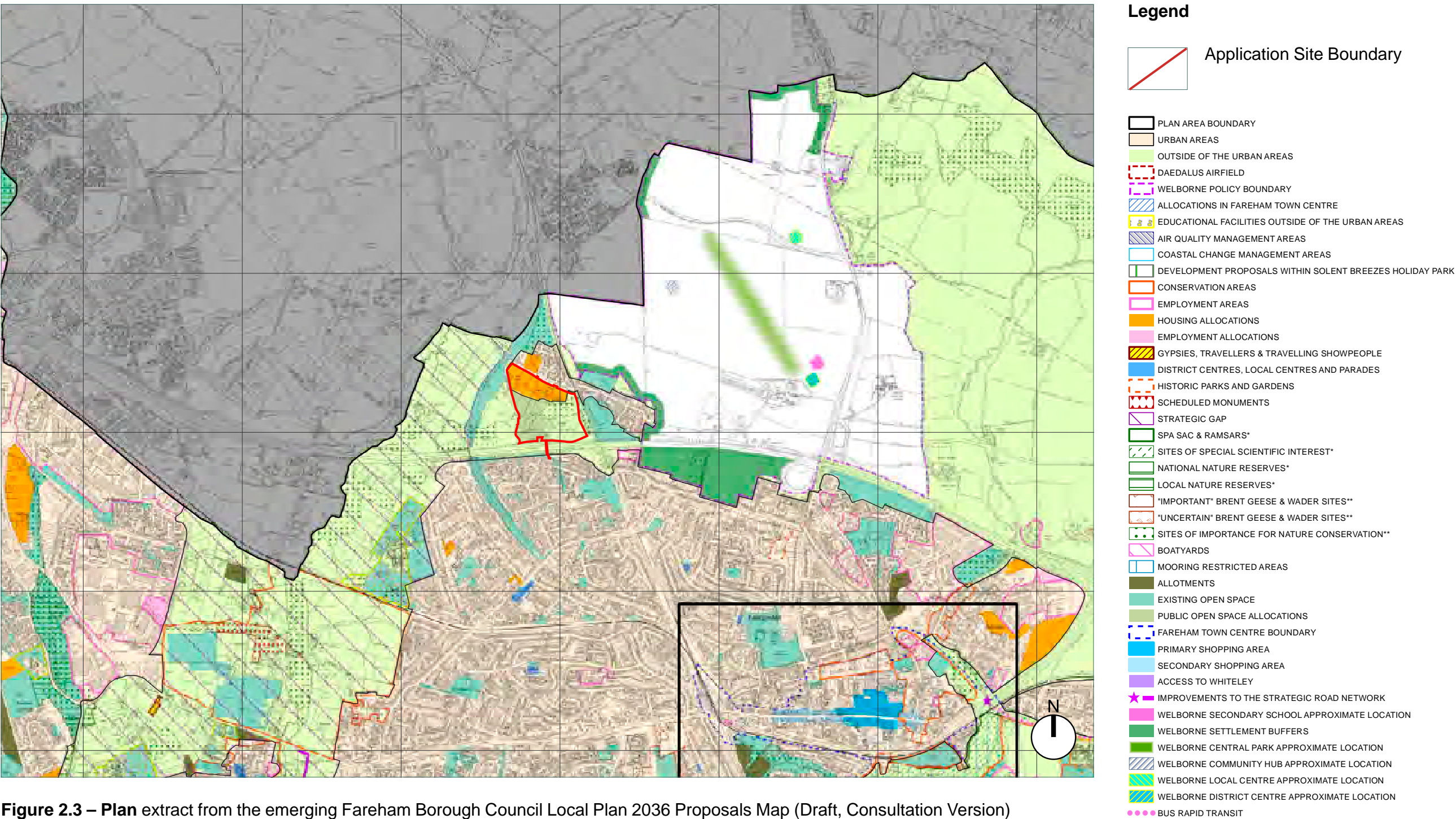
The other pertinent policies of the Local Plan, relative to landscape and visual matters are:

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



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:*

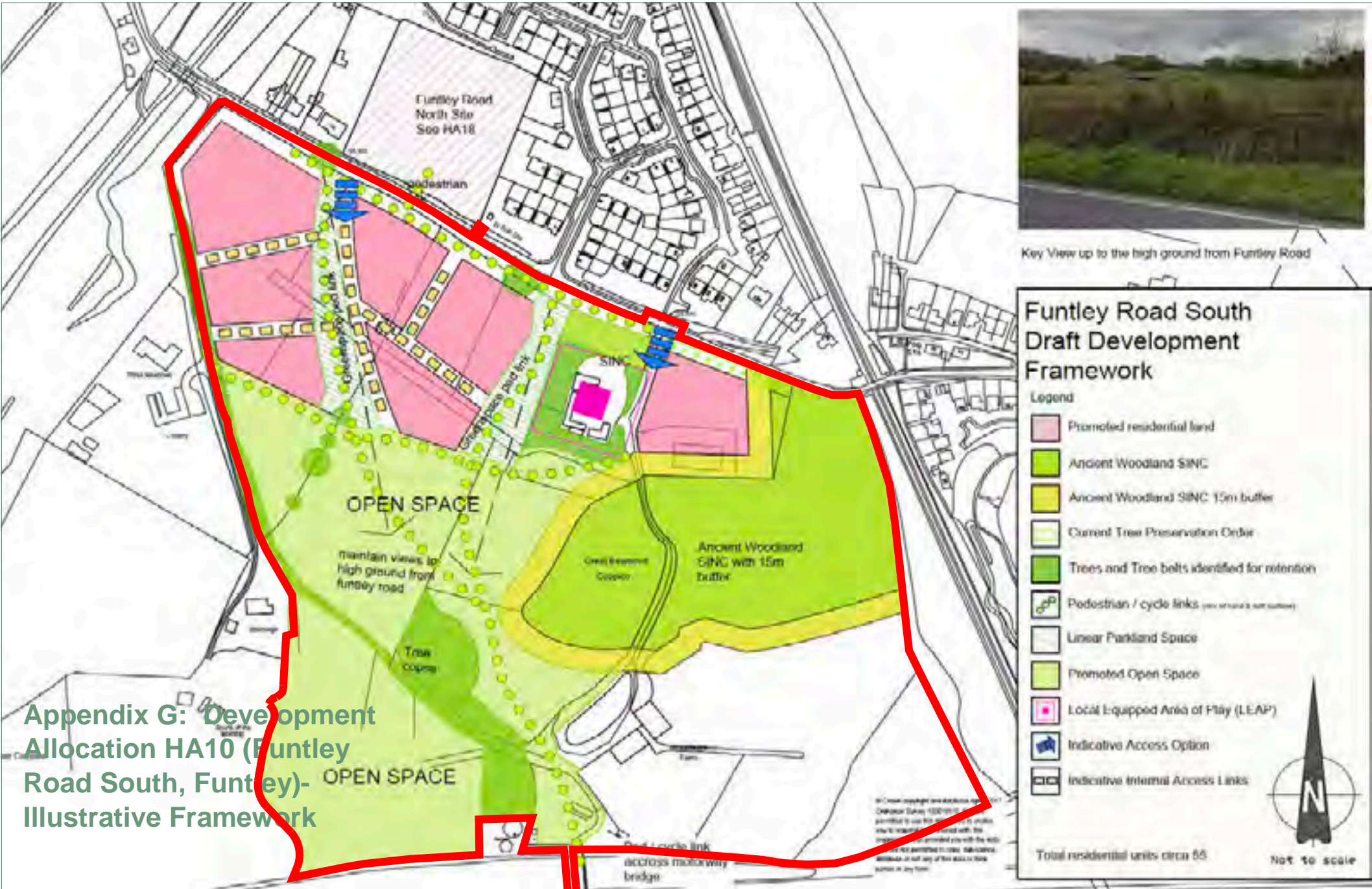
- a) Respond positively to and be respectful of key characteristics of the area, including heritage assets, landscape, trees and landscape features, scale, spaciousness, form and the use of external materials;...*

*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



Legend



Application Site Boundary

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

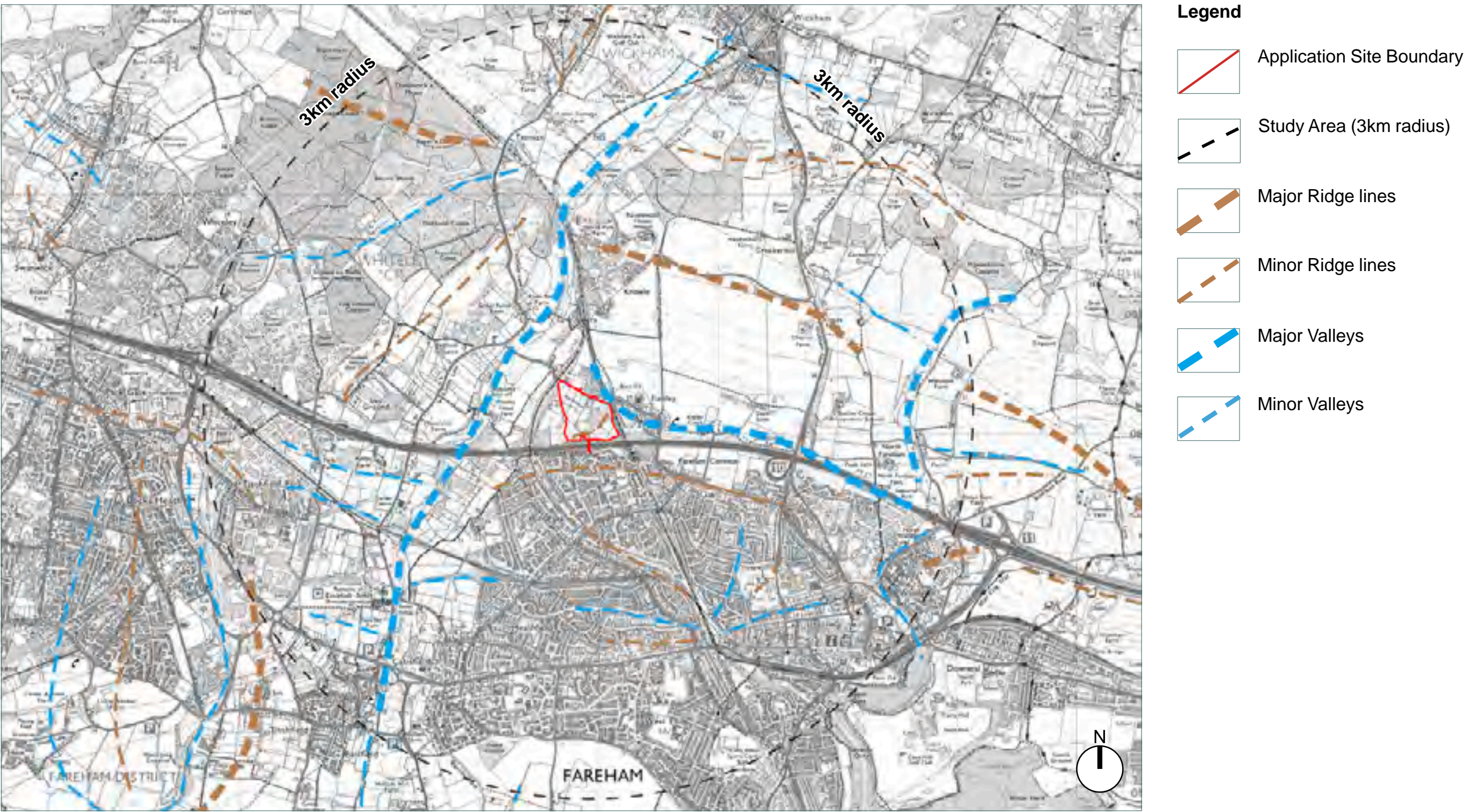


Figure 2.5 – Plan illustrating Topography and Drainage (fabrik, 2018)



## 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

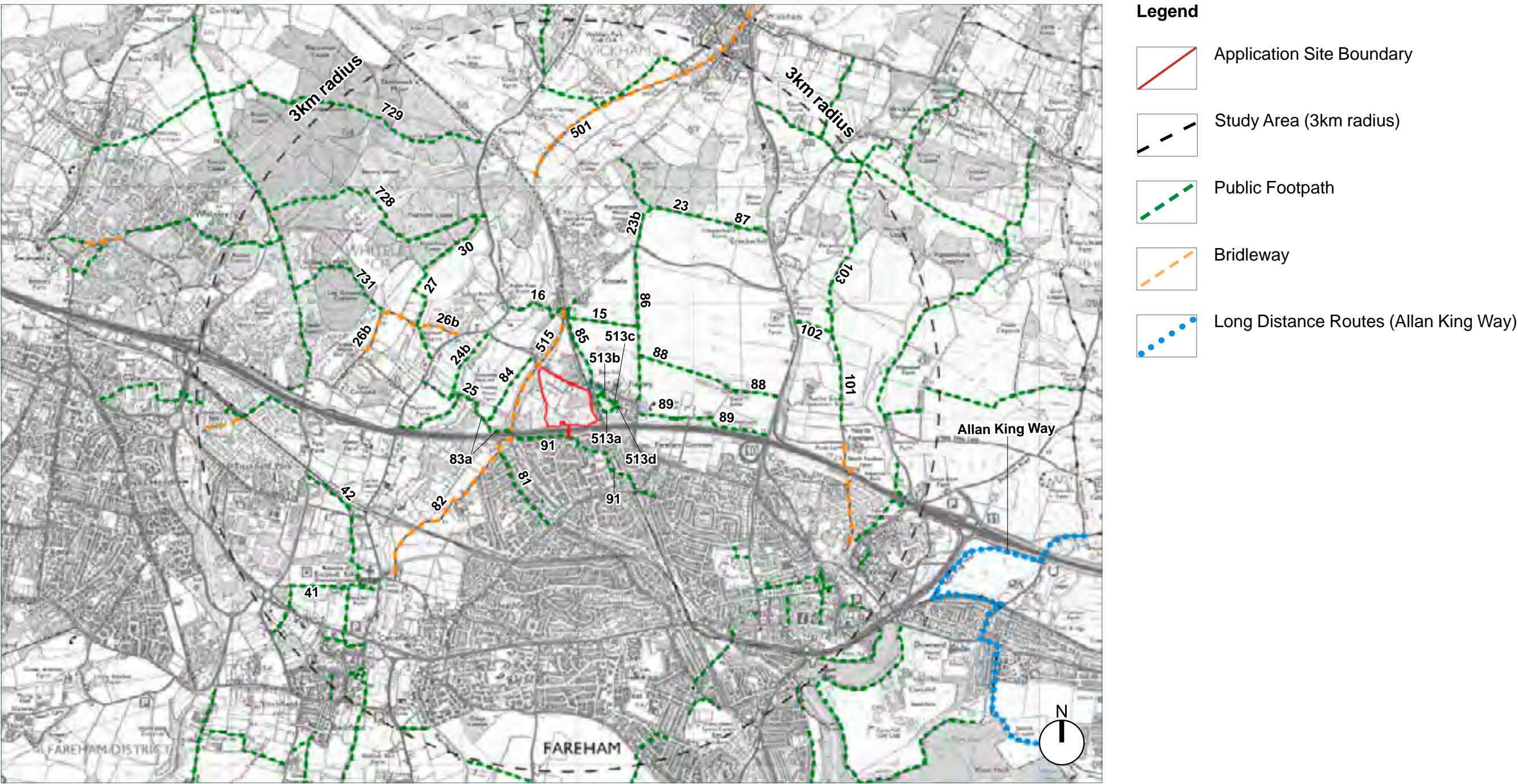


Figure 2.7 – Plan illustrating public rights of way and long distant routes within the study area (fabrik, 2018).



## 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

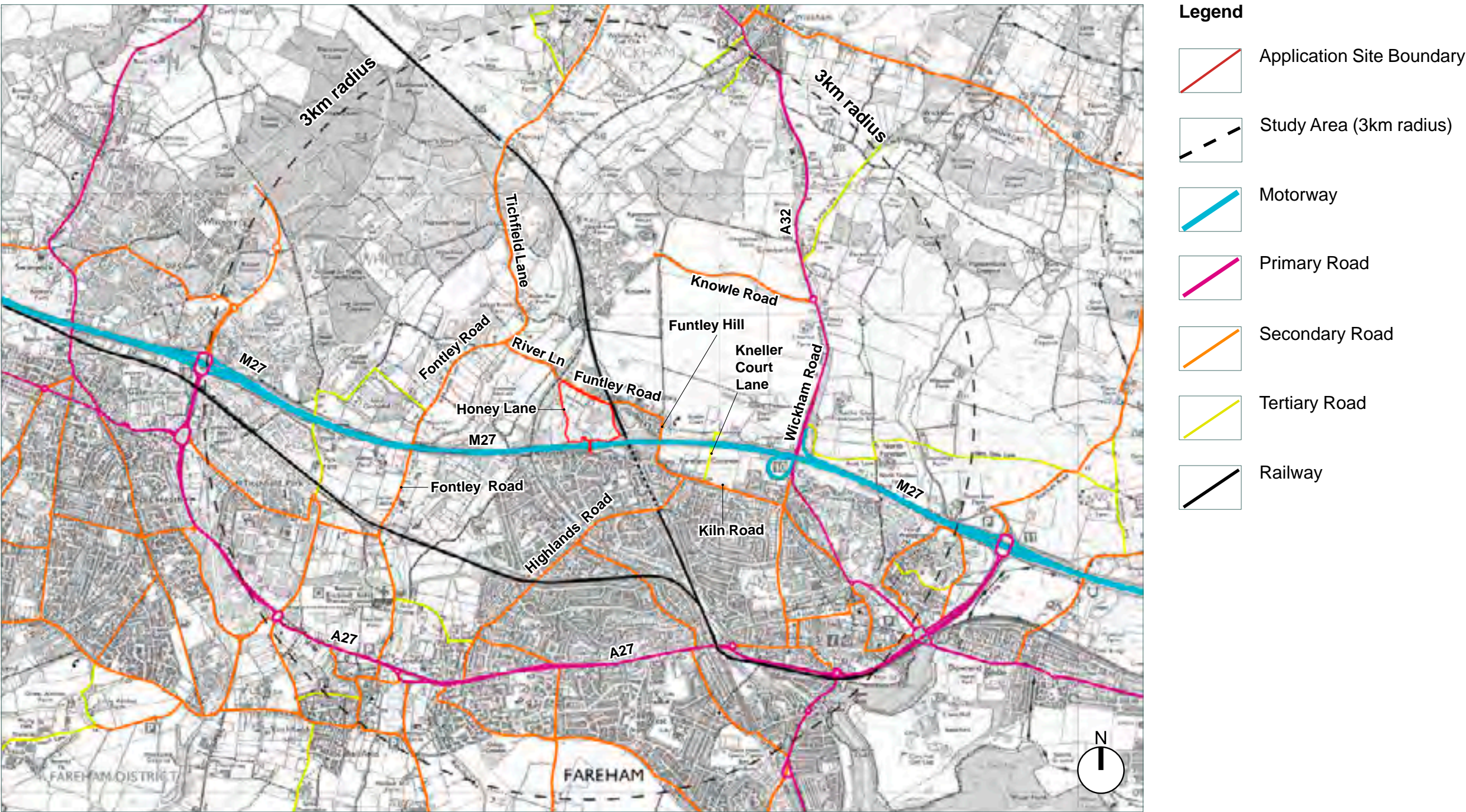


Figure 2.8 – Plan showing transportation links and road network within the study area (fabrik, 2018).



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

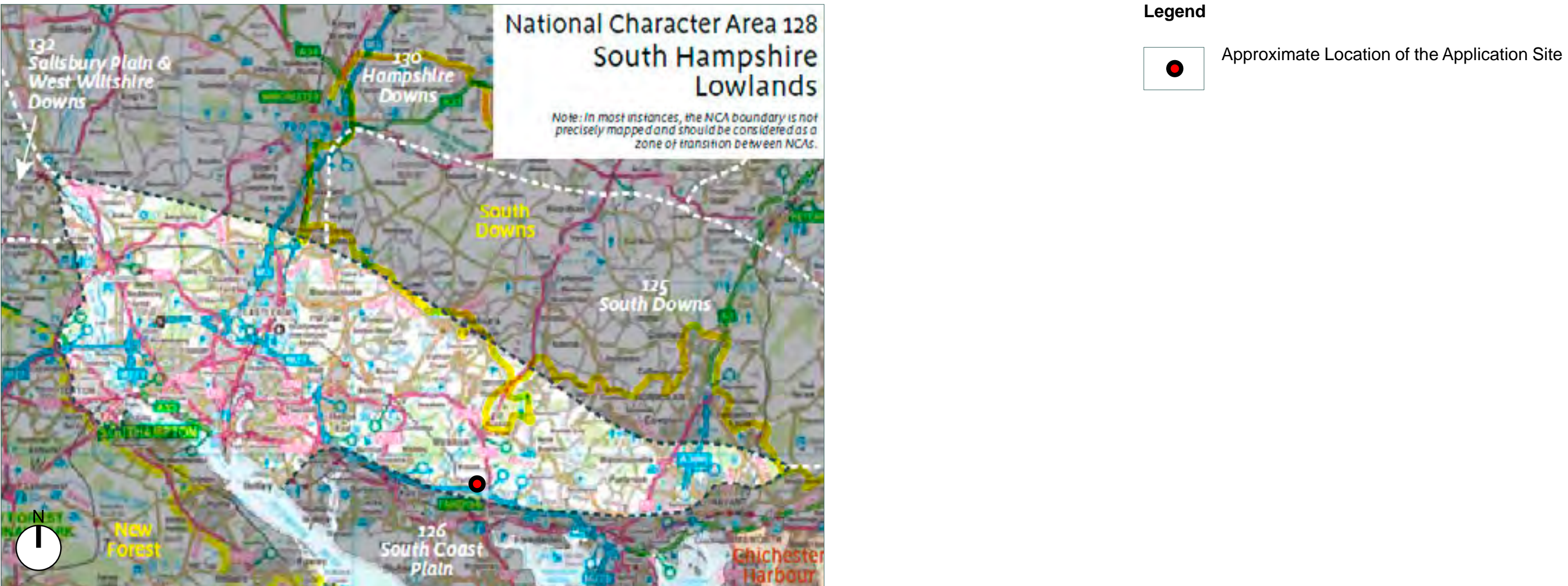


Figure 2.9 – Extract from National Landscape Character Area Map (Natural England, 2014)



## 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*

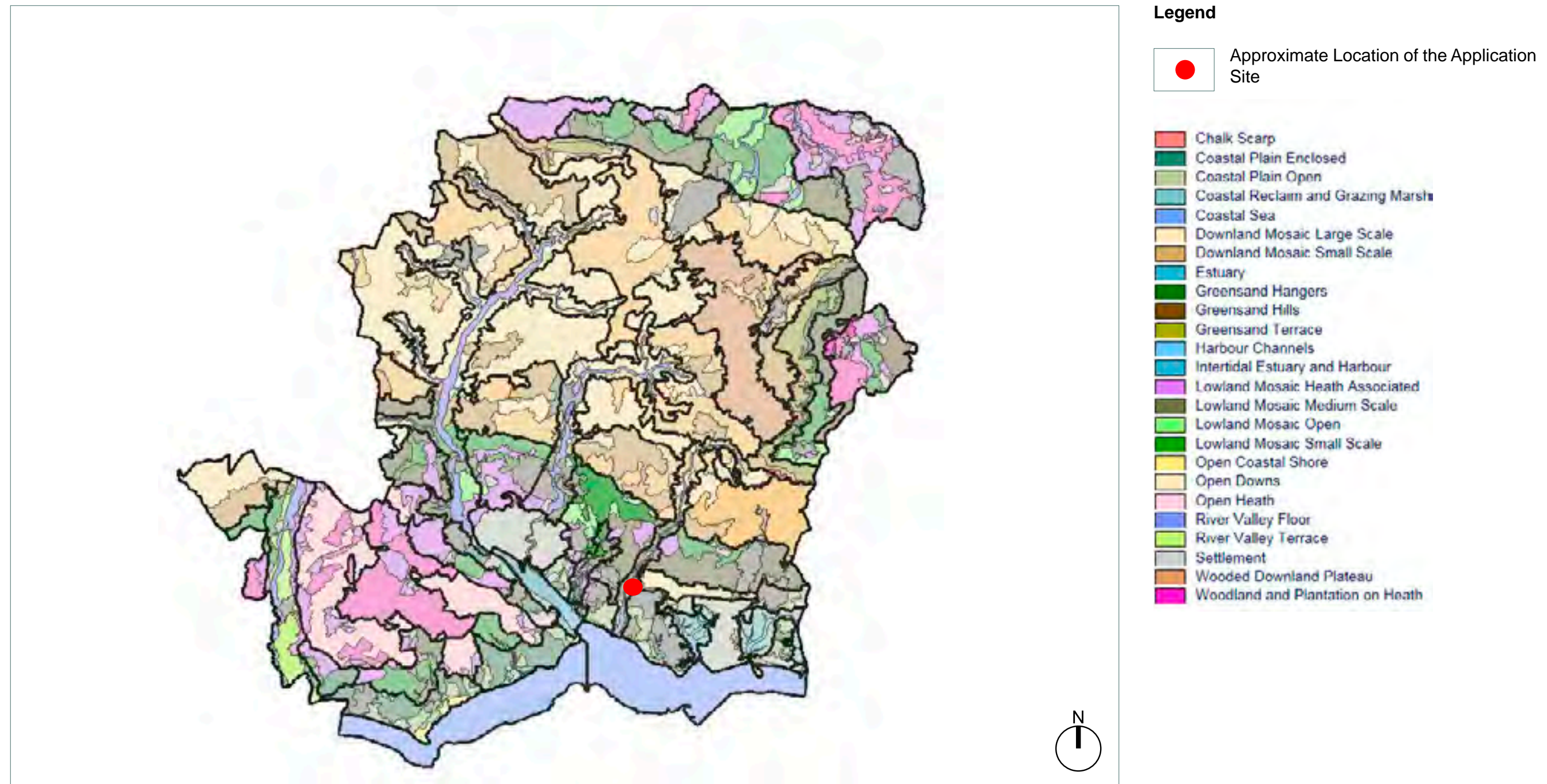
*intimate landscape character and lack of development where the valley cuts through the south Hampshire clay lowlands. In the section where the A32 runs through the valley it is generally less tranquil than the surrounding downland landscape....”*

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**.

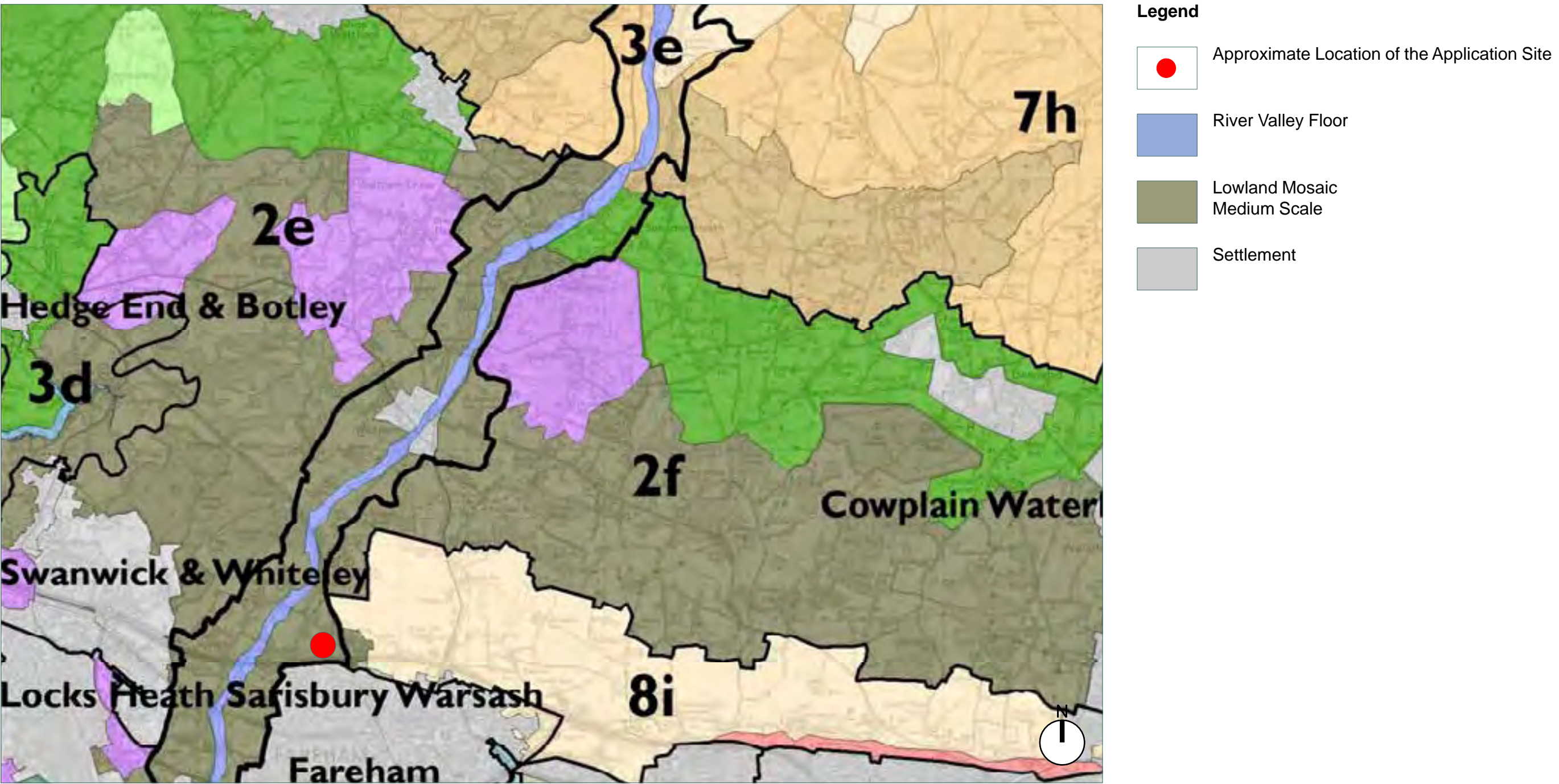
## 2. Baseline Conditions



**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.”*

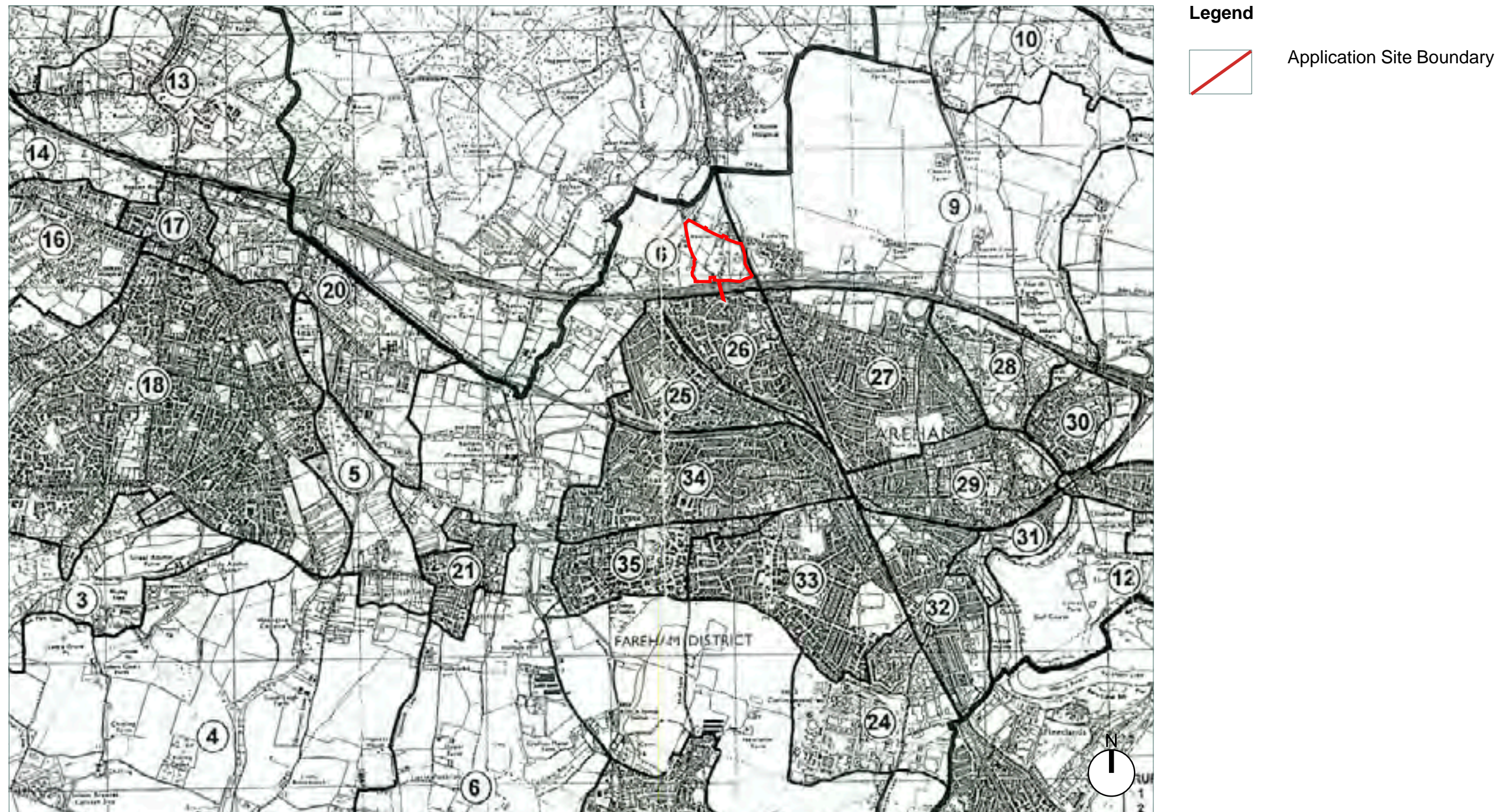
*In terms of enhancement opportunities, the assessment at para 4.27 states that: “... the Meon Valley is comparatively unspoilt and of a high quality but it is affected by roads, commercial horticultural activities and urban intrusions, particularly the central section. The emphasis should be to protect 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

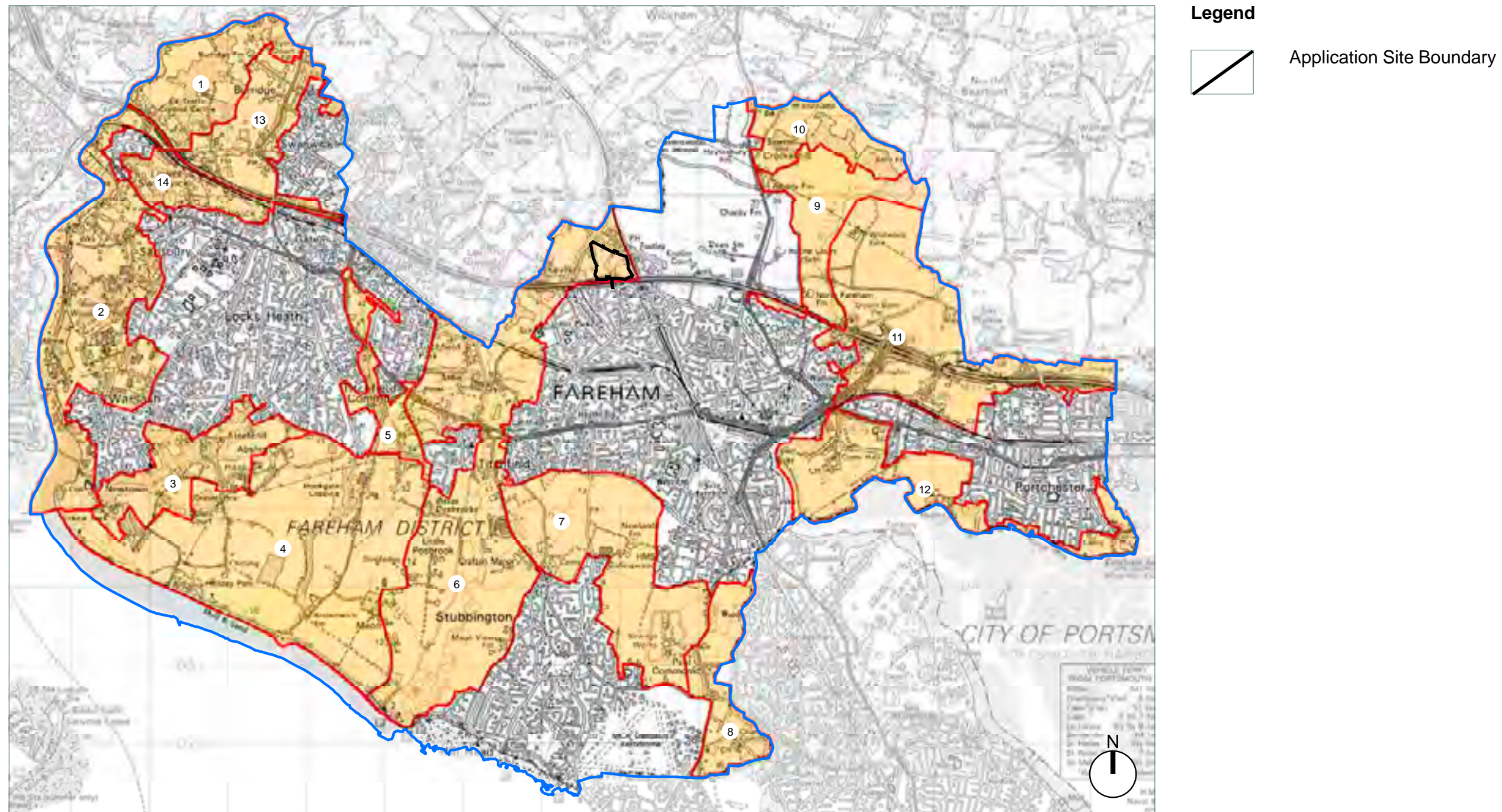


Figure 2.13 – Extract from Fareham Borough Landscape Character Assessment (2017) illustrating character areas.

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

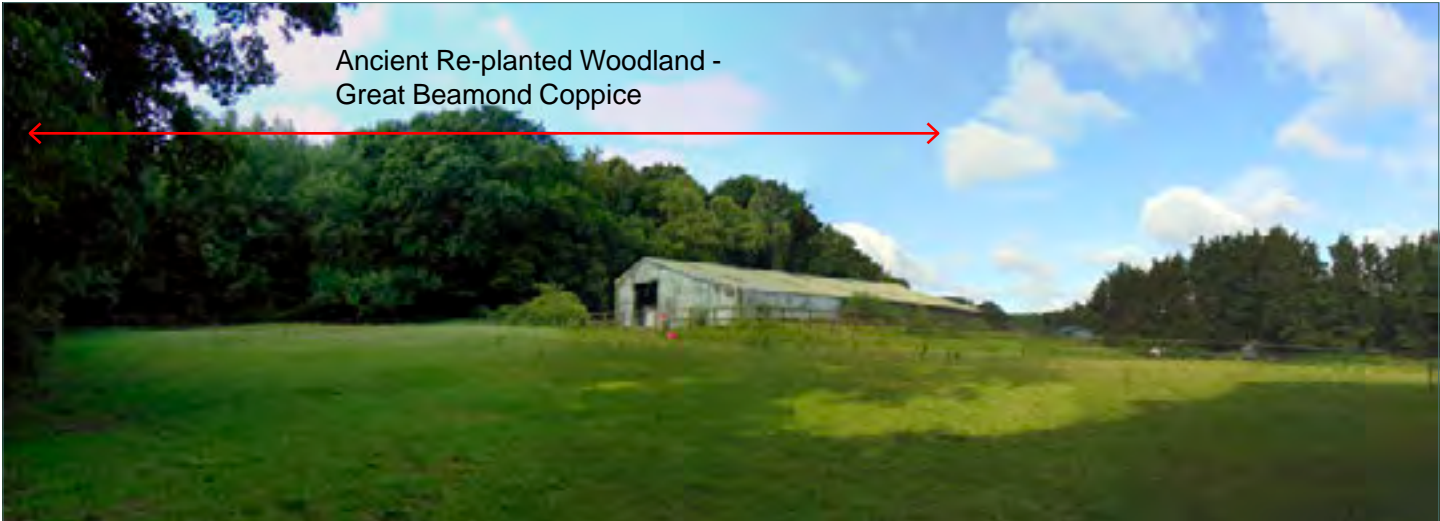
Summer Views



**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 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 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 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 build 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

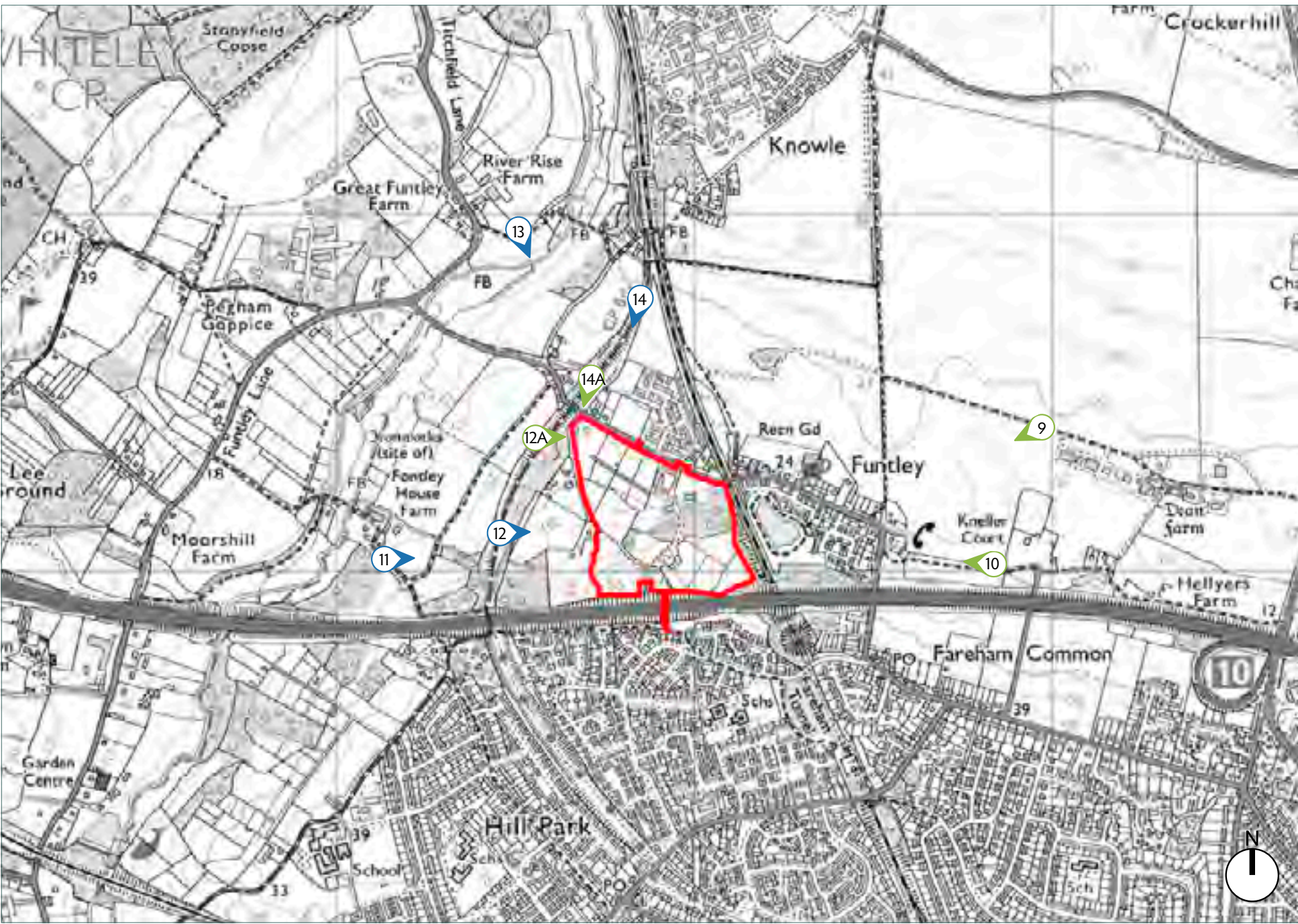


Figure 3.1 – Location Plan showing Visual Summary from the local area (fabrik, 2018)

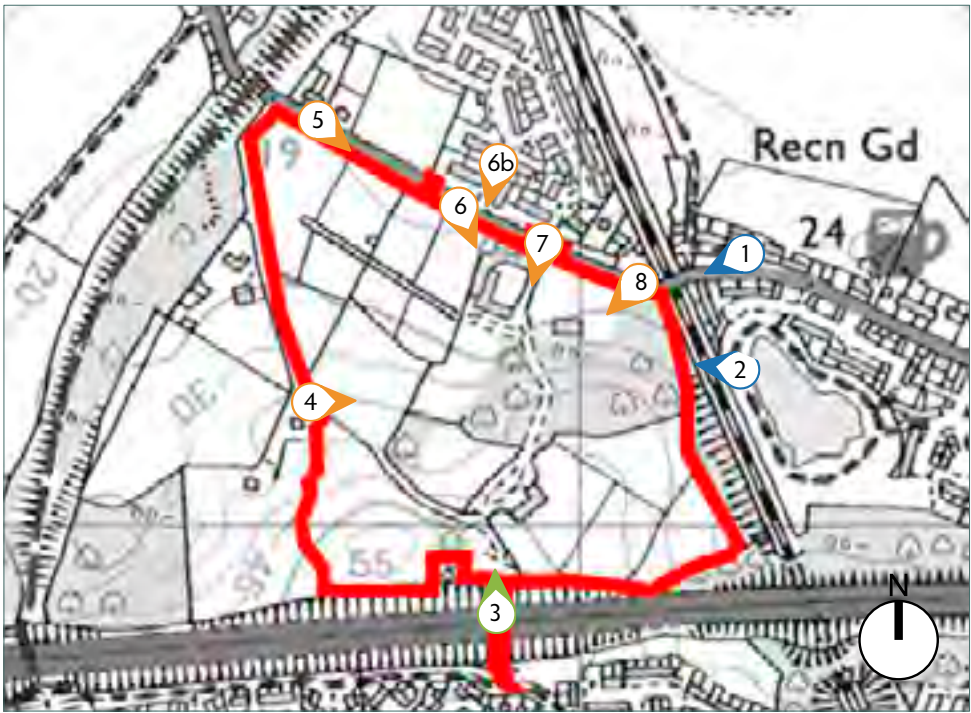
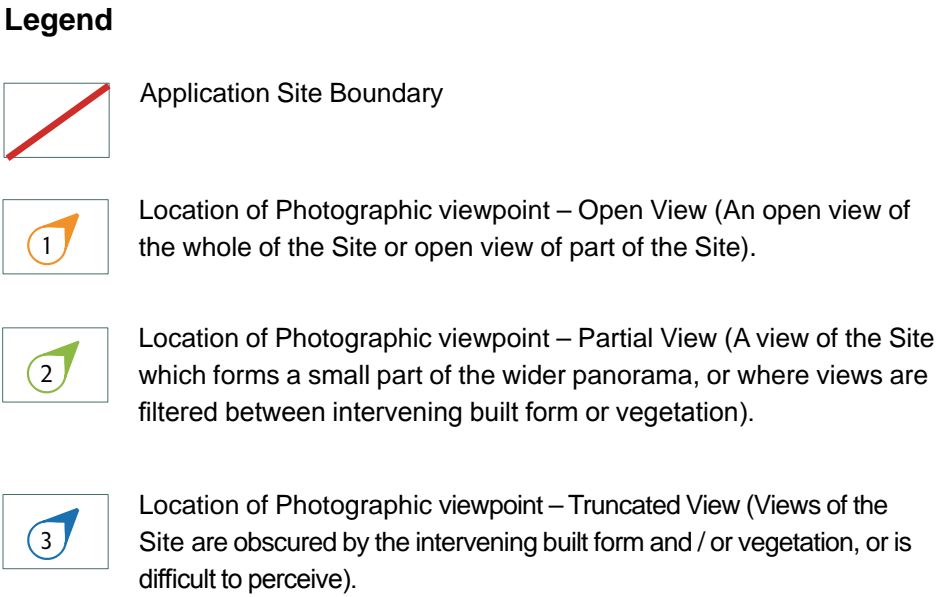


Figure 3.2 – Location Plan showing Visual Summary in close proximity to the Site (fabrik, 2017)



3. Visual Baseline Conditions and Sensitivities

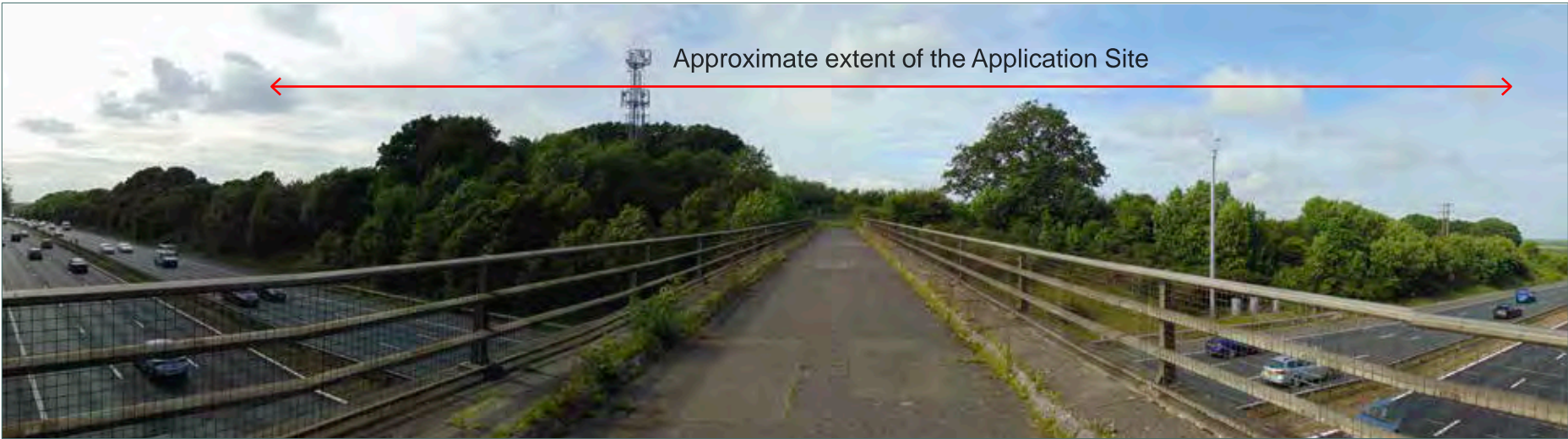
3.3 Visual Appraisal from the Local Area  
Summer Views



**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.



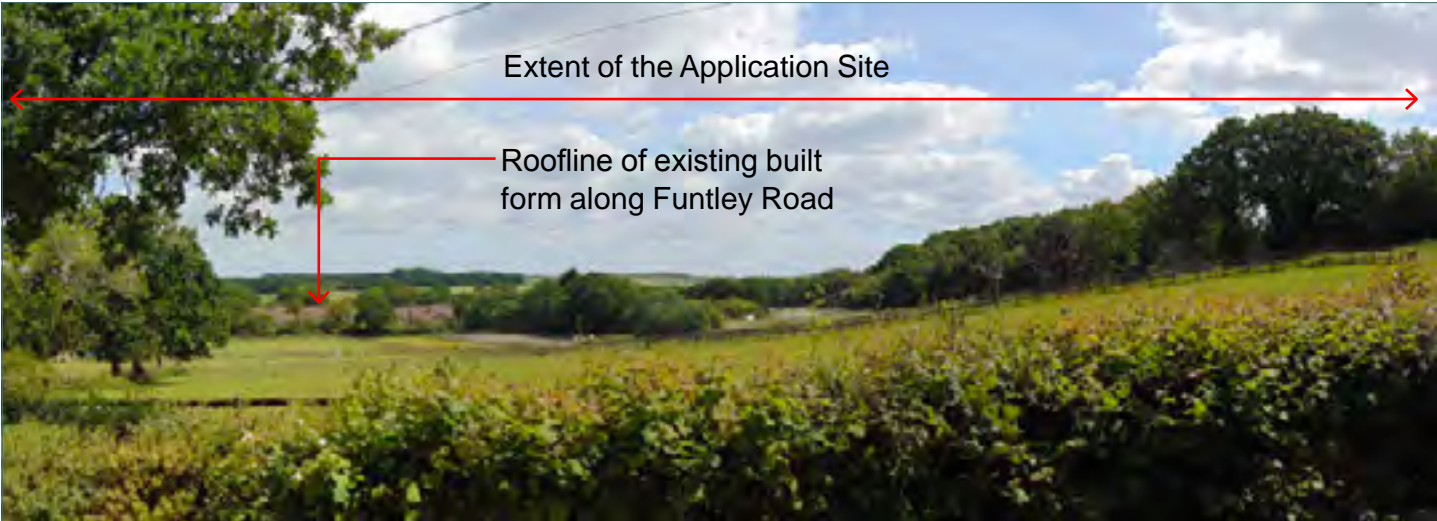
**Photograph** – Viewpoint 3 Winter View  
There is no significant change in the visibility of the Site in winter.



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 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 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.



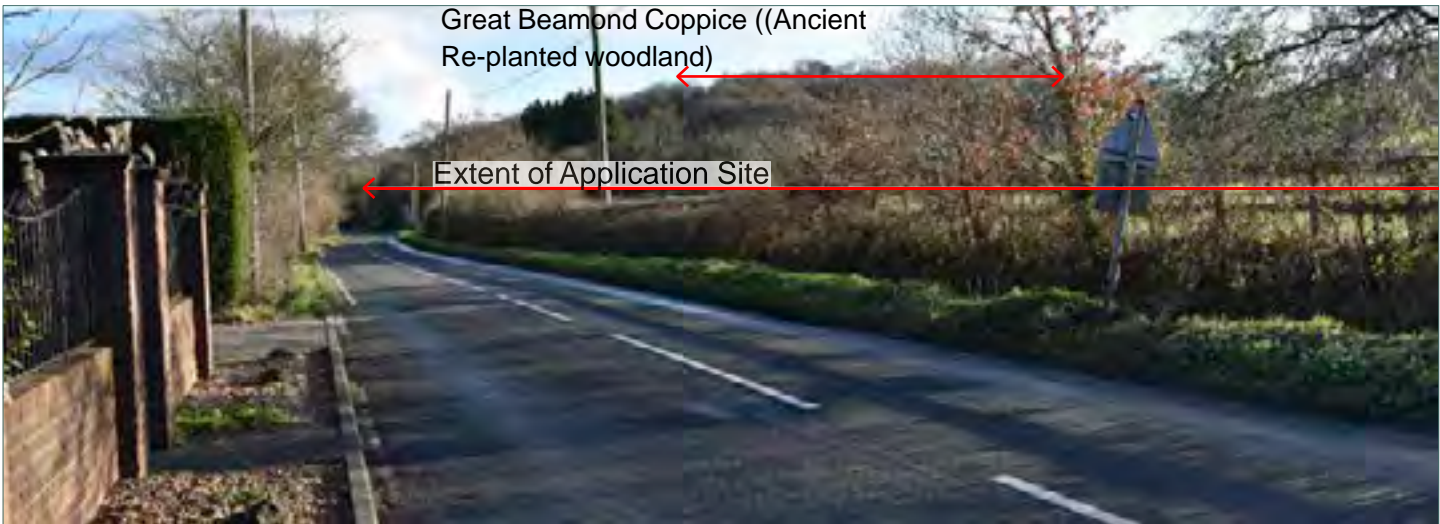
**Photograph – Viewpoint 6b**  
View looking south east towards the Application Site from Roebuck Avenue. The residential built form with its associated private garden along Roebuck Avenue dominates this view with the topography within the Application Site rising towards the local ridgeline. Open views 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

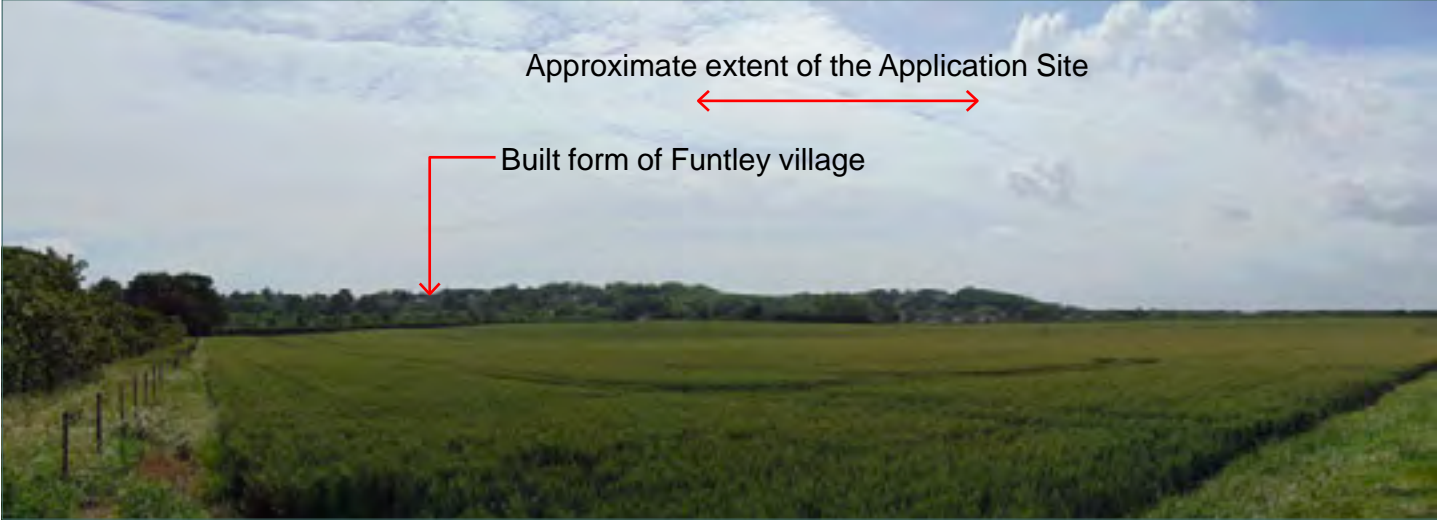
3.3 Visual Appraisal from the Local Area  
Summer Views



**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

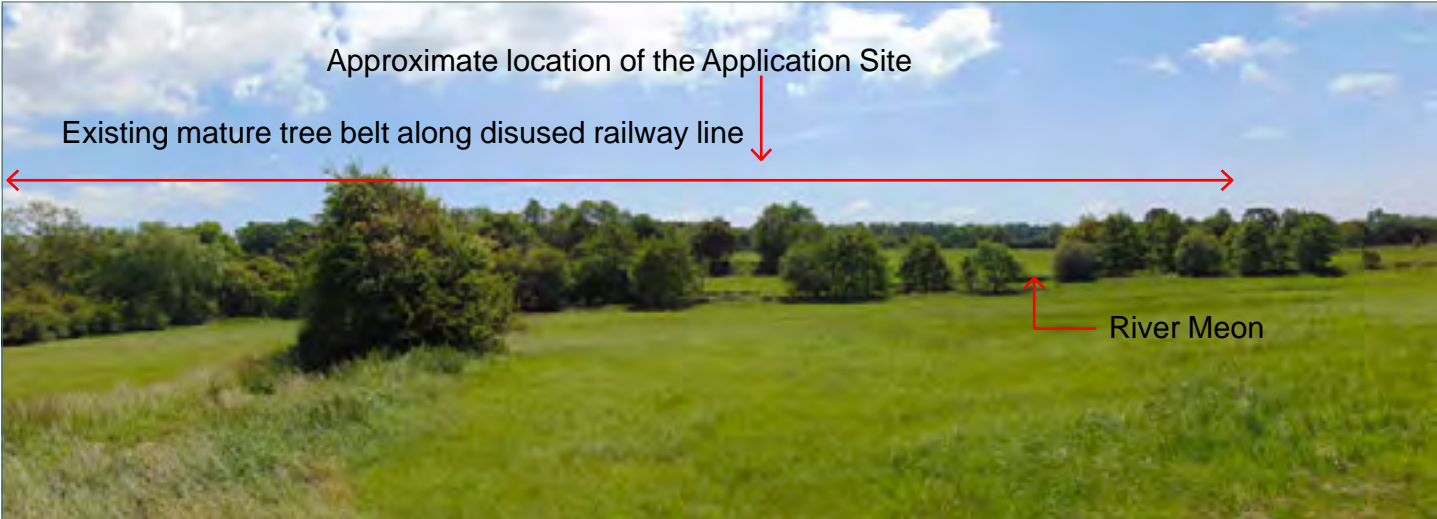
Summer Views



**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 westerns 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

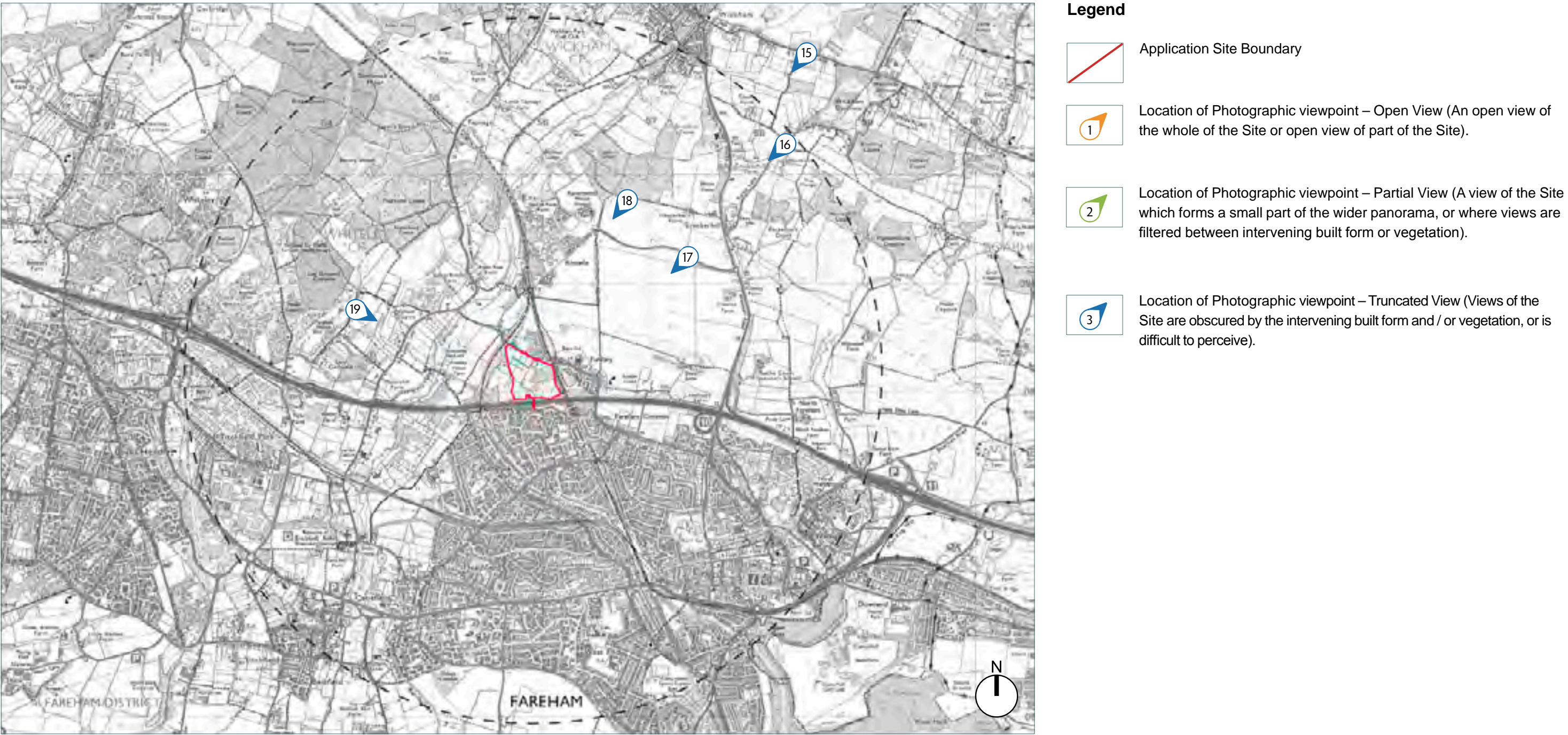


Figure 3.3 – Location Plan showing Visual Summary from the wider area (fabrik, 2018)



3. Visual Baseline Conditions and Sensitivities

3.4 Visual Appraisal from the Wider Study Area

Summer Views



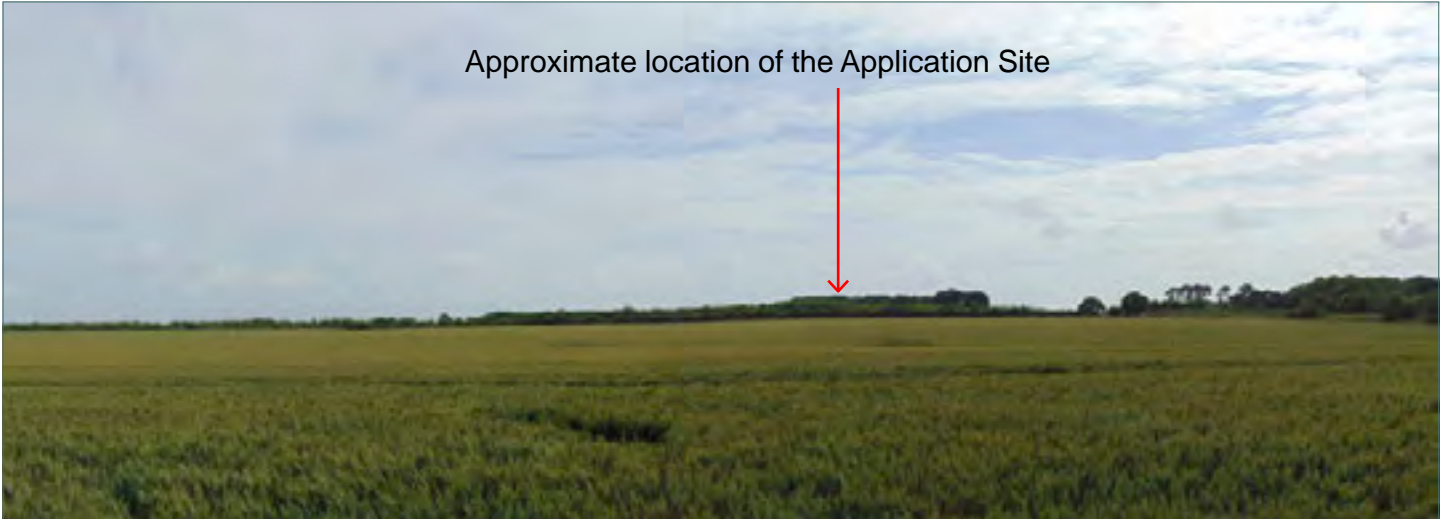
**Photograph – Viewpoint 15**  
View looking south west towards the Application Site from Footpath 11 adjacent to Wickham Road (southern boundary of South Downs National Park). Views of existing mature vegetation along either side of the footpath dominates this view and obscures any views towards the 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.	<p>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. .</p> <p>There are no views towards the Site in winter.</p>	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.	<p>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.</p> <p>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.</p>	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.

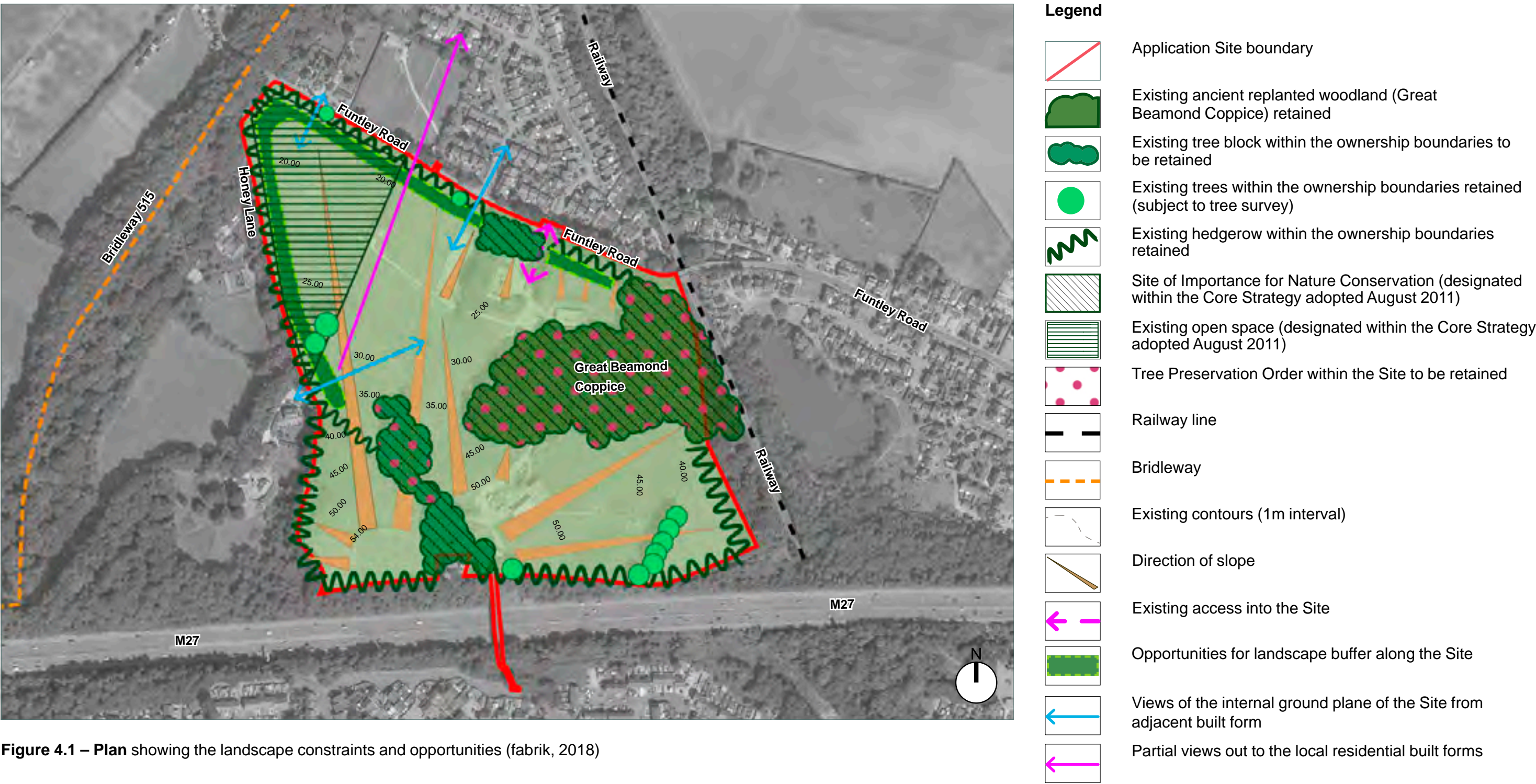
- Due to the existing land form and close proximity to the neighbouring residential built form, there are a number of open views of the boundary vegetation, or views of the internal ground plane within the Site evident from neighbouring houses and the transient receptors in vehicles / on foot using Funtley 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





## 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





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 SINCs 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 backcloth 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 SINCE. 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
<b>High (Very Good / Good Condition)</b> International - National - Regional Scale
<ul style="list-style-type: none"><li>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’);</li><li>Recognisable landscape or townscape structure, characteristic patterns and combinations of landform and landcover are evident, resulting in a strong sense of place;</li><li>No or limited potential for substitution and which is susceptible to small changes;</li><li>A landscape that contains particular characteristics or elements important to the character of the area;</li><li>A valued landscape for recreational activity where the experience of the landscape is important;</li><li>Good condition with -appropriate management for land use and land cover, or with some scope to improve certain elements;</li><li>Distinct features worthy of conservation;</li><li>Unique sense of place;</li><li>No or limited detracting features.</li></ul>



Criteria
<b>Medium (Good - Ordinary Condition)</b> Regional - Local Scale
<ul style="list-style-type: none"><li>• 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.</li><li>• Distinguishable landscape or townscape structure, with some characteristic patterns of landform and landcover;</li><li>• Potential for substitution and tolerant of some change;</li><li>• Typical, commonplace farmed landscape or a townscape with limited variety or distinctiveness;</li><li>• A landscape which provides recreational activity where there are focused areas to experience the landscape qualities;</li><li>• Scope to improve management;</li><li>• Some dominant features worthy of conservation;</li><li>• Some detracting features.</li></ul>
<b>Low (Ordinary - Poor Condition)</b> Local /Site Scale
<ul style="list-style-type: none"><li>• 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.</li><li>• 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;</li><li>• Tolerant of substantial change;</li><li>• A landscape which provides some recreational activities with limited focus on the landscape attributes;</li><li>• Lack of management and intervention has resulted in degradation;</li><li>• Frequent dominant detracting features;</li><li>• Disturbed or derelict land requires treatment.</li></ul>

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 development on it and its relationship with the surrounding 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 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.

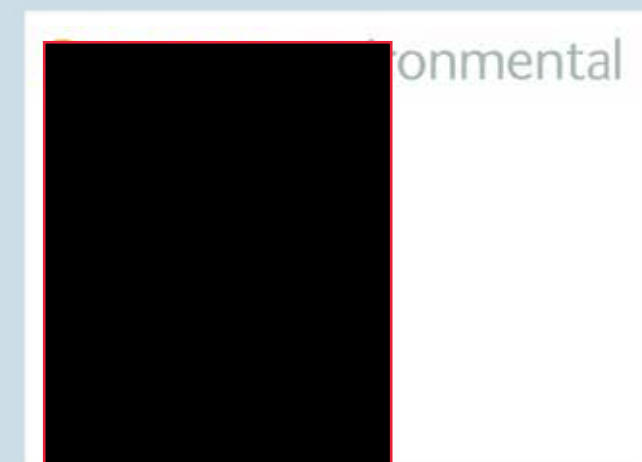
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Fabrik Ltd.,



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Report presented by



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ments.co.uk  
ro

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**Respondent details:**

Title:	mrs
First Name:	pamela
Last Name:	rigg
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA55- Land south of Longfield Avenue**

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

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**White, Lauren**

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**From:** Roy Roberts [REDACTED]  
**Sent:** 08 August 2021 20:02  
**To:** Planning Policy  
**Subject:** Local Plan Consultation representation

Attention Gayle Wootton

Dear Ms Wootton

As per The request by telephone call from Gayle Wootton on 6<sup>th</sup> August to submit an email and in response to the letter to me on 30<sup>th</sup> July. I restate that I would like the opportunity to make a representation to the Planning inspector in person for the reasons I have given in the LOCAL PLAN CONSULTATION FEEDBACK. I have factual information concerns regarding Soundness and Duty to cooperate of this amendment to the Fareham plan.

many thanks

Roy Roberts

# 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:

ROY

Last Name:

ROBERTS

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?

- |  |           |
|--|-----------|
| <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 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

Plan not sound. Authorities have duty to improve or maintain quality of life. 1 Ambient traffic noise already blights many peoples lives. Electric cars will not significantly reduce this. Road and tyre noise predominate. 2 Additional housing brings extra anti social behaviour and petty crime. Existing resources cannot deal effectively now. Not addressed in plan. 3 Difficulty accessing health services not addressed in plan. No new surgery's planned.

Duty to cooperate  
Fareham infrastructure is about to be overwhelmed by adjacent 3000 house tsunami Winchester whitely Ineffective cooperation to bring realistic development to the area. The solent city environment is coming without city type transport systems.



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?

MAKE IT ABSOLUTELY CLEAR TO THE GOVERNMENT & RESIDENTS BY RAISING PROFILE MUCH HIGHER USING PRESS, NATIONAL SOUTHERN TV DEBATE PROGRAMS ETC THE SERIOUS IMPLICATIONS TO THE REDUCTION IN PEOPLE'S LIFE OF THIS PLAN. MANY PEOPLE ARE UNAWARE OF THE REAL COST THAT QUALITY OF LIFE WILL BE IMPACTED. IT IS A LEGAL REQUIREMENT ~~TO~~ NOT TO REDUCE QUALITY OF LIFE.

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

THE COUNCIL WOULD HAVE DONE ALL WITHIN ITS POWER TO CONVEY THE REAL SITUATION TO PEOPLE. THE CURRENT PLAN SUBMISSION DOES NOT. IT ~~IS~~ ~~AND~~ WILL ALSO IMPRESS ON THE GOVERNMENT THE SERIOUS EFFECTS OF IMPOSING HOUSE BUILDING TARGETS

B4c Your suggested revised wording of any policy or text:

SERVICES & INFRASTRUCTURE WILL BE IMPROVED BEFORE ANY HOUSE BUILDING TARGETS 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):

I HAVE FOLLOWED COUNCIL MATTERS FOR SOMETIME AND AS I AM A VOLUNTEER IN COMMUNITY MATTERS I HAVE A GOOD UNDERSTANDING OF LIFE IN THIS AREA HAVING LIVED HERE FOR OVER 35 YEARS.


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

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**Respondent details:**

Title:	Mr
First Name:	Mark
Last Name:	Robinson
Job Title: (where relevant)	N/A
Organisation: (where relevant)	N/A
Address:	
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA52- Land West Dore Avenue, Portchester**

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

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

A. Soundness in question of the HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue. During the original planning and design stage of a development considerable thought is placed into creating an environment that will both meet the needs of the local authority in terms of housing requirements and also to the development of an area that will meet new community needs including the locality of access roads, schools, doctors, hospitals, shops, recreational areas in such a way as to create an area where members of the new community will enjoy living. These new developments also take into account nature and the habitat of wild animals. This is to be the case with other newly proposed developments such as the Crofton Cemetery (HA54) and Longfield Avenue (HA55) areas. Surely a lot of thought goes into creating new developments such as these including not only new towns but additional areas adjacent to existing populated towns, villages and the like, in order to create the optimal balance of requisites to form a community. Recent studies have indicated that Hampshire is an area which is popular with regard to being an area that is seen as an attractive place to live due mainly to its' open spaces that can be enjoyed by members of the respective communities. To revisit such plans many years after to alter the established area surely threatens the very nature and intention of the original planners of that development, potentially to its detriment. We should preserve the communities/developments in which we live as they were intended and use these as a model to create new equally enjoyable developments for future generations. By overdeveloping these communities you not only take away the available green spaces that the residents need to enjoy and relax, but also areas of beauty and natural habitats of many species of birds and animals that also enjoy these spaces, not to mention the trees that are threatened by this action. As over development increases so does the stress and unhappiness of the local community who, having moved to an area for what it has to offer, sees this area being destroyed by overcrowding and therefore overstretched local facilities. This in turn leads to overpopulation of areas with lack of open spaces for recreation and enjoyment and ultimately crime also increases meaning the whole community suffers and what was once an enjoyable place to live becomes an area to avoid. By this time it is too late to retract these changes. The damage has been done! Do Fareham borough council really want to leave this as a legacy? Let's do the right thing and not shoe-horn further houses into our neighborhoods just so targets can be met. There are already new developments that can be planned with thought for the future in mind allowing sufficient green spaces to be included so as residents of these areas can enjoy living there, rather than destroying existing developments and communities that are already enjoyable places to live. Welborn is a good example of this as a new town in the infancy of its' development that can be designed to meet future housing needs. This will lead to more support for local authorities and a happier population. Is this not what we as a nation should be striving for? A happier population living in harmony. Maybe this is too much to ask for but surely we should take into account the community and make positive changes, opening up new areas as necessary. I think we all understand and support the need for affordable housing, but it needs to be incorporated into new developments and where regeneration can be achieved. Edge of town developments could also be utilised in some cases, or in town centre developments, where new homes help to support the town itself. The answer is not to just fit it in an area just because it meets budget. If it isn't suitable it isn't suitable and we should look to find somewhere that is. By choosing the right location for new development local government will reap reward and gain support from the communities that they serve. With this in mind I challenge the soundness of this proposed development with the following areas in mind:

**Road – Access/Danger** Due to the proximity of the proposed development HA52 development and access road onto Dore Avenue I feel this gives rise to a real danger due to both weight of traffic during busy periods, speed at most times, and visibility for vehicles exiting the proposed site. Living opposite the proposed site I see many vehicles not only speeding down the hill, along Dore Avenue, but also travelling on the wrong side of the road due to cars parked along Dore Avenue both from residents of Dore Avenue and also from local side streets who in turn also do not have adequate parking facilities in their own roads. These vehicles will be coming around an almost blind bend in the road as they approach this development, causing a real risk of accident and to life. I have already experienced a number of near misses along this stretch of the road along with some actual incidents causing damage to vehicles and injury to occupants. There would be a necessity for both calming measures and a reduction of traffic volume along this stretch to ensure ongoing safety, including the possibility of closing the access to Hill Road via Nyewood Avenue as this would reduce the demand along Dore Avenue I suspect. This includes some large trucks and lorries that use this route to avoid the railway arch I believe. Although this would have further implications for the A27 through Portchester!!

**Wildlife** This area is a haven for local wildlife. Although we have High Park for open spaces, this area is an important habitat for wildlife in the community, and I believe was designed as such in the development of the Dore Avenue estate. I also understand that it was originally given protected status. There are a number of mature trees in this location providing a thriving environment for local wildlife, including Slow-worms, Foxes, birds and butterflies, and many other species. These animals need somewhere to live and by removing these wildlife areas it will take nature from our doorsteps, which is something we have grown to love and appreciate.

**Legacy – Chance to leave a place people want to live rather than disrupting the environment they currently enjoy!!**

**Proximity to Crematorium** In general terms it would not feel empathic to build in such close proximity to an established crematorium on an area that is often used by mourners to gather their thoughts before/after a service for a person close to them. An area of tranquillity enjoyed on the saddest of occasions but an area of importance all the same. In summary there are a number of good reasons to say that the proposed plan to build on the land adjacent to Dore Avenue in Portchester is not sound:

1. The close proximity to the crematorium is not exactly suitable for a young family.
2. This is an area used by many people for relaxation, reflection after a funeral, walking of dogs, school projects for exploring nature and habitat of wild animals. (On the school's doorstep – An opportunity that will be lost if development takes place. – Surely even this point is worth saving the space as children's exposure to nature is an important part of developing a caring of the world we live in, something so easily lost).
3. The loss of wildlife habitat, which once lost is lost forever. Including Slow-Worms, Foxes, various species of birds, butterflies, not to mention the trees and

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

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

The Revised Publication Local Plan could be made legally compliant and sound by withdrawing or declining the proposed allocation HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue

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

The existing vital wildlife area that was introduced by the council as a protected environment providing the habitat for numerous species would be maintained and continue to be enjoyed by residents, mourners and walkers alike and would continue to be a thriving area for nature to be enjoyed.

**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 would consider it necessary to take part in the hearing session due to both the proximity of this new proposed development to my home, and the direct impact it will make on the outlook from my property together with the effects it will have on the local environment and community in which I live. The reason I have stated in this document are not just objections to a proposed development close to my dwelling but are heartfelt reasons why such a development should not take place and feel I would very much need to part of an understanding as to the future of this proposal and hear the full justification were it to proceed. Thank you for your understanding. This is probably the feelings of many of my neighbours too as we all value the area in which we live.

---



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**Respondent details:**

Title:	Ms
First Name:	Amy
Last Name:	Robjohns
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

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**1) Paragraph: Habitats Regulation Assessment (HRA)**

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

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

Developing the strategic gap by Stubbington means reducing the amount of alternative open spaces for people to use. This is not good, especially given the high levels of disturbance already negatively impacting the internationally important intertidal areas. It is worth noting that ALL of Fareham's beaches and intertidal areas are internationally important and the current mitigation strategy doesn't go far enough. It's time that these beaches stopped being treated like amenity beaches. The current SRMS talks about "preventing a net increase" in disturbance but I fail to see how that can be achieved or monitored well, as there are already high levels of disturbance especially in Fareham all year round. I am in discussions with BirdAware to try and improve the strategy - as a starting point it needs to recognise the importance of breeding and migrating birds which are included on the SPA. The HRA also fails to note that Common Terns, for example, use the SPA when migrating (e.g. once the chicks have fledged) and are thus vulnerable to disturbance in the same way as overwintering birds. The European protected areas were designed with the need to protect species at each state of their life cycle/migration which includes post-breeding flocks on beaches! This is currently not recognised in Hampshire despite the data available to show which areas are favoured by terns and Mediterranean Gulls. Fareham's beaches (e.g. Meonshore, Hill Head & Brownwich) are sites favoured by these species once they have finished breeding. The HRA doesn't consider this (and worryingly nor does the SSSI citation) but it is important. The HRA appears to be trying to use Wetland Bird Survey data to talk about breeding terns and gulls, which is not good as there will be more detailed data available. Counting terns and gulls during the Wetland Bird Survey counts is optional as there are better surveys and monitoring specifically designed for these species. I disagree the enough is being done to mitigate the negative impacts of recreational disturbance. It is a big problem now, and before more development takes place in the Solent, there needs to be more work done that leads to a significant drop in current levels of disturbance including in Fareham. It's high time that these international designations were taken seriously and that these beaches stopped being treated or advertised as "amenity" beaches. FBC's website talks a lot about beaches but doesn't inform people that they are not amenity beaches. Simply relying on a small team of rangers to talk to people across the whole of the Solent (a vast area) for a few months each year is not going to have a big enough impact. Conservation of these internationally important areas is failing and that is not acceptable. Every time I visit my local seafront to monitor the birds using the beach there are varying amounts of recreational disturbance. I do not go onto the beach and watch from a distance so that I am not disturbing the birds. It is not acceptable for there to be days like the August bank holiday in 2019 when the beaches were packed full of people as soon as the tide started dropping, and migrating birds were unable to use the beach. The terns were not settling and didn't make use of Titchfield Haven NNR which is near by because they use the beach to roost. I watched them flying around wanting to roost but there was nowhere for them to go. In the winter months you often see Brent Geese, for example, sat on the sea waiting for the beach to empty due to numbers of walkers and dogs, or watch them flying from one end of the beach to the other, again people of avoidable recreational disturbance. Finally, the Stubbington strategic gap is included on the Wader and Brent Goose Strategy but classed as "low use". This is hardly surprising given how much the area is used for recreation. In addition, the management of the site has an impact on its suitability for wading birds and wildfowl. Better management of the whole site would likely lead to an increase of target species. Lapwing used to breed there! It does support Golden Plover, Snipe, Lapwing and other species, and used to be better.

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

The Solent Mitigation Recreation Strategy is not currently good enough to prevent negative impacts relating to more houses and people, and increased pressures facing the internationally important areas. It is also not good enough to only talk about a "no net increase" as disturbance needs to decrease now. You cannot conclude that this strategy will mean further developments won't have a negative impact or lead to more disturbance.

### **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

---

**Respondent details:**

Title:	Mr
First Name:	David
Last Name:	Rodgers
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

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**1) Policy: HP4**

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 details:

Title:	Ms
First Name:	Shelley
Last Name:	Rose
Job Title: (where relevant)	n/a
Organisation: (where relevant)	n/a
Address:	
Postcode:	
Telephone Number:	
Email Address:	

### 1) Paragraph: HA55- Land south of Longfield Avenue

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

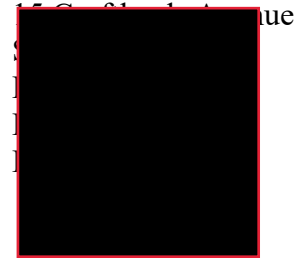
**If your representation is seeking a modification to the P...**

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

---



Mr W A Ross



Department of Planning and Environment,  
Fareham Borough Council,  
Civic Offices  
Civic Way  
Fareham  
Hampshire  
PO16 7AZ

For the attention of the Principal Planning Officer

Dear Sirs,

### **Revised Publication Local Plan 2037**

The first thing that I have to say about the revised plan is there it raises no objections to the principle of building thousands of houses and commercial buildings in an already over developed part of the country. It is time local councils started to raise their profile to object to the demands of central government with regard to development on precious green space.

Fareham has been asked to take overspill from Portsmouth because they cannot meet their government development demands. Fareham should say no to this request. There is more than enough issues trying to satisfy the unjust demands for Fareham without trying to satisfy the allocations of other local authorities.

The plan seems to give a nodding acknowledgement to the environmental problems that the proposed developments will make. Building on fields that flood badly in the winter will only create problems and leave the water companies open to more issues. Recent court cases with Southern Water show the problems that are caused by insufficient infrastructure. The issues can only get worse with the environmental and climate changes that are predicted for the future.

Although the plan gives nodding space to addressing the issue of storm water and runoff, that is the problem, it is weasel words. The development proposals will only exacerbate the issues. The local seas around the Channel and especially the Solent already have issues with sewage and nitrate run off. Intense development around the area can only increase these problems and with predicted increase in rainfall, the infrastructure will not be able to cope. The issues have been highlighted by the tragic events of recent years.

Whilst more development is inevitable, more consideration needs to be given as to where the development is made. I suspect that the reason some of the green spaces were not developed in the past, is that decisions were taken that allowed the environment to cure some of the problems that could happen if the developments go too far. I'm sure planners of the past have taken the issues to heart and used common sense. They also have local knowledge of the issues and politicians should not be overriding the pressing reasons as to why developments should not take place.

Government have a huge responsibility here. Instead of getting us to accept Solent City by the back door, they should be looking at new towns in parts of the country that can take the overspill. Obviously, this causes its own problems but they were overcome in the 1950s and 1960s so they should not be a barrier currently.

Locally, the support infrastructure is not fit for purpose. Doctor's surgeries can't cope, schools are over-subscribed, the hospitals are overwhelmed, the supply issues to cater for the growing population is bursting at the seams and the emergency services are overstretched. It is all very well for Government to say they will increase this and that but we all know it doesn't happen or if it does, not on a large enough scale.

Local people are "fed up" with congested roads at peak times and all the local air pollution that brings. The realization that our local area is subject to more development is very concerning to them. Many people think as I do that there should not be additional development south of the M27 because, with the increased population, our local amenities may not be able to cope.

Any further development must be restricted to brownfield sites. No more creep into precious green space.

Central Government must be made to realize that people don't want further unsightly and environmentally damaging development. Local development managers and councilors should be relaying these concerns to Government and not just accepting their edicts.

Yours faithfully  
Mr William Ross

---

**Respondent details:**

Title:	Mr
First Name:	Carl
Last Name:	Rossiter
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA52- Land West Dore Avenue, Portchester**

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

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

5 of the Cremation Act 1902 states that: "No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority." The Federation of Burial and Cremation Authorities state in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019: "Government policy, set out in the National Planning Policy Framework (NPPF) advocates sustainable development of crematoriums using previously developed land, bringing it back into beneficial use. However, previously developed land can often prove unsuitable, due to land contamination, which is unacceptable for the interment of ashes, or due to the presence of residential property within 200 yards." The proposed allocation is well within 200 yards of Portchester Crematorium and if a crematorium cannot be built within 200 yards of residential property then, residential property cannot be built within 200 yards of a crematorium. It is clear that to build residential properties close to a crematorium that mourners could be exposed to noise from adjacent houses. Equally, residents of adjacent houses will not wish to witness a constant procession of funerals services on their door step. Image 1: showing the entire proposed allocation is within 600ft of the crematorium. The Federation of Burial and Cremation Authorities continue in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019: "Where local circumstances indicate that the most convenient site for a crematorium would be within or attached to an existing cemetery, the adequate planting of trees and shrubs is recommended to screen the crematorium building from the roads, car park and the Gardens of Remembrance." Any trees or shrubs planted to screen the crematorium from the proposed allocation would need to be at least 5 yards high as standing within the grounds at the front of the crematorium, you can clearly see the 1st floor windows of the existing properties in Camelot Crescent. B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound? Answer – The Revised Publication Local Plan could be legally compliant by withdrawing or declining the proposed allocation HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue. Alternative proposals for essential housing include: a. High rise flats in Fareham Shopping area Policy BL1. This is an existing brown field site with proposed allocation 620 dwellings that could be uplifted to provide additional essential housing. How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound? Answer – The Revised Publication Local Plan would be compliant with Section 5 of the Cremation Act 1902 and adhere to the Federation of Burial and Cremation Authorities continue in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019. In addition, the existing vital wild meadow area that was introduced by the council as a protected environment providing the habitat for numerous species would be maintained and continue to be enjoyed by residents and walkers. B4c Your suggested revised wording of any policy or text: Answer - NA B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s): Answer – Yes B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s): Answer - Section 5 of the Cremation Act 1902 and the Federation of Burial and Cremation Authorities RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019 are clear. A distance of 200 yards is required between crematorium and residential property. If no modification to the plan is made, I would find it necessary to understand the reasonableness of such a decision.

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

Refer previous comments

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

As Above

### **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...**

Please refer to previous comments

# 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 been 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:

JOHN

Last Name:

ROUGHTON-BENTLEY

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

S14.4

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

SETTLEMENT BOUNDARIES

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

32 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"/>

33 Please provide details you have to support your answers above

THE SETTLEMENT BOUNDARY MAP DOES NOT INCLUDE 2 DWELLINGS THAT SHOULD HAVE BEEN INCLUDED



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?

ADDITION OF DWELLINGS 16A AND 17 LYCHGATE GREEN  
IN THE SETTLEMENT BOUNDARY

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

IT WOULD CORRECT IT

PLEASE NOTE

THESE COMMENTS SHOULD ALSO BE LOGGED TO PLANNING PERMISSION  
ALREADY GRANTED TO SITE HAS4 - DAKESIDE LANE

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





David K Rowles MBE JP



## FAREHAM Local Plan 2037

The downloadable questionnaire is not editable and if printed it does not provide sufficient space to enter all relevant details. This document therefore, outlines my views under Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012 and where possible I have maintained the format of Fareham Borough Council's downloadable Questionnaire.

### PERSNAL DETAILS

Title: Mr  
First Name: David  
Last Name: Rowles  
Address:  
Postcode:  
Telephone Number:  
Email:



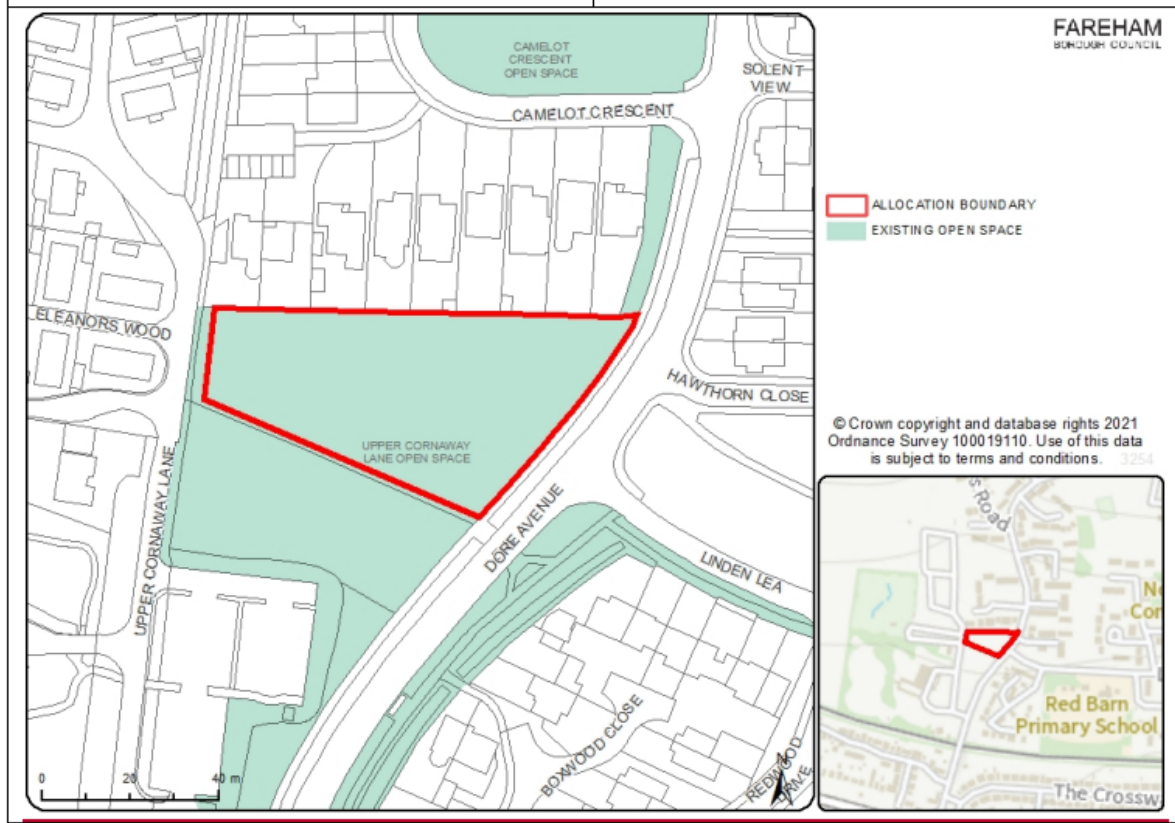
B1 Which part of the Revised Publication Local Plan is this representation about?

Answer – A new housing allocation site – Go to B1d

B1d Which new housing allocation site?

Answer - HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue.

<b><u>Housing Allocation Policy: HA52</u></b>	<b><u>SHELAA Reference: 3254</u></b>
<b><u>Name: Land west of Dore Avenue, Portchester</u></b>	<b><u>Allocation Use: Residential, affordable housing</u></b>
<b><u>Location: Portchester West</u></b>	<b><u>Indicative Yield: 12 dwellings</u></b>
<b><u>Size: 0.30ha</u></b>	<b><u>Planning Status as at 1<sup>st</sup> April 2021: none</u></b>



B2 Do you think the Revised Publication Local Plan is:

Legally Compliant –No

B3 Please provide details you have to support answer above

Answer – Section 5 of the Cremation Act 1902 states that:

***“No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.”***

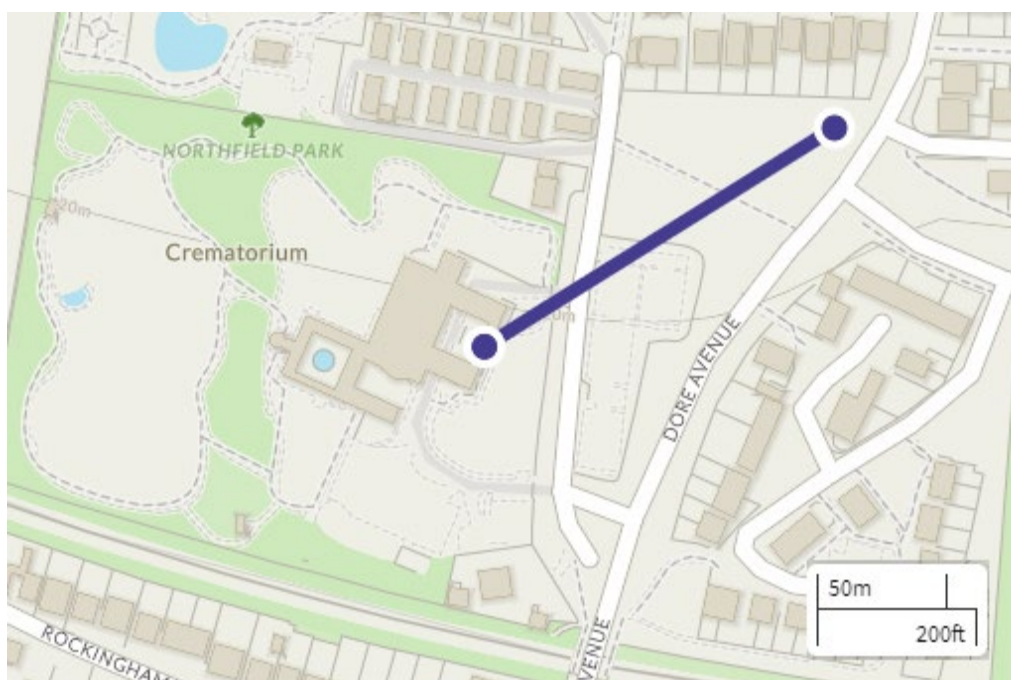
The Federation of Burial and Cremation Authorities state in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019:

***“Government policy, set out in the National Planning Policy Framework (NPPF) advocates sustainable development of crematoriums using previously developed land, bringing it back into beneficial use. However, previously developed land can often***

***prove unsuitable, due to land contamination, which is unacceptable for the interment of ashes, or due to the presence of residential property within 200 yards."***

The proposed allocation is well within 200 yards of Portchester Crematorium and if a crematorium cannot be built within 200 yards of residential property then, residential property cannot be built within 200 yards of a crematorium.

It is clear that to build residential properties close to a crematorium that mourners could be exposed to noise from adjacent houses. Equally, residents of adjacent houses will not wish to witness a constant procession of funerals services on their door step.



**Image 1:** showing the entire proposed allocation is within 600ft of the crematorium.

The Federation of Burial and Cremation Authorities continue in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019:

***"Where local circumstances indicate that the most convenient site for a crematorium would be within or attached to an existing cemetery, the adequate planting of trees and shrubs is recommended to screen the crematorium building from the roads, car park and the Gardens of Remembrance."***

Any trees or shrubs planted to screen the crematorium from the proposed allocation would need to be at least 5 yards high as standing within the grounds at the front of the crematorium, you can clearly see the 1<sup>st</sup> floor windows of the existing properties in Camelot Crescent.

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

Answer – The Revised Publication Local Plan could be legally compliant by **withdrawing or declining** the proposed allocation HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue. Alternative proposals for essential housing include:

- a. High rise flats in Fareham Shopping area Policy BL1. This is an existing brown field site with proposed allocation 620 dwellings that could be uplifted to provide additional essential housing.
- b. A significant number of businesses have drastically reduced their facilities requirements following the success enjoyed by their staff working from home. I have 1<sup>st</sup> hand experience of this as a Senior Operations Manager of a large defence company. Expansion plans have been cancelled and more cost-effective solutions are in the planning stages. Solutions include smaller office environments to support essential face to face meetings. Redundant office blocks could therefore be purchased from landlords for conversion to essential housing.

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

Answer – The Revised Publication Local Plan would be compliant with Section 5 of the Cremation Act 1902 and adhere to the Federation of Burial and Cremation Authorities continue in their RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019. In addition, the existing vital wild meadow area that was introduced by the council as a protected environment providing the habitat for numerous species would be maintained and continue to be enjoyed by residents and walkers.

B4c Your suggested revised wording of any policy or text:

Answer - NA

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

Answer – Yes

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

Answer - Section 5 of the Cremation Act 1902 and the Federation of Burial and Cremation Authorities RECOMMENDATIONS ON THE ESTABLISHMENT OF CREMATORIA 2019 are clear. A distance of 200 yards is required between crematorium and residential property. If no modification to the plan is made, I would find it necessary to understand the reasonableness of such a decision.



David K Rowles MBE JP



## FAREHAM Local Plan 2037

The downloadable questionnaire is not editable and if printed it does not provide sufficient space to enter all relevant details. This document therefore, outlines my views under Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012 and where possible I have maintained the format of Fareham Borough Council's downloadable Questionnaire.

### PERSNAL DETAILS

Title: Mr  
First Name: David  
Last Name: Rowles  
Address:  
Postcode:  
Telephone Number:  
Email:



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

Answer – A new housing allocation site – Go to B1d

B1d Which new housing allocation site?

Answer - HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue.

<b><u>Housing Allocation Policy: HA52</u></b>	<b><u>SHELAA Reference: 3254</u></b>
<b><u>Name: Land west of Dore Avenue, Portchester</u></b>	<b><u>Allocation Use: Residential, affordable housing</u></b>
<b><u>Location: Portchester West</u></b>	<b><u>Indicative Yield: 12 dwellings</u></b>
<b><u>Size: 0.30ha</u></b>	<b><u>Planning Status as at 1<sup>st</sup> April 2021: none</u></b>

B2 Do you think the Revised Publication Local Plan is:

Sound – No

B3 Please provide details you have to support answers above

1. The proposed HA52 development will remove a vital wild meadow area that was introduced by the council as a protected environment providing the habitat for numerous species and is enjoyed by residents and walkers.
2. An ecological appraisal report in 2014 for a similar proposed allocation included the 'Natural Environment' section where it stated that - Development may be permitted where it can be demonstrated that: protected and priority species and their associated habitats, breeding grounds and foraging areas are protected. Policy NE1—Landscape stated: 'Development proposals must respect, enhance and not have severe adverse impacts on: trees, ancient woodland and hedgerows'. The units for reporting landscape sensitivity are defined by The Local Landscape Character Area. Hampshire County Council's document - 'Assessing Landscape Sensitivity SDA at a Strategic Level'- states that decisions about landscape sensitivity must be made

by people from a range of disciplines who can make judgements based on professional expertise, local knowledge and comparison.

- a. When I asked a Fareham Borough Council planner at an exhibition event (21<sup>st</sup> July 2021 between 3.0pm and 5.30pm) for further details of the build and in particular the line of trees, he said he wasn't familiar with the site, houses would likely be built garden to garden and the trees would probably be kept.
3. The wildlife and its habitat have been established in this space for over 50 years. A previous proposal to build houses was withdrawn due to the protected wildlife. The impact of building is the loss of vital wild life habitat and conservation area supporting the following species: insects, including bees, birds, hedgehogs, foxes, slow worms in abundance on warm summer days, lizards. Slow-worms are protected against killing, injuring and sale under UK legislation:
  - Bern Convention 1979: Appendix III (Bern is European legislation Appendix III Protected Fauna Species)
  - Wildlife & Countryside Act (as Amended) 1981: Schedule 5
  - Countryside Rights of Way Act 2000 (CRoW 2000)
4. Following an amendment in 1988 of the Wildlife & Countryside Act 1981 (WLCA), part of Section 9(1) and all of Section 9(5) apply to the slow-worm's listing on Schedule 5 of the Act. Consequently, under parts of Section 9(1) slow-worms are protected against intentional killing and injuring but not 'taking'. Under Section 9(5) it is an offence to offer for sale, transport for sale, advertise for the purpose of trading any live, dead, part, or derivative of, slow-worms. Section 9 applies to all stages in their life cycle.
5. Developments HA4 to the east of Downend road, HA56 to the west of Downend Road and HA55 to the south of Longfield Avenue are all to be congratulated in having green areas designed into the Revised Publication Local Plan. With such meticulous vision to the criticality of green open space, it is incredible that the existing green open space and wildlife habitat to the west of Dore Avenue, that was inevitably a similar criticality vision, is now subject to housing development. This defies logic.

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

Answer – The Revised Publication Local Plan could be sound by **withdrawing or declining** the proposed allocation HA52 for the development of 12 residential and affordable houses to be developed on the open space to the west of Dore Avenue.

Alternative proposals for essential housing include:

- a. High rise flats in Fareham Shopping area Policy BL1. This is an existing brown field site with proposed allocation 620 dwellings that could be uplifted to provide additional essential housing.
- b. A significant number of businesses have drastically reduced their facilities requirements following the success enjoyed by their staff working from home. I have 1<sup>st</sup> hand experience of this as a Senior Operations Manager of a large defence company. Expansion plans have been cancelled and more cost-effective solutions are in the planning stages. Solutions include smaller office

environments to support essential face to face meetings. Redundant office blocks could therefore be purchased from landlords for conversion to essential housing.

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

Answer – The existing vital wild meadow area that was introduced by the council as a protected environment providing the habitat for numerous species would be maintained and continue to be enjoyed by residents and walkers.

B4c Your suggested revised wording of any policy or text:

Answer - NA

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

Answer – Yes

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

Answer - We, like all our neighbours, purchased our property loving the fact that we enjoyed adjacent open space wildlife habitat and accepted that the high premium we paid was justified. The proposed HA52 development providing affordable council houses at 50% rent reduction on comparable rental properties, would not only negatively impact the value of our property, it introduces the question of fairness. If no modification to the plan is made, I would find it necessary to understand the reasonableness of such a decision.

**White, Lauren**

---

**From:** David Rowles <[REDACTED]>  
**Sent:** 06 July 2021 17:48  
**To:** Trott, Katherine  
**Subject:** Re: Fareham Local Plan

Dear Katherine Trott,

Many thanks for your invitation to attend the hearing sessions as part of the examination process and yes I would like to participate. My reasons for participation are for me to understand why the proposed HA52 development is being introduced without consultation with the neighbours; notification via magazine, with a 31 day deadline to comment and with comments restricted to 3 specific areas is beyond belief. The reason for my participation is that I would like to understand the plan for the protected trees, the impact on the wildlife habitat and the proposed layout of the development. Also, what will be the access for cars, what parking will the properties have? My comments are as follows:

1. How sound is the proposed HA52 development with respect to the wild meadow area and habitat of numerous species?
2. How sound is the proposed HA52 development with respect to the felling of trees at a critical time where the planet is battling global warming?
3. How sound is the proposed HA52 development with respect to the additional infrastructure that would be required?
4. How sound is the proposed HA52 development with respect to the proximity of the crematorium?

My thanks again.

Regards,

David Rowles MBE JP

[REDACTED]

---

**From:** Trott, Katherine <KaTrott@Fareham.gov.uk>  
**Sent:** 06 July 2021 09:22  
**Subject:** Fareham Local Plan

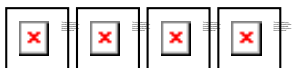
Dear Mr Rowles

Further to our email regarding your comments on the Revised Publication Local Plan, 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.

Kind regards



Katherine Trott  
Engagement Officer  
Fareham Borough Council  
01329824580



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## White, Lauren

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**From:** David Rowles <[REDACTED]>  
**Sent:** 01 July 2021 13:51  
**To:** Consultation  
**Subject:** HA52- Land west of Dore Avenue, Portchester

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

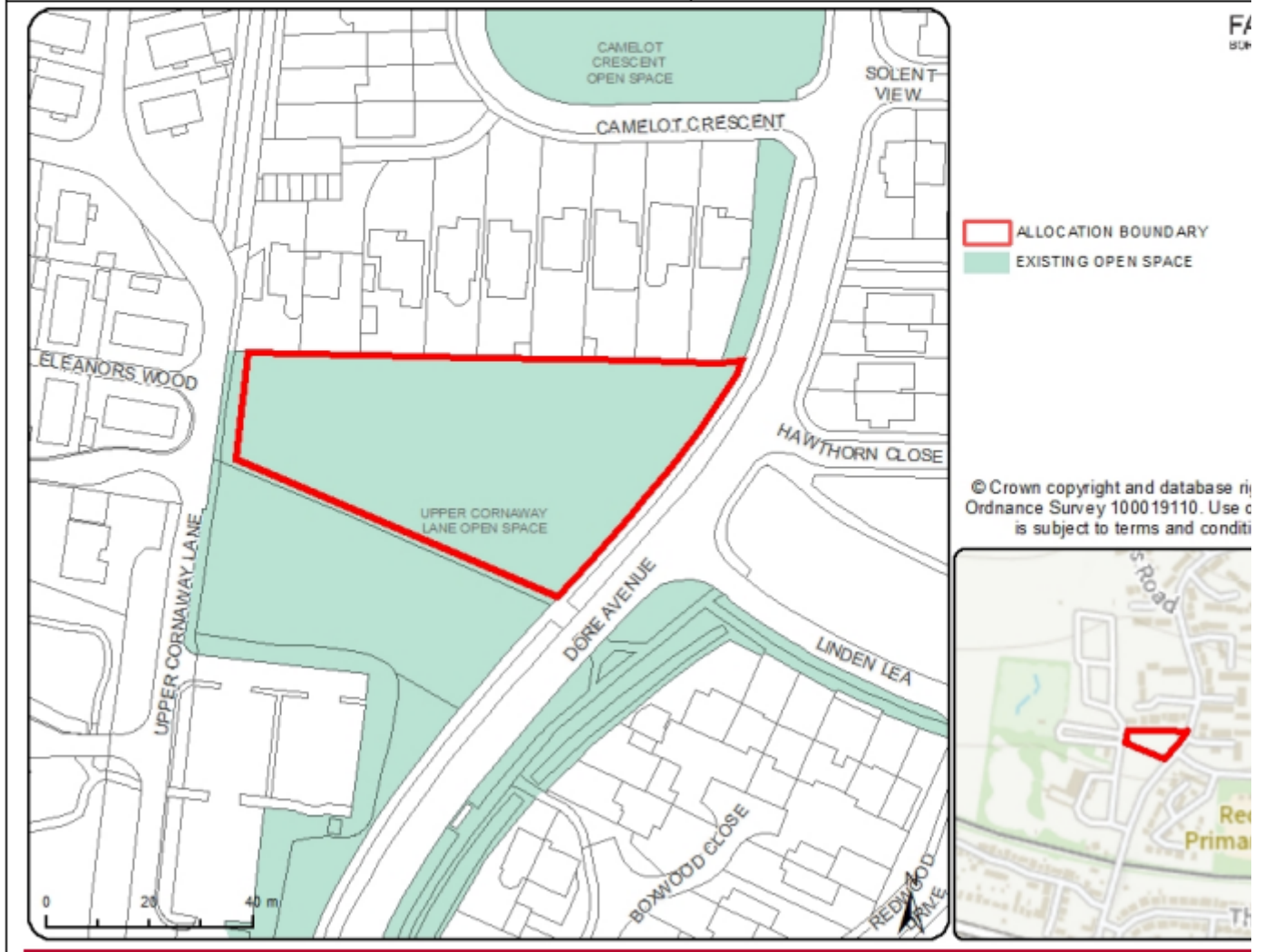
We have today received Fareham Today Local Plan Special and we are shocked and dismayed to see your revised plan, that bears a deadline for comment of 31st July 2021, and then only comments against 3 specific areas. This is wholly unacceptable.

We were fully appraised on your 2020 plan and, we can appreciate that due to government changes a revised plan has been necessary however, to impose this revised plan with a limiting deadline, under restricted engagement is totally undemocratic. It appears that there is nothing that can be done by way of consultation and engagement therefore, as stated on the front of Fareham Today Local Plan Special, we would like to 'Have our say'.

We are unreservedly opposed to HA52- Land west of Dore Avenue, Portchester which is adjacent to our property for the following reasons:

1. Our perception is that the proposed HA52 development is being stealthy introduced to avoid consultation.
2. We purchased our property 10 years ago loving the fact that we enjoyed space to 3 aspects and enjoying the tree line at the rear of our property. I believe that the proposed HA52 development would negatively impact the value of our property.
3. The proposed HA52 development will remove a vital wild meadow area that is enjoyed by walkers and is the habitat of numerous species.
4. During this critical battle against global warming, the last thing we should be considering is the felling of trees.

<b><u>Housing Allocation Policy: HA52</u></b>	<b><u>SHELAA Reference: 3254</u></b>
<b><u>Name: Land west of Dore Avenue, Portchester</u></b>	<b><u>Allocation Use: Residential, affordable housing</u></b>
<b><u>Location: Portchester West</u></b>	<b><u>Indicative Yield: 12 dwellings</u></b>
<b><u>Size: 0.30ha</u></b>	<b><u>Planning Status as at 1<sup>st</sup> April 2021</u></b>



Please reconsider the proposed HA52 development and at the very least, provide some consultation on how the development will complement the current environment, how road access will be achieved and how the trees will be integrated.

Many thanks.

Regards,  
David Rowles MBE JP



**Respondent details:**

Title:	Mr
First Name:	Jack
Last Name:	Thompson
Job Title: (where relevant)	Conservation Officer
Organisation: (where relevant)	Royal Society for the Protection of Birds (RSPB)
Address:	
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: HA54- Land east of Crofton Cemetary and west of Peak Lane**

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

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

The RSPB had previously responded to Fareham Borough Council's consultation for Publication Local Plan 2037 (December 2020) and Local Plan 2037 Supplement and Strategy Housing and Employment Land Availability Assessment (SHELAA) (February 2020) regarding concerns for sites considered by Fareham Borough Council during the SHELAA process due to sites located within the Solent Waders and Brent Goose Strategy (SWBGS) network of sites. The Publication Local Plan 2037 had previously excluded all of the sites of concern (site IDs: 207, 1341, 3008, 3059, 3190, 3199, and 3200). The RSPB acknowledges that Housing Allocation Policy HA54 (SHELAA Reference: 1341) has been brought forward in Fareham Borough Council's Revised Publication Local Plan. Site 1341 contains a section of a SWBGS Secondary Support Site (F17C) highlighted on the site allocation map (p. 144). However, the map and supporting site-specific requirements text fail to identify the SWBGS Low Use Site (F17D) for which the southern section of the proposed site would develop in its entirety. The SWBGS was recently updated through its 2019 report to replace previous iterations of the SWBGS, comprising of a new suite of maps with records of site usage and classification. This new SWBGS report (Whitfield, 2020) is for use by local authorities and land managers in conjunction with the SWBGS mitigation guidance (SWBGS Steering Group, 2018). Site F17D (Low Use Site) has been included in the latest SWBGS and is omitted from Fareham Borough Council's Local Plan. SWBGS Guidance on Mitigation and Off-setting Requirements (October 2018) states in paragraph 24 under Secondary Support Areas that: 'In-combination, these sites (Secondary Support Areas) are essential to secure a long term, permanent network as this ensures a geographical spread of sites across the wider ecological network, thereby meeting the needs of each discrete subpopulation'. Paragraph 35 under Low Use outlines the wider importance of Low Use sites: 'All Low Use sites have the potential to be used by waders or brent geese. These sites have the potential to support the existing network and provide alternative options and resilience for the future network. The in-combination loss of these sites would impact on the continued ecological function of the wader and brent goose network. In all cases proportionate mitigation, off-setting and/or enhancement measures will be required.' In order for Fareham Borough Council's Local Plan 2037 to be sound, the competent authority is required to ensure that proposals within the local plan are unlikely to have a significant effect on European protected site conservation objectives. In this case, this is in relation to the functionally linked land supporting feature species of the Solent Special Protection Areas (SPAs), providing feeding opportunities at high tide. Mitigation measures must be secured to remove potential adverse effects, and the SWBGS Guidance on Mitigation and Off-setting Requirements (October 2018) outlines preferred options to strategically mitigate for impacts on site classifications under the SWBGS, as highlighted above. Fareham Borough Council must consider the likely significant effect of the development of a Low Use site within its plans for site allocation HA54 (SHELAA: 1341). The Local Plan cannot be considered sound until the classification of the site is noted for policy HA54, alongside mitigation as recommended by SWBGS for the loss of the Low Use Site; this is in addition to the mitigation proposed for the Secondary Support Site (F17C).

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

Fareham Borough Council must include reference to the Low Use site F17D in the site allocation map (p.144) and consideration towards the impacts of the site allocation upon Low Use site F17D within the SWBGS.

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

The proposed modifications to policy HA54 would enable Fareham Borough Council to consider the potential impacts on Low Use Site F17D, which is protected as functionally linked land to the Solent SPAs. This would be facilitated through the SWBGS, which provides a strategic mechanism for mitigating impacts on functionally linked land to the Solent SPAs. A lack of consideration towards functionally linked land supporting feature species of the Solent SPAs would contravene the Conservation of Habitats and Species Regulations 2017. In light of the UK's exit from the European Union (EU), the above Regulations 2017 have been amended to The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

### **Your suggested revised wording of any policy or text:**

The RSPB recommends a revised map highlighting the boundary of Low Use site F17D. The amendment would be in relation to the site allocation map found on page 144. Inclusion of 'BG&W Classification 4 - Low Use Site' would be required to provide details of all sites within the SWBGS. Further, additional site-specific requirements around the need for mitigation for Low Use site F17D will be required. The SWBGS Guidance on Mitigation and Off-setting Requirements highlights the requirement for proportionate mitigation, off-setting and/or enhancement measures. It states: 'In the first instance, consideration should be given to on-site mitigation, off-setting and/or enhancement. Where this has been demonstrated to not be practical or feasible and impacts cannot be avoided or adequately mitigated on-site, off-site options and / or compensation funding should be considered. Compensation funding may include payment towards the management and enhancement of the wider waders and brent geese ecological network.' Suitable wording to indicate this requirement should be included.

### **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.

**Respondent details:**

Title:	Mr
First Name:	Kevin
Last Name:	Saunders
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: HA56- Land west of Downend Road**

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...**

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

.

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

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**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

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**Respondent details:**

Title:	Mrs
First Name:	Ruth
Last Name:	Saunders
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

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**1) Policy: NE8**

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

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

Policy states for those residents with on road parking, there will be the provision of 1 charging point per 10 dwellings. Only those dwellings with off road parking would have their own charging point. I feel this is wholly inadequate and short sighted as the Govt target is for all cars to be electric by 2030 and 1 point per 10 dwellings will be insufficient. Each dwelling should have easy access to a charging point - i.e. one charging point per dwelling.

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

Ensure the Plan includes the requirement for every dwelling to have easy access to a charging point, whether dwelling has on or off road parking.

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

It would make it sound as it would be taking into account the Govt target of all vehicles being electric by 2030.

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


There is a requirement for every dwelling to have easy access to a charging point (within 100m), whether dwelling has on or off road parking.

**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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### Respondent details:

Title:	Mr
First Name:	Robert
Last Name:	Seymour
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	
Postcode:	
Telephone Number:	
Email Address:	

### 1) Paragraph: HA55- Land south of Longfield Avenue

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, £60.1 millions 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 details:**

Title:	Miss
First Name:	Lorraine
Last Name:	Shaw
Job Title: (where relevant)	n/a
Organisation: (where relevant)	n/a
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

**1) Policy: H1**

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

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

I do not believe the latest Fareham Local Plan is sound. The number of houses the government is saying must be built is based on ONS projection figures for 2014. However, the latest projected figures from 2018 show a decrease in houses needed. Mr Vernon Jackson of Portsmouth is challenging the government on these figures. As Portsmouth is an island and Gosport is a peninsular FBC should engage with these neighbouring councils to challenge the government for more accurate and up to date figures. As for accommodating unmet requirements from neighbouring authorities, as Portsmouth is an island and Gosport a peninsular, the likelihood it that they will often struggle to meet any requirements put on them to build the required amount of dwellings. FBC should not be required to assist ad infinitum. However, if HMS Sultan is closed down in Gosport, will GBC take back any additional housing requirement that FBC has taken on, thereby reducing the number of houses to be built in Fareham? Development in the Strategic Gap is not sustainable. Hampshire Highways have already said they are against development next to Crofton Cemetery and South of Longfield Avenue, due to impact on the new "Stubington Bypass". The roads around the proposed development will be at a standstill, not only during the years of development but afterwards. Southern Water have proved time and again that they are unable to cope with the water treatment for the number of houses in their area. More house means more sewage in the Solent. Fining Southern Water has no impact on their actions. The schools in Stubington are full. The Doctor's surgeries in Lee on the Solent, Stubington and Portchester are unable to effectively provide a reasonable service to their patients, due partly to the Covid Pandemic, but before then their service was poor. Waiting times for operations at QA Hospital are too long. It also seems that FBC has for a long time had plans to allow and encourage building in the Strategic Gap/Growth Area – FBC Planning Policy Response to P/20/0306/EA by Peter Drake, 7th May 2020, encouraging developers to engage with FBC with regard to, at that time, the Strategic Growth Area "Any development proposals in the Strategic Growth Areas should come forward in conjunction with a masterplan for the area, that reflects the principles of the Local Plan, developed by all relevant landowners, to ensure that comprehensive development can be achieved." The appeal for the planning application in Newgate Lane East has just been allowed, so these 99 dwellings must be taken into account in the FBC Local Plan. Possible new appeals for Newgate Lane North and South may arise and be allowed due to Newgate lane East being allowed.

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

The number of houses the government is saying must be built is based on ONS projection figures for 2014. However, the latest projected figures from 2018 show a decrease in houses needed. Mr Vernon Jackson of Portsmouth is challenging the government on these figures. As Portsmouth is an island and Gosport is a peninsular FBC should engage with these neighbouring councils to challenge the government for more accurate and up to date figures. As for accommodating unmet requirements from neighbouring authorities, as Portsmouth is an island and Gosport a peninsular, the likelihood it that they will often struggle to meet any requirements put on them to build the required amount of dwellings. FBC should not be required to assist ad infinitum.

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

Up to date figures must be used.

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

It is up to the council to find the correct legal wording.

**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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**Respondent details:**

Title:	Mr
First Name:	Chris
Last Name:	Sherman
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

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**1) Paragraph: Statement of consultation**

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

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

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered regardless of protest marches, deputations and objections raised. For example, a petition against the various versions of draft plans, despite exceeding the prerequisite number of signatures needed to trigger a Full Council meeting debate, such debate was refused, 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.

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

Proper consultation with residents who have objected individually and as part of organised groups. The views of residents should be taken into account by policy makers rather than being ignored.

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

Self explanatory

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

I do not feel that it is my responsibility to provide revised wording

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

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

---

---

**Respondent details:**

Title:	Mr
First Name:	Colin
Last Name:	Skinner
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA55- Land south of Longfield Avenue**

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

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**Respondent details:**

Title:	Mr
First Name:	Nigel
Last Name:	Smith
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA54- Land east of Crofton Cemetary and west of Peak Lane**

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 this proposal

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

Maintain 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

---

**2) Paragraph: HA55- Land south of Longfield Avenue**

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

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**KEY**

-  Application boundary
-  Extended boundary area

**CLIENT:**  
Southampton Solent University

**PROJECT:**  
Warsash Campus - Critical Review of Developer Proposals

**DRAWING:**  
Proposed Revised HA7 Site Allocation Boundary

**PROJECT NUMBER:**  
SOUS3001

**DRAWING NUMBER:** 10\_  
**CHECKED BY:** MM

**REVISION:** 00  
**STATUS:** Final

**DATE:** July 2021  
**SCALE:** 1:1,000 @ A3

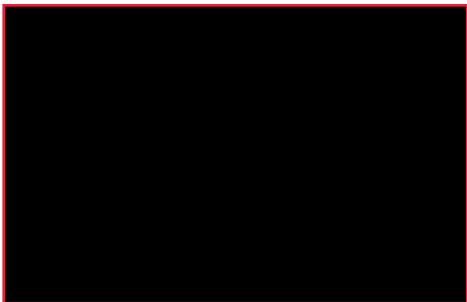
# **Fareham Local Plan 2037 – Revised Publication Version Consultation**

Representations on behalf of Solent University  
in relation to Warsash Maritime Academy  
(HA7)

July 2021

# Contents

1.	Introduction	3
2.	Policy H1: Housing Provision	5
3.	Policy HA7: Warsash Maritime Academy,	7
4.	Summary and Conclusions	11
Appendix 1: Representations to Reg 18 Fareham Local Plan Consultation re. HA7 Allocation		Error! Bookmark not defined.





# 1. Introduction

- 1.1 These representations have been prepared by Turley on behalf of Solent University ("the University").
- 1.2 Our client owns the land interest at Warsash Maritime Academy ("WMA"), Fareham which forms the proposed Policy HA7 allocation.
- 1.3 Each of our responses relates to a particular policy or paragraph and this report is structured accordingly.
- 1.4 We can confirm we wish to appear at the Examination in Public in due course and look forward to continuing to engage with the Local Plan process.

## Background

- 1.5 By way of background we can confirm that the University has engaged with the Council over many years in relation to the proposed allocation of the site. Engagement commenced at the point that the University identified the Upper Campus at WMA as potentially surplus to its operational requirements in 2012 /13.
- 1.6 Representations have been made at each stage of the Local Plan preparation and review process, most recently with the submission of representations in December 2020.
- 1.7 The University has marketed the Upper Campus site as a redevelopment opportunity and has exchanged contracts with a developer (on a subject to planning basis) which will ensure that the site can be delivered at an early stage which will be particularly beneficial given the Council's overall housing land supply position and the evident difficulties it is facing in delivering sufficient housing in the early years of the Local Plan period.

## Overview of Representations

- 1.8 The University welcomes and supports the proposed allocation of the site as proposed by the Policy HA7 allocation.
- 1.9 Since the University last made representations in respect of the site it has become clear that an additional area of land, the site of the MOSS building, will be surplus to the university's future requirements for the site and accordingly, as part of this submission, we request that the MOSS site is included within the proposed allocation boundary. This request is explained in more detail under our representations to Policy HA7. It should be noted however that the MOSS site was previously included within the proposed allocation (in 2017) but was subsequently removed due to uncertainty at that time over its future use.
- 1.10 The University considers, and indeed has consistently put forward the case, that the indicative site capacity of 100 dwellings represents an under-estimate of the site's

capacity and this is particularly the case with the proposed increase in the developable allocation site area.

- 1.11 The University is also concerned that some of the site specific development criteria proposed by the allocation are neither reasonable nor justified and proposes amendments or deletions to Policy HA7 in this regard.

## 2. Policy H1: Housing Provision

- 2.1 The University welcomes 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 dwellings per annum (dpa) for Fareham Borough.
- 2.2 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.
- 2.3 Taking into account that Welborne is expected to deliver 3,610 units 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 such sites have long lead-in times and can take a number of years to come forward for development through the planning process. While these large and complicated sites may make a significant contribution over the plan period, there are unlikely to deliver significant numbers of housing completions in the short term. The Lichfield 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."
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 Against that background we consider it is important that Council should seek to make best use of allocated sites which have the potential to deliver homes in the short to medium term, particularly in the first five years of the plan period, and to that end should ensure that the site allocations policies reflect the full potential of those sites. It should also ensure that the site specific allocation policies are positively worded and do not unnecessarily constrain the development potential of the sites.

- 2.8 The University's site at Warsash Maritime Academy is capable of delivering new homes in the short term. As set out in our response to Policy HA7 (below) we consider that the current policy is unsound to the extent that it does not make full and efficient use of the unique brownfield redevelopment opportunity that the WMA site represents.

### **3. Policy HA7: Warsash Maritime Academy,**

- 3.1 Part of the land at Warsash Maritime Academy, which is no longer required for educational use, was proposed for allocation in the preceding version of the Fareham Local Plan 2037 and we submitted representations on behalf of Solent University at that stage.
- 3.2 Solent University supports the allocation of the Warsash Maritime Academy site for a primarily residential re-development as proposed by Policy HA7. The site comprises previously developed land which is no longer required for educational use by the University and can be brought forward for redevelopment at an early stage in the local plan period. The Council has exchanged contracts, on a subject to planning basis with a developer who will deliver a residential redevelopment proposal.
- 3.3 As noted in Section 1 of this submission, the University, as land-owner is fully supportive of the principle of the allocation however, it considers that there are certain detailed requirements within the policy that need to be amended to ensure that Policy HA7 is effective and that development on the site is deliverable, at an early stage in the plan process, and is not unnecessarily constrained. In its current form the policy is considered unsound
- 3.4 We have set out in detail below the changes which we consider are required to Policy HA7 to ensure that it is effective.

#### **Amendment to Proposed Allocation Site Boundary**

- 3.5 As noted in Section 1, the University is now able to confirm that the site of the MOSS building is no longer required for future University use.
- 3.6 The MOSS site immediately adjoins the proposed allocation site boundary and indeed was included within the proposed allocation in earlier iterations of the Local Plan Review.
- 3.7 The plan attached as Appendix 1 shows the proposed revision to the allocation site boundary to include the MOSS site. The change from the current proposed allocation site boundary is shown by the orange shaded area on the plan. As a result of the proposed change the allocation site area would increase from 2.97 ha. to

#### **Allocated Use**

- 3.8 The draft allocation identifies the proposed use of the site as “residential” with an indicative yield of 100 dwellings.
- 3.9 SSU supports this allocation and acknowledges that it is intended to bring forward a residential-led redevelopment of the site. The policy should acknowledge however that the site includes two Listed Buildings (Shackleton and Moyana) which will be retained and converted as part of any redevelopment proposal. Flexibility is sought in terms of other uses that might be provided within these buildings to ensure that the site makes the greatest possible contribution to meeting identified needs (including the



need for housing) and that beneficial uses can be found for the Listed Buildings. Whilst it is proposed that both Shackleton and Moyana could be redeveloped for residential use, proposals have yet to be developed and the form and internal spaces of the buildings could be equally suited to other uses, for example as commercial space (Use Class E) in the case of Moyana or hotel accommodation in the case of Shackleton. It is not intended that these uses would be prioritised above residential use however, to provide an appropriate degree of flexibility to secure the optimum use of the Listed Buildings, the potential for alternative use should be recognised in the allocation.

- 3.10 We therefore request that the wording in respect of the Allocated Use is amended to state:

Allocated Use: Residential (including Use Classes C1, C2, C2a C3 and C4) with potential for commercial (Class E), Institutional (Class F1) or Community (Class F2) use of Moyana.

### **Indicative Yield**

- 3.11 Policy HA7 currently identifies an Indicative Yield for the allocation of 100 dwellings.
- 3.12 Having regard to our comments in respect of Policy H1, we consider it important that each allocated housing site should make the maximum possible contribution to meeting identified housing need, compatible with the environmental character of the site and surrounding area.
- 3.13 The University has previously made submissions to the SHLAA proposing that the indicative site capacity should be increased and remains of the view that the indicative yield of 100 units is a significant underestimate of site capacity. Feasibility work undertaken in the context of the disposal of the site indicated that the site could potentially accommodate around 150 homes.
- 3.14 The proposed site specific requirements (see our further comments below) provides a framework within which redevelopment will be delivered. The final number of homes delivered will be affected by the nature of the uses introduced to the Listed Buildings and it is acknowledged that if non-residential uses were to be introduced then the number of dwellings provided as part of the comprehensive redevelopment of the site would be commensurately lower.
- 3.15 The University's current intention, and the intention of the contracted developer, is to deliver a wholly residential scheme of redevelopment. The proposed inclusion of the MOSS site within the allocation site boundary (see paragraphs 3.5-3.7 above) increases the site's developable area and provides the opportunity for further dwellings to be delivered. We therefore propose that the indicative yield should be amended to refer to 150 units, with the final capacity determined through the development management process taking account of the re-use of the Listed Buildings.

## **Site Specific Requirements**

### **Requirement (a)**

- 3.16 The University acknowledges that there is potential for the Listed Shackleton building to be converted to flats and this is the current development intent.
- 3.17 In our judgement conversion to flats should not be an absolute requirement. It is possible that alternative uses (for example hotel use (Use Class C1) or residential institutional use (Use Class C2) could be accommodated within the building and would equally safeguard its architectural and historic interest. The policy does not need to be prescriptive with regard to the use of the listed building and, to our knowledge, no work has been undertaken by the LPA to establish that conversion to flats would represent the only possible or optimal use.
- 3.18 Accordingly, we consider that this requirement renders the policy unsound and request that the words “including conversion of the building currently known as the Shackleton building to flats” are deleted from requirement (a).

### **Requirement (c)**

- 3.19 This requirement indicates that the height of new buildings should be limited to 4-storeys.
- 3.20 The existing Shackleton building is of five storey height and, to our knowledge, the LPA has not undertaken any contextual or landscape assessment to indicate that buildings with a height greater than 4-storeys - could not be contextually appropriate on the site, subject to sensitive location and design of such building. There is no evidence to support the contention that the height of new buildings should be limited to 4-storeys and, ultimately, the scale, height, mass and position of new buildings will need to be determined by a proper understanding of the site context, including a heritage assessment and LVIA.
- 3.21 We consider that the inclusion of Criterion (c) is unnecessary and unsound as it is not justified by evidence. This is better determined through the development management process and Policy D1 will provide an adequate framework to ensure building heights are acceptable. This requirement should be deleted.

### **Requirement (g)**

- 3.22 We note the deletion of the words “subject to agreement with Historic England” which reflects previous submissions made by the University and support this amendment.

### **Requirement (j)**

- 3.23 The University recognises that it is important in both landscape and biodiversity terms, to ensure that efforts are made to incorporate the best quality trees into a future development proposal. We object however to the requirement for all trees on the site to be retained as this is not justified or effective and therefore renders the policy unsound.
- 3.24 Area Tree Preservation Orders are recognised to be a ‘blunt-tool’ in dealing with tree protection. Moreover, the Area Tree Preservation Order which is imposed upon the site dates from 1993. As part of its work to assess the development potential of the

Upper Site the University has commissioned an updated Tree Survey and the proposed developer has taken arboricultural advice. The University has engaged with the LPA with a view to reviewing and refining the Area Tree Preservation Order such that it identifies and protects the most important trees on the site.

- 3.25 The university requests that the wording of Requirement (j) is amended to require the submission of a tree survey and arboricultural impact assessment as part of any planning application for the redevelopment of the site such that tree retention can be fully assessed through the development management process. The requirement to retain all trees should be deleted.

**Requirement (o)**

- 3.26 This University objects to the inclusion of this requirement which has not been discussed prior to the current consultation version of the plan being published.
- 3.27 The requirement states that “no development should be located to the west of the Listed Buildings”.
- 3.28 The University recognises the importance of protecting the setting of the listed buildings and, in its discussions with the LPA, and with prospective developers of the site, has highlighted the importance of this. In reality however, there is already some ‘development’ to the west of the listed buildings in the form of a service road leading to a service and turning area on the north side of Moyana (west of Shackleton), a motorcycle parking area and bin stores.
- 3.29 The final form of any redevelopment proposal will be determined through the development management process however proposed requirement (o) is unduly onerous and is not justified or effective. It would impose an unnecessary policy barrier to development ancillary to the proposed residential use of the site, for example access road modifications, creation of small parking areas with associated landscaping, and contributes to making the policy unsound.

## 4. Summary and Conclusions

- 4.1 These representations have been prepared by Turley on behalf of Solent University in respect of the Revised Fareham Borough Local Plan 2037 Consultation.
- 4.2 Our client owns the land interest at Warsash Maritime Academy, Fareham which forms the proposed Policy HA7 allocation.
- 4.3 In summary:

The University fully supports the proposed allocation of the HA7 site at Warsash Maritime Academy. The land is surplus to the University's requirements as part of its educational estate with teaching and learning activities which previously took place on the site having been relocated. The site is available, and capable of delivering much needed housing, in the early years of the plan period.

The University considers that the boundary of the proposed allocation should be extended to take in additional land which has more recently been determined by the University to be surplus to its operational requirements and as shown at Appendix 1 to these representations. Inclusion of the additional land area was previously proposed by the University, and accepted by the Council (in 2017) and will make the policy more effective in delivering much needed housing on brownfield land.

A parallel modification should be made to the Proposals Map.

The University considers that the indicative yield from the proposed HA7 allocation should be increased from 100 units to 150 units. Whilst recognising that the indicative yield figure is not definitive, the policy requirements indicate that the quantum of housing proposed should be "broadly consistent with the indicative site capacity" and therefore establishing the correct indicative capacity is important. As additional land is now available for inclusion within the allocation, we consider that a figure of 150 units represents an appropriate indicative yield based on the site capacity and design work which has been undertaken.

The university considers that a number of the detailed "requirements" of Policy HA7 should be amended, or deleted, as set out in the preceding section of this submission

- 4.4 The changes requested are necessary to make Policy HA7 'sound' and to ensure that it is effective and properly justified.

**Appendix 1: Proposed Amendment to Policy  
HA7 Policy Boundary (with  
consequential amendment to  
Proposals Map)**





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**Respondent details:**

Title:	Mr
First Name:	Paul
Last Name:	Barton
Job Title: (where relevant)	Interim Head of Planning and Economic Development
Organisation: (where relevant)	Southampton City Council
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Policy: H1**

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

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

Thank you for consulting Southampton City Council on the Revised Fareham Publication Local Plan 2037. This Council continues to recognise the importance of collaborative working as reflected by the work undertaken through the Partnership for South Hampshire (PfSH). This Council supports the overall approach to housing provision taken by the Revised Fareham Publication Local Plan (June 2021). We note that the proposed annual housing target has increased from that included in the Fareham Publication Plan (October 2020) from 403 to 541 dwellings to reflect the latest Government standard methodology target. This Council welcomes the corresponding increase in housing numbers. We note that the total housing requirement over the Plan period therefore equates to 8,656 dwellings. We also support the latest progress to bring forward Fareham's Plan which will help to provide a further contribution of 900 dwellings equating to supply approximately 11% above Fareham's own total housing requirement, so as to help meet unmet housing needs within the wider sub-region. The overall effect of the plan, by fully meeting Fareham's own needs and making a contribution to meeting wider unmet needs, is to make a significant contribution to reducing the PfSH wide unmet needs. A significant PfSH wide unmet housing need will remain which needs to be addressed across the whole South Hampshire area through the work currently being undertaken on the revised PfSH Strategy. It is too early to know what the implications of this for individual Councils will be. In the meantime Southampton supports Fareham in bringing forward a Local Plan and is content that any further implications of the PfSH strategy for individual Councils can be addressed through an early review of their plans if needed. I trust this is of assistance. Please do not hesitate to contact us if you have any queries with regards to our response.

**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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**2) Policy: E1**

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

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

This Council also welcomes the contribution the Revised Publication Plan will continue to make towards built employment floorspace, primarily within the proposed Daedalus and Welborne allocations for meeting both local and wider strategic employment needs. The sub-regional importance of the Solent Enterprise Zone also continues to be recognised in terms of the wider employment, skills and training opportunities this will continue to provide. The policy is based on the latest PfSH wide evidence on employment needs. In overall terms the policy is sound and meets the duty to co-operate. We would request a reference be added to the Plan to the PfSH 'cities first' approach to office development in any scenario whereby Fareham was exceeding the office targets set out for its Borough by the emerging PfSH Strategy or evidence base. This would ensure that the NPPF sequential approach could be considered at a South Hampshire level when needed. (We are happy to discuss the appropriate wording to address this issue). I trust this is of assistance. Please do not hesitate to contact us if you have any queries with regards to our response.

### **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:	<input type="text" value="Ms"/>
First Name:	<input type="text" value="Charlotte"/>
Last Name:	<input type="text" value="Mayall"/>
Job Title: (where relevant)	<input type="text" value="Regional Planning Lead"/>
Organisation: (where relevant)	<input type="text" value="Southern Water"/>
Address:	<div><div></div><input type="text"/></div>
Postcode:	<div><div></div><input type="text"/></div>
Telephone Number:	<div><div></div><input type="text"/></div>
Email Address:	<div><div></div><input type="text"/></div>

A3 Please provide the Agent's details (if applicable):

Title:	<input type="text"/>
First Name:	<input type="text"/>
Last Name:	<input type="text"/>
Job Title: (where relevant)	<input type="text"/>
Organisation: (where relevant)	<input type="text"/>
Address:	<input type="text"/>
Postcode:	<input type="text"/>
Telephone Number:	<input type="text"/>
Email Address:	<input type="text"/>

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?

- |  |           |
|--|-----------|
| <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 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**  
BOROUGH COUNCIL

## White, Lauren

---

**From:** sandy spaid <[REDACTED]>  
**Sent:** 20 July 2021 16:22  
**To:** Consultation  
**Cc:** sandy spaid  
**Subject:** West of Dore Avenue Portchester Housing Allocation Policy HA52 – Land

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing to lodge my objection to the proposed building of 12 dwellings on the wild meadow area opposite my home.

We have lived at 239 Dore Avenue for 25 years and the land opposite has always been protected and houses numerous insects, slow worms, wildflowers, grasses and is a passage for the foxes from the fields beyond through to the other green areas and the park. The trees have numerous birds nesting as well as squirrels nesting too. I cannot see the sense in destroying this habitat and felling trees when the planet is trying to combat global warming.

My other objection will be regarding the parking – 12 dwelling equals at least 24 cars and probably work vans too? Where will they all park? The parking in Dore Avenue is a constant problem and homes in Solent View and Hawthorn Crescent constantly park in Dore Avenue, as they only have 1 parking space allocated and almost every household has 2 cars. My husband recently had his car plowed into by someone racing down Dore Avenue and his car was written off – thank goodness he was not in the car at the time. This also raises the potential safety issue of access to this proposed site – the junction of Dore Avenue and Linden Lea is a very dangerous junction already without adding yet another access road on top of this junction? It is very busy with children getting to school and home from school every weekday to Red Barn Infant & Junior schools. On top of this numerous children travel down Dore Avenue to attend Cams School & Portchester School every morning and again after school – it is yet another road to cross for them to cross.

Also, the location is not respectful to the mourners at the Crematorium – the additional families in these proposed dwellings will be right on top of the crematorium car park and on certain days when there is a particularly big funeral the car parks overflow into Dore Avenue – as they do on Mother's Day, Father's Day, Christmas, Easter and lots of other occasions. The amount of traffic, large lorries, double decker buses using Dore Avenue has increased beyond all recognition in the 25 years we have lived here and the speed that cars race down Dore Avenue is frightening at times – adding yet another access road will only cause even more accidents.

I thought the proposed HUGE development at Welbourne is for the additional housing required and squashing 12 homes into a tiny piece of green space makes no sense at all – it will just add so many issues for the residents who have bought properties here because of the open space around – I cannot express how much I object to this devastation of an area of natural beauty which is enjoyed by many dog walkers and wildlife.

Sandra Spaid





**White, Lauren**

---

**From:** Owen Neal <[REDACTED]>  
**Sent:** 06 August 2021 16:05  
**To:** Drake, Pete  
**Subject:** RE: Local Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Pete

Please consider this email our response to the 'evidence base' section of the local plan consultation.

Sport England welcomes the fact that Fareham Borough Council have undertaken work to develop a Playing Pitch Strategy for their local authority area in accordance with Sport England's guidance. Sport England considers that the Playing Pitch Strategy is robust and represents an up to date assessment of the borough's quantitative and qualitative needs for playing pitches. We note that "sign-off" of the strategy has been secured with the vast majority of the national governing bodies for sport on the steering group. Some matters need to be addressed in relation to cricket. However, it is our view that these matters can be satisfactorily addressed through an early review of the Playing Pitch Strategy and do not have any material effect on the validity of the assessment work. Given the time it has taken to develop the PPS, Sport England would expect the council to commit to an early review of the PPS, and our support for the evidence base is on that basis.

Kind regards,

Owen

---

[REDACTED]

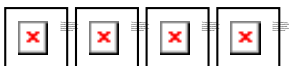
Owen,

Please can you resubmit your response to me via email?

Regards

Pete

Pete Drake  
Principal Planner (Strategy and Regeneration)  
Fareham Borough Council  
01329824551





Hi Pete,

Can you confirm if you received my representation on the evidence base via the online consultation form?

Thanks  
Owen

Sent from my iPhone

On 2 Aug 2021, at 09:22, Drake, Pete <[PDrake@fareham.gov.uk](mailto:PDrake@fareham.gov.uk)> wrote:

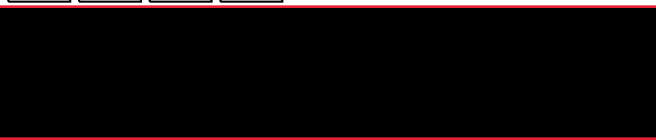
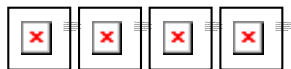
Owen,

Apologies, I was off Thursday and Friday. That's fine regarding the response. If you can get it to us today that would be great.

If you're having problems with the form you can email it, but please you the same headings if possible.

Pete

Pete Drake  
Principal Planner (Strategy and Regeneration)  
Fareham Borough Council  
01329824551



**Subject:** Local Plan

Hi Pete

Please confirm you've received my submission on the evidence base re: the PPS.

The online form has been crashing on me so I'm not sure if its gone through. Not helped by my intermittent internet connection this morning.

If not, then can I request an extension to the consultation till Monday 2 August?

Thanks

Owen

**Owen Neal**  
Planning Manager





National Sports Centre, near Marlow, Buckinghamshire, SL7 1RR



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)

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This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004. If you are not the person or organisation it was meant for, apologies. Please ignore it, delete it and notify us. Emails may be monitored.

The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If

you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Gaile Walters, Sport England's Data Protection Officer directly by emailing [DPO@sportengland.org](mailto:DPO@sportengland.org)

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The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Gaile Walters, Sport England's Data Protection Officer directly by emailing [DPO@sportengland.org](mailto:DPO@sportengland.org)

---

**Respondent details:**

Title:	Mr
First Name:	Owen
Last Name:	Neal
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Policy: NE10**

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

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

Sport England notes that the proposed amendment to the first limb of the policy strengthens protection against loss of open space including playing field land and improves consistency with the NPPF (now para 99 in the revised version) as well as Sport England's playing fields policy. However, we consider it could be further strengthened through the inclusion of the following wording: The open space, or the relevant part, is clearly shown to be surplus to local requirements as evidenced by a robust assessment of need and will not be needed in the long-term; or.....

**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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**Respondent details:**

Title:	Mr
First Name:	Malcolm
Last Name:	Stevens
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Paragraph: HA55- Land south of Longfield Avenue**

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 details:**

Title:	Mr
First Name:	John
Last Name:	Stone
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: HA55- Land south of Longfield Avenue**

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 details:**

Title:	Mr
First Name:	Tim
Last Name:	Sutton
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	[REDACTED] am
Postcode:	[REDACTED]
Telephone Number:	[REDACTED]
Email Address:	[REDACTED]

**1) Paragraph: HA52- Land West Dore Avenue, Portchester**

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

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

I would begin by stating I feel the timescales and the lack of detailed information provided make this consultation period very restrictive. I have heard that there will be a Public Meeting to further discuss these plans although I have not seen any details of such a meeting, can you please advise when & where this will take place. I have lived in Camelot Crescent since 1987 and have enjoyed the view across the green space/meadow as well as the privacy provided by the tree line to the south of our boundary wall. We are concerned that for this to be replaced with 12 dwellings squeezed into a restrictive area will undoubtedly have an adverse affect of the value of our property. I would like to know exactly how close to my boundary wall it is proposed the boundaries to these new dwellings will come and what is planned for the existing trees. It seems bizarre that at a time when we are all so conscious of global warming that we should be contemplating felling trees, if indeed that is the plan. If my memory serves me right, I recall a previous plan to build on this area did not proceed due to wildlife that resides within the meadow, in particular Slow Worms which I understand to be a 'Protected species. Can you please explain what has changed since then, that now means it is acceptable to build on this area. The location of the proposed dwellings so close to the Crematorium is also an area of concern, Crematoriums in general are not normally located close to residential areas in order to provide mourners with a peaceful environment in which to attend funerals. This currently is provided with the assistance of the open space/meadow, I'm sure mourners are not going to be pleased to have the peace and quiet affected by firstly the building site whilst the proposed dwellings are erected, or the general noise levels from residential properties located so close to the Crematorium. Additionally, the Crematorium Car Park is insufficient in size already, resulting in mourners parking along Dore Avenue, I suspect visitors to the new dwellings will probably take advantage of the Crematorium Car Park reducing further the capacity for mourners. All things considered I feel the location for these dwellings has been ill-thought through.

**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...**

.

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**Respondent details:**

Title:	Mr
First Name:	Andy
Last Name:	Swarbrick
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

**1) Paragraph: BL1- Broad Location for Housing Growth**

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

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

This was a complete shock! There has been limited consultation if any on the use of this area for the building of new housing. The publication of the revised local plan is only communication that I have been able to find. The site is current the main shopping areas within Fareham and other consultations related to the car parking, theatre and other developments have taken place without any reference to such a large development 620 is a significant number of houses and more active consultation should have been done. There is no mention of the proximity of this proposed development to a conservation area or what type of housing. There is no discussion of the introduction of green space, traffic measures or impact on local business from loss or local parking and/or amenities. The only communication has been the updated plan documentation and the leaflets that went through some but not all of the letter boxes of houses in the local area. Local residents will not have been sighted on this development nor impact on the local environment been considered in any detail. There is no mention of the related development of the local amenities next to site such as the theatre or the impact on the local schools which are already over subscribed. The housing policy document within the section does not appear to have any relevance to what is a proposed development that would require the demolishing of large buildings many of which will have been built at a time when asbestos and other building material would have been used. This is not housing to be built on unoccupied land or building which can be easily converted to residential use. This is a major development within a town centre within short distance from existing dwellings that would be disruptive for many months or years. The revised plan should be specific about the location for development, the rationale, impacts and benefits. It is currently too vague and too large for any specific objection.

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

A removal of the plan for 620 dwellings on the town centre site. Instead have a revised section on development of town centre for further consultation that may include housing developments.

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

There is no sound argument for the 620 dwellings given by the document. It is clearly a last minute addition. There is no evidence given that it is legally sounds and insufficient time has been provided for challenge .

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

Change wording to - There will be a wide consultation as to the potential usage of the Fareham town centre area for redevelopment to support local amenities, housing, leisure, commercial and green space in line with developing more sustainable living and meeting the needs of local people.

**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 don't really know - but I would hate for this point to be ignored. There are probably more qualified people than me

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# **Report to Tonbridge and Malling Borough Council**

**by Louise Crosby and Luke Fleming**

**Inspectors appointed by the Secretary of State**

**Date: 07 June 2021**

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Planning and Compulsory Purchase Act 2004  
(as amended)  
Section 20

## **Report on the Examination of the Tonbridge and Malling Borough Council Local Plan**

The Plan was submitted for examination on 23rd January 2019

The examination hearings were held between 6th and 8th October 2020

File Ref: PINS/H2265/429/8



# Contents

Abbreviations used in this report	page 3
Non-Technical Summary	page 3
Introduction	page 4
Assessment of Duty to Co-operate	page 5
Overall Conclusion and Recommendation	page 13

## **Abbreviations used in this report**

DtC	Duty to Co-operate
HMA	Housing Market Area
LPA	Local Planning Authority
MoUs	Memorandums of Understanding
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SDC	Sevenoaks District Council
the Act	Planning and Compulsory Purchase Act 2004 (as amended)
the Plan	Tonbridge and Malling Borough Local Plan

## **Non-Technical Summary**

This report concludes that the Tonbridge and Malling Borough Local Plan (the Plan) is not legally compliant in respect of the Duty to Cooperate (DtC) and, as such, we recommend that the Plan is not adopted.

## Introduction

1. This report contains our assessment of the Tonbridge and Malling Borough Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the Act). It considers whether the Plan's preparation has complied with the duty to co-operate (DtC).
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The Tonbridge and Malling Borough Local Plan, submitted on 23 January 2019, is the basis for our examination. It is the same document as was published for consultation between 1 October 2018 and 19 November 2018.
4. This report considers whether the Plan's preparation has complied with the DtC. Given our conclusion in relation to the DtC, we do not go on to consider whether the Plan is sound and whether it is compliant with other legal requirements. If a local planning authority cannot demonstrate that it has complied with the DtC at the independent examination of their local plan, then Section 20(7A) of the Act requires that the examiner must recommend non-adoption of the Plan. This is the situation in this case, and it is not, therefore, relevant for us to consider the other matters in this Report. Accordingly, we have not recommended any main modifications.
5. Hearing sessions were held between 6 and 8 October 2020 and they focussed on legal compliance matters including the DtC and Sustainability Appraisal.
6. Further hearing sessions were planned as part of the examination from 3-5 November and on 10 November 2020 to consider other soundness issues. However, following our consideration of the evidence presented by Tonbridge and Malling Borough Council (the Council) and other participants in response to our Matters, Issues and Questions<sup>1</sup> at the hearing session in relation to DtC, and taking into account written representations and discussion at that hearing session we notified the Council in a letter<sup>2</sup> dated 22 October 2020, that we had

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<sup>1</sup> ED56

<sup>2</sup> ED67

significant concerns in respect of legal compliance. The letter also explained that we had asked the Programme Officer to cancel the hearings planned for November 2020 and that we would be writing to the Council as soon as possible setting out our specific thoughts in more detail. The letter also advised that we would not reach a final conclusion on the way forward for the examination until we had had a chance to consider the Council's response to that letter.

7. Our letter<sup>3</sup> to the Council, dated 15 December 2020, set out our concerns with regards to the DtC in some detail. The Council submitted a response dated 29 January 2021<sup>4</sup>, along with a number of appendices. Having fully considered the Council's response and appendices, our final letter<sup>5</sup>, to the Council, dated 2 March 2021, set out our conclusions on this matter and stated that, there were two options before the Council; either to withdraw the Plan from examination or we would write a final report recommending its non-adoption because of a failure to meet the DtC. We gave the Council 21 days to consider which option they wished to pursue. On 11 March 2021 the Council confirmed that it would not be withdrawing the Plan and invited us to prepare a final report at our earliest convenience<sup>6</sup>.

## **Assessment of Duty to Co-operate**

### **Background**

8. Section 20(5)(c) of the Act requires that we determine whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. Section 33A of the Act imposes a duty on a local planning authority to co-operate with other local planning authorities, the County Council and prescribed bodies or other persons by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation. It makes clear that sustainable development or use of land that would have a significant impact on at least two planning areas is such a strategic matter. Account can only be taken of the engagement undertaken by authorities up to the point of submission of the Plan, as the assessment of compliance with the DtC only relates to the preparation of the Plan.
10. Government policy in the 2012 NPPF paragraphs 178 to 181 sets out the importance placed on planning strategically across boundaries. Paragraph 181

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<sup>3</sup> ED68

<sup>4</sup> ED69

<sup>5</sup> ED81

<sup>6</sup> ED82

states that "local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination" and that "cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development".

11. It is not disputed by the Council that housing is a strategic matter for the purposes of S33A of the Act, which required cooperation as set out above. Whether the DtC has been complied with is a matter of judgement for the examining Inspectors following consideration of the evidence presented by the Council and other participants, both in writing and at the hearing sessions.
12. Sevenoaks District Council (SDC) considers that it is unable to meet all of its own housing needs. It is a neighbouring local authority and forms a large part of the West Kent Housing Market Area (HMA) which also includes a significant part of Tonbridge and Malling Borough, as well as parts of Tunbridge Wells Borough. Our report will focus on the engagement of the Council with SDC, in relation to housing across the HMA. The NPPF (para 47) states that local planning authorities (LPAs) should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for housing in the HMA, as far as is consistent with the policies set out in this Framework.

**Did the Council know that Sevenoaks District Council considered that it would be unable to meet its own housing needs in full, prior to the submission of their plan for examination in January 2019?**

13. The Council explained at the hearings that it was not clear until SDC's Regulation 19 (of the Town and Country Planning (Local Plan) (England) Regulations 2012 (the Regulations)) Plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the Plan had not been examined by an Inspector and the housing need and requirement found sound. As set out above, the Tonbridge and Malling Regulation 19 Plan was submitted for examination on 23 January 2019 which was before the transitional deadline of 24 January 2019, set out in paragraph 214 of Annex 1 to the July 2018 and February 2019 versions of the NPPF.
14. At the hearings the Council's view was that until SDC's Plan had been consulted on there was uncertainty about whether there was any unmet need and the basis for that. Furthermore, there had not been a process of examination to demonstrate that there were unmet needs and even if there were unmet needs there was a chance that they could be quite small. However, SDC's Regulation 18 Plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to



meet between 6,582 and 13,382 dwellings<sup>7</sup>. So, at this stage it was clear there was a likely shortfall of at least around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. While the level of unmet need and the justification for it could be a matter for debate, there is enough here to demonstrate that this was a strategic matter on which cooperation was required. In the submitted SDC Regulation 19 Plan the unmet need was in the order of 3,392 dwellings<sup>8</sup>. The calculation of housing need is not an academic exercise, it is a question of identifying an actual local need.

15. However, much earlier than this, in October 2017 when SDC were at their 'issues and options' stage of plan preparation, the Council wrote to SDC (ED78B), saying, "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling".
16. This was at a stage in the process when officers in a report to Tonbridge and Malling Council's Planning and Transportation Advisory Board (ED78A), in December 2017, advised that SDC, unlike Tonbridge and Malling Council, was not planning to release Green Belt land to meet its housing need. It also says that, even with some Green Belt releases, "the conclusion is that Sevenoaks will be a significant way adrift from meeting its identified housing needs". So, in our view, it is clear that the Council knew in 2017 that SDC would be likely to reach the judgement that it would be unable to meet its own housing needs in full, even with Green Belt release.
17. The Council's views on market capacity are informed by a Housing Delivery Study (CD HO3) which was published in September 2017. The purpose of the Study was to consider the market capacity and potential pace of housing delivery within the Borough to inform the development of the emerging Local Plan. However, paragraph 1.7 says that "emerging evidence suggests that a number of neighbouring authorities may not be able to meet in full their objectively assessed housing need. Some authorities may therefore ask TMBC whether it is able to help to address an unmet housing need arising". Paragraph 4.8 advises that "...in addition to Tonbridge and Malling's own housing needs, the Council has a Duty to Cooperate with neighbouring authorities and is likely to need through the plan-making process to consider the potential to contributing to meeting unmet housing needs from beyond the borough boundary. A core role of this study is to consider what additional housing delivery the market could potentially accommodate".

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<sup>7</sup> Page 2 of letter dated 28 October 2019, from the Inspector examining the SDC Plan

<sup>8</sup> Paragraph 14 of the Report on the Examination of SDC Plan, dated 2 March 2020

18. It is clear then that one of the motivations for the September 2017 Study was to consider the issue of unmet needs arising in a number of neighbouring authorities. Irrespective of a number of technical concerns raised by representors with regard to whether this evidence demonstrates market capacity issues or not, in our view the Housing Delivery Study is further evidence that shows that the Council knew in 2017 that SDC had or was likely to have unmet need and that they may be asked for help with meeting the need.
19. Also, it is well documented that the Council, along with SDC and Tunbridge Wells were involved in a pilot scheme (West Kent Statement of Common Ground Pilot Project), which appears to have started in 2017. This pilot scheme with the Planning Advisory Service (PAS) was set up to look at the use of Statements of Common Ground in plan making. Paragraph 6.6 of the PAS facilitator's notes, dated April 2018, says "Each of the Council's has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on the matter of housing supply". However, paragraph 6.3 of the same notes says, "This may increase the housing land supply but it remains unlikely that Sevenoaks DC will be able to meet its housing need in full". This shows that it was known then that there was likely to be some unmet need in SDC, albeit there was no firm figure.
20. In summary, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their Plan for examination, that it was highly likely that SDC would reach the judgement that it would be unable to meet its housing need in full. While the scale of the unmet need was uncertain, the overall position was clear well in advance of the submission of the Plan for examination in January 2019. It should, therefore, have been obvious to the Council that this was a strategic matter to which the DtC applied.
21. This should have led to the Council engaging constructively, actively and on an ongoing basis with SDC on unmet housing needs, regardless of whether this was a precise figure or a range, or indeed whether the Council felt it may not be able to accommodate the unmet need in full or in part. The requirement of the Act is for authorities to actively engage to maximise the effectiveness of plan preparation.

**Did the Council engage constructively, actively and on an ongoing basis with SDC on unmet housing needs?**

22. In the Council's Duty to Cooperate Statement (CD SC1), section 8 deals with Cross-Boundary Issues. The table in paragraph 8.1 of this document sets out the strategic cross boundary issues, the key neighbouring authorities/organisations in relation to each issue and the summary of cooperation. Under the housing section of this table the key neighbouring authorities/organisations are listed as Maidstone Borough Council, Ashford Borough Council, Kent County Council and Highways England. It seems that the limited extent of this table is because it only covers authorities where cross boundary issues are specifically covered in the Plan. Nowhere in this document, which is dated January 2019, and therefore postdates the publication of the SDC Regulation 19 Plan on 18 December 2018, is there any mention of unmet housing need in SDC. If there had been any constructive, active and ongoing engagement with SDC ahead of submission on what was clearly a strategic matter, it would be reasonable to expect that this would at least be mentioned in the Council's DtC statement.
23. As set out above, it was apparent from as early as October 2017 there were clear signs that SDC was likely to conclude that it would not be able to meet its housing needs in full. It seems that regular meetings were held between the Council and SDC during the preparation of the Council's Plan, but there is no evidence that unmet housing need in SDC was discussed at these meetings and no meeting minutes have been provided to evidence that housing needs were discussed. The Council say that the discussion was predominantly about 'constraints' to meeting housing needs but no minutes of any of these meetings have been produced as evidence of what was actually discussed. Consequently, there is no evidence before us, that these meetings were used for constructive and active engagement in an attempt to resolve the strategic matter of unmet housing need and maximise the effectiveness of plan preparation.
24. The Council argue that SDC did not formally ask them for help and it was not up to the Council to "make the running", but this is a circular argument with a risk that both parties defer the issue to the other without any meaningful attempt to resolve it. We are obliged to consider whether the Council cooperated and the question of whether or not SDC made any running does not remove the obligation on the Council, particularly as the issue of unmet housing need in Sevenoaks appeared to be well known to both. Moreover, it is clear from the Council's letter sent to SDC in October 2017, where they say "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling", that such a request would have been likely to be pointless. The letter was therefore a

discouragement to constructive, active and ongoing engagement, because it can reasonably be read as closing the door to cooperation. Indeed, there does not appear to have been much engagement for the next 15 months or so, up to the submission of the Plan for examination. In fact, very little evidence of any meaningful engagement in relation to this particular strategic matter has been submitted for us to take into account.

25. The Council explained at the hearings that, if they had delayed the submission of the Plan to try to accommodate some of the unmet need from SDC, once the SDC Regulation 19 Plan was published in December 2018, they would have had to effectively start plan preparation again. This is because they would have missed the transitional deadline in NPPF paragraph 214 and their housing need would have increased by around 3000 dwellings, due to the introduction of the standard method in the 2018 and 2019 versions of the NPPF<sup>9</sup> and related PPG. Whilst this may have been so, it is not an adequate or legally compliant reason to not engage. Early engagement in 2017, when there was first evidence that SDC were unlikely to be able to meet their housing need, would not necessarily have caused delays to the overall process and to the Council meeting the transitional deadline<sup>10</sup>. Furthermore, the decision to push ahead to submit on or before the 24 January 2019 was entirely a choice made by the Council. Importantly, even if no agreement had been reached on the matter, if constructive, active and ongoing engagement had taken place from the earliest stages of preparation of the Plan, the Plan would have been found legally compliant in relation to the DtC.
26. The conclusion of the SDC Regulation 18 consultation, in September 2018, was some four months prior to the submission of the Plan for examination. At this point the unmet need was still a range and would only be confirmed on conclusion of the Sevenoaks examination. This is something the Council argue is necessary before active and constructive engagement can commence, but we strongly disagree. It should have been clear at this time (i.e. four months prior to submission of the Plan), if not earlier, that there was a strategic matter relating to unmet housing need which required addressing through constructive engagement, regardless of the lack of clarity at the time over the precise volume of unmet need.
27. Whilst it was not clear in 2017, or even later in the process, at the Regulation 18 consultation stage, what the exact level of unmet need was or would be, the fact that SDC considered there was likely to be some unmet need should have led to constructive, active and ongoing engagement between the Council and SDC at that point and subsequently.

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<sup>9</sup> NPPF 2019 Paragraph 60

<sup>10</sup> NPPF 2019 Annex 1, paragraph 214

28. The Council advise that, like SDC, they have large amounts of Green Belt land, which is a constraint to meeting housing needs other than their own. Both authorities have significant areas of Green Belt as well as land in Areas of Outstanding Natural Beauty (AONB). The Council carried out a Green Belt review of land in their own administrative boundary, leading to the release of some Green Belt land in the Plan as well as a proposal to put some land into the Green Belt.
29. However, there is no evidence that at any time the Council cooperated or even considered cooperating with SDC on a joint review of the Green Belt across both of their boundaries to understand the comparative quality across the two authority areas and any potential to amend Green Belt boundaries to fully or more fully meet needs. Nor was there any joint work to assess and reach an agreement on the housing capacity on non Green Belt areas across both authorities or on how that capacity might reasonably be maximised. The Council say the reason for this is that the two LPAs were at different stages of plan making, however the plans were submitted for examination within months of each other. In addition, the fact that the Council disagreed with SDC on the approach they were taking to Green Belt release did not mean the DtC did not apply and could be ignored.
30. In terms of the Council's position about relative timescales, the Council's Regulation 19 Plan was published for consultation on 1 October 2018, around 3 weeks after the conclusion of the SDC Regulation 18 consultation. SDC published their Regulation 19 Plan for consultation on 18 December 2018 and so the fact is the plan-making timescales and processes in Tonbridge and Malling and SDC were actually closely aligned. We can find no credible reason why the Councils could not have engaged constructively and actively during the plan making process in accordance with the duty on them to engage constructively with each other in a meaningful attempt to resolve issues relating to unmet needs.
31. Whilst resolution to the problem of unmet housing needs is not a prerequisite to the Council being able to demonstrate compliance with the DtC, earlier, constructive, active and ongoing engagement, in line with the Act and national policy as articulated in the Framework and PPG, would have been much more likely to result in an effective strategy for meeting SDC's need, whether within the SDC area or elsewhere. Even if in this case the Council considered it unrealistic to contemplate a joint local plan at this point, it might have considered other less formal mechanisms of compliance with the duty, such as aligning plan time-tables and policies and/or joint approaches to plan-making. Any steps of that kind would have demonstrated positive proactive attempts at cooperation.



32. The Council's hearing statement<sup>11</sup>, submitted to SDC's examination, explains the Council's view that it would be unreasonable to expect it to accommodate any unmet housing need for SDC because it faces similar constraints and challenges, is planning to meet its own need in full, and market and infrastructure capacity mean any such external need could not be accommodated. In the circumstances, these could have all been valid issues for discussion and engagement between both authorities, but there is no evidence to indicate that they were actually the subject of any constructive engagement between the authorities.
33. The Council advise that once the actual SDC unmet need is examined and established, they would potentially seek to deal with it through a future review of the Plan. However, such an approach is not in the spirit of the Act or of national policy. The identified need for housing exists now, and the likely existence of unmet need has been known about for some time and is therefore a strategic matter that should have been considered through the DtC in the current round of local plans, not delayed to some future date. Deferring the issue to subsequent plans does not amount to constructive, active engagement, especially when the plan making processes were, in reality, closely aligned.
34. Memorandums of Understanding (MoU) were signed after the submission of both plans and provide no evidence of constructive and active engagement prior to the submission of the Plan and are therefore of no help in demonstrating the DtC has been met. Indeed, the short final MoU simply states, *'TMBC's evidence of meeting the Duty is set out in the Duty to Cooperate Statement (January 2019). The strategic cross-boundary matters and how the Duty was addressed are summarised in section 8 of the DtC Statement. The details are set out in sections 9 to 16. The record of engagement is documented in Appendix A'*. As set out above, the Statement provides no reference to the unmet housing need in SDC. Appendix A is a list of meetings that took place between April 2012 and January 2019 with various organisations, but no minutes have been provided from any of these meetings to show that unmet housing need in SDC was discussed, and moreover from careful consideration of the verbal evidence given by the Council at the hearing sessions, it would seem that it was not discussed at any of the meetings. The only discussion was about the constraints all of the Council's in the HMA were facing in meeting their housing need. Simply discussing constraints does not in itself amount to cooperation.
35. This shortcoming is surprising given that the Council were involved in the pilot scheme (West Kent Statement of Common Ground Pilot Project) with PAS looking at the use of Statements of Common Ground in plan making. Indeed,

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<sup>11</sup> Paragraph 13.19 of Tonbridge & Malling Borough Council Position Statement (ED58)

as part of this project, the Council, SDC, and Tunbridge Wells Borough Council all agreed in April 2018 that the need to address the matter of unmet housing need was the most significant issue to be addressed in any Statement of Common Ground<sup>12</sup>. This also shows that by April 2018 the Council and SDC had acknowledged that it remained unlikely SDC would be able to meet its housing need in full<sup>13</sup> and despite this, there is no evidence of cross boundary working with SDC and others as a way of seeking to ensure that housing needs were met in full across the HMA. Moreover, the NPPF at paragraph 181 provides advice to LPAs on how to demonstrate evidence of effective cooperation in relation to cross-boundary impacts. This suggests the use of, among other things, memorandums of understanding. It adds that 'cooperation should be a continuous process of engagement from initial thinking through to implementation...'. There is no evidence that this approach was followed.

36. Despite knowing that, as early as 2017, SDC was indicating it would be likely to have unmet housing need, it is reasonable for us to conclude on the basis of everything that we have considered that the Council failed to engage constructively, actively and on an ongoing basis with SDC on that strategic matter. An active process of ongoing, active and constructive engagement might or might not have led to a more positive outcome despite the constraints of market capacity, infrastructure capacity, Green Belt and AONB designations. However, what is certain is that, if parties choose not to engage with each other, there will be little prospect of difficult but important cross-border issues being resolved in relevant strategic matters. If there is no cooperation on such matters, then the effectiveness of plan preparation is unlikely to be maximised.

**If a plan is found to have failed the DtC, is it possible to proceed with the Examination?**

37. In a letter to the Planning Inspectorate, dated 18 June 2019, the Secretary of State stressed to Inspectors the importance of being pragmatic in getting a plan in place that, in line with paragraph 35 of the 2019 NPPF, represents a sound plan for the authority.
38. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This 2015 letter also stresses the importance of Inspectors working in a pragmatic way with councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within 5 years of adoption, giving councils the option to undertake

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<sup>12</sup> Sevenoaks District Council v Secretary of State for Housing Communities and Local Government [2020] EWHC 3054 (Admin)

<sup>13</sup> ED69A, Appendix D, paragraph 6.3

further work to address shortcomings identified at examination and highlighting significant issues to councils very early on and giving councils the full opportunity to address issues. However, the failure we have identified cannot be remedied during the examination since any failure in DtC cannot be resolved after submission of the Plan because the duty relates to the period of plan preparation which has ended. Once we had considered all of the evidence pertaining to DtC presented in writing and orally at the hearing sessions we immediately notified the Council of our concerns and cancelled the future hearings. We gave the Council opportunities, prior to the hearing sessions, during the hearing sessions and afterwards, to provide additional evidence confirming its approach to complying with the DtC undertaken prior to the submission of the Plan for examination.

39. In examining the Plan we have had this advice in the forefront of our minds and we have worked in a pragmatic way with the Council towards achieving a sound plan as far as practicable. However, we have identified a failure of legal compliance in relation to the DtC.
40. It is reasonable for us to conclude that the DtC, as set out in section 33A of the Act, has not been met.

## **Overall Conclusion and Recommendation**

41. The DtC in Section 33A of the 2004 Act has not been met for the reasons set out above and we, therefore, recommend that the Plan is not adopted.

*Louise Crosby and Luke Fleming*

Inspectors

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# **Report to Sevenoaks District Council**

**by Karen L Baker DipTP MA DipMP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 2 March 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Sevenoaks District Local Plan**

The Plan was submitted for Examination on 30 April 2019.

The Examination Hearings were held between 24 and 26 September 2019 and between 1 and 3 October 2019.

File Ref: PINS/G2245/429/7

## **Abbreviations used in this Report**

DtC	Duty to Co-operate
HMA	Housing Market Area
HPS	Hearing Position Statement
IPe	Intelligent Plans and Examinations
the Plan	Sevenoaks District Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PAS	Planning Advisory Service
PPG	Planning Practice Guidance
SoCG	Statement of Common Ground
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This Report concludes that the Sevenoaks District Local Plan (the Plan) is not legally compliant in respect of the Duty to Co-operate (DtC) and, as such, I recommend that the Plan is not adopted.



## Introduction

1. This Report contains my assessment of the Sevenoaks District Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The National Planning Policy Framework (NPPF) 2019 makes it clear in paragraph 35 that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. It goes on to say that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a legally compliant and sound plan. The Sevenoaks District Local Plan Proposed Submission Version<sup>1</sup>, dated December 2018 and submitted on 30 April 2019, is the basis for my Examination. It is the same document as was published for consultation between 18 December 2018 and 3 February 2019.
3. This Report considers whether the Local Plan's preparation has complied with the Duty to Co-operate (DtC). Given my conclusions in respect of the DtC, I do not go on to consider whether the Plan is sound and whether it is compliant with the other legal requirements. If a local planning authority cannot demonstrate that it has complied with the Duty at the independent Examination of their Local Plan, then Section 20(7A) of the Act requires that the Examiner must recommend non-adoption of the local plan. This is the situation in this case, and it is not, therefore, necessary for me to consider the other matters further in this Report.
4. Hearing sessions were held between 24 and 26 September 2019 and between 1 and 3 October 2019. These focussed on legal compliance matters, including the DtC, and matters of soundness in relation to the Local Plan Strategy, Green Belt, Housing Need, Housing Requirement, Housing Distribution and Housing Supply, along with the Sustainability Appraisal.
5. Further Hearing sessions were planned as part of this Examination between 5 and 7 November 2019 and between 12 and 14 November 2019 to consider other soundness matters including: individual housing allocations; Gypsy and Traveller provision and allocations; employment need, requirement, distribution and supply; individual employment allocations; transport and infrastructure; the historic environment; open space, recreation and community facilities; the natural environment and biodiversity; climate change, flooding and water management; and, health, well-being and air quality. However, following my consideration of the evidence presented by the Council and other participants in response to my Matters, Issues and Questions<sup>2</sup> at the Hearing sessions during the first two weeks, and taking into account the written representations and discussion at those Hearing sessions, I had significant concerns in respect of legal compliance, namely the DtC, and soundness.

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<sup>1</sup> SDC001

<sup>2</sup> ED8

6. Following the first two weeks of Hearing sessions, I notified the Council in my letter<sup>3</sup>, dated 14 October 2019, that I had significant concerns about a number of aspects of the Plan, both in terms of legal compliance and soundness. This letter also stated that, given these concerns, I had asked the Programme Officer to cancel the further Hearing sessions planned for November and that I was preparing a letter setting out my thoughts in more detail which would be with the Council shortly afterwards. It also confirmed that I would not reach any final conclusions on the way forward for the Examination until I had had the opportunity to consider the Council's response to that letter.
7. Although I had concerns regarding soundness, these were issues which I would have needed to explore further, it is the failure to comply with the legal DtC which necessitated a halt to the Examination proceedings. Any failure in the DtC cannot be rectified once the Plan has been submitted for Examination because the DtC applies specifically to Plan preparation, and Plan preparation ends when the Plan is submitted for Examination.
8. My letter<sup>4</sup> to the Council, dated 28 October 2019, set out my concerns with regards to the DtC in some detail. The Council submitted responses<sup>5</sup> to this and to my earlier letter, along with a number of appendices. I replied<sup>6</sup> on 19 November 2019 to say that I would be responding after the pre-Election period, in line with the Planning Inspectorate's published position in this regard.
9. Having fully considered the Council's responses and appendices, my final letter<sup>7</sup> to the Council, dated 13 December 2019, set out my conclusions on this matter and stated that, unless the Council confirmed that it intended to withdraw the Plan from Examination, the only course of action open to me would be to prepare a Report concluding that the Plan is not legally compliant in respect of the DtC and recommending that it should not be adopted. In its letter<sup>8</sup>, dated 3 January 2020, the Council confirmed that it would not be withdrawing the Plan from Examination and asked that I issue my Report as soon as possible.

### **Main Modifications**

10. I have found a failure in respect of the DtC and, as such, I have no option but to recommend that the Plan should not be adopted. Accordingly, I have not concluded on any other matters in connection with the Plan and, as a result, I would not be able to recommend any Main Modifications [MMs].

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<sup>3</sup> ED37

<sup>4</sup> ED40

<sup>5</sup> ED38, ED38A, ED41, ED42, ED42A, ED42B and ED42C

<sup>6</sup> ED43

<sup>7</sup> ED44

<sup>8</sup> ED45

## Assessment of Duty to Co-operate

### ***Has the Council demonstrated that it has engaged constructively, actively and on an on-going basis in the preparation of the Local Plan?***

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation.
12. Section 33A requires that a local planning authority co-operates with other local planning authorities, the County Council and prescribed bodies or other persons in relation to the preparation of the Plan. This duty requires the Council to engage constructively, actively and on an on-going basis in the preparation of the Plan, so far as it relates to a strategic matter. A strategic matter includes the sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
13. Government policy, set out in paragraph 26 of the NPPF, says that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. It goes on to say that, in particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Co-operation is, therefore, about maximising the effectiveness of plan preparation.
14. The Plan, as submitted, identifies a need for 13,960 dwellings between 2015 and 2035, but sets out a requirement for 10,568 dwellings, which would amount to an unmet need of 3,392 dwellings. The Council advanced a position<sup>9</sup> during the Examination which sought to reduce the unmet need. However, it would still have left an unmet need of 1,316 dwellings, even if I had agreed with the Council's position.
15. It is common ground between the Council and most parties to the Examination that housing is a strategic matter upon which the Council should engage constructively, actively and on an on-going basis with its neighbours. I concur with this view. The Council published a DtC Statement<sup>10</sup> in May 2019, following the submission of the Plan for Examination, which sets out the activities undertaken by the Council, including meetings with neighbouring authorities, at both Officer and Member level, and the production of a joint evidence base with neighbouring authorities in the West Kent Housing Market Area<sup>11</sup> [HMA].

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<sup>9</sup> Housing Supply Update Paper – C2 Update [ED23]

<sup>10</sup> SUP006 and SUP006a-d

<sup>11</sup> The West Kent Housing Market Area includes Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council.

16. Whether the DtC has been complied with is a matter of judgement for the examining Inspector following consideration of the evidence presented by the Council and other participants, both in writing and at the Hearing sessions.
17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment<sup>12</sup> (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area<sup>13</sup> (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.
18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement<sup>14</sup> and Appendices<sup>15</sup> and in Appendix 1: Schedule A<sup>16</sup> attached to its letter<sup>17</sup>, dated 18 November 2019, with the minutes of most of these meetings<sup>18</sup> provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group<sup>19</sup> and the West Kent Statement of Common Ground (SoCG) Pilot Programme group<sup>20</sup>.
19. The minutes<sup>21</sup> of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues

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<sup>12</sup> Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment, prepared by GL Hearn Limited, September 2015 [HOU001]

<sup>13</sup> The West Kent HMA includes Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council

<sup>14</sup> SUP006

<sup>15</sup> SUP006a, SUP006b, SUP006c and SUP006d

<sup>16</sup> ED42A

<sup>17</sup> ED42

<sup>18</sup> No minutes have been provided of the meetings held on 6 December 2017, 22 January 2018 and 14 March 2018, although summaries of the meetings on 22 January 2018 and 14 March 2018 are provided in the West Kent Statement of Common Ground (SoCG) Pilot Project Facilitator's Note, dated 3 April 2018 (updated by the amended version of this note dated 10 April 2018 and submitted by the Council as part of its Appendix 3: Duty to Co-operate Appendices [ED42C]).

<sup>19</sup> This group is made up of the three West Kent Housing Market Area (HMA) authorities, namely Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council.

<sup>20</sup> This group, facilitated by the Planning Advisory Service (PAS), also included the West Kent HMA authorities.

<sup>21</sup> Pages 172-174 of SUP006a

and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary<sup>22</sup> of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (IPe), held on 22 January 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes<sup>23</sup> of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks 'is testing options to assess the way forward'. The summary<sup>24</sup> of the meeting, held on 14 March 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated. The Facilitator's Note<sup>25</sup> does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say<sup>26</sup> that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.
21. The Council has since stated, in Appendix 1: Schedule A<sup>27</sup> to its letter<sup>28</sup>, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note<sup>29</sup>, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are

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<sup>22</sup> Page 185 of SUP006a

<sup>23</sup> Pages 182-183 of SUP006a

<sup>24</sup> Page 185 of SUP006a

<sup>25</sup> Paragraphs 5.1 and 5.2

<sup>26</sup> Paragraph 6.1

<sup>27</sup> ED42A

<sup>28</sup> ED42

<sup>29</sup> West Kent SoCG Pilot Project Facilitator's Note, dated 10 April 2018, set out in 2a of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]



additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.
23. The minutes<sup>30</sup> of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted<sup>31</sup> that 'officers discussed the potential requirement for a follow up letter<sup>32</sup> to request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.
24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.
25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have

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<sup>30</sup> Pages 191-192 of SUP006a

<sup>31</sup> Page 194 of SUP006a

<sup>32</sup> Letters were sent to neighbouring authorities requesting that they assist with Sevenoaks' unmet housing need in April 2019.

not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>33</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.
27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.
28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.
29. I appreciate that these neighbouring authorities say<sup>34</sup> that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does

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<sup>33</sup> Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council

<sup>34</sup> Letters dated 21 and 27 November 2019 set out in 3a and 3b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]

not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.

### *Statements of Common Ground*

30. In order to demonstrate effective and ongoing joint working, paragraph 27 of the NPPF says that strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground (SoCGs), documenting the cross-boundary matters being addressed and progress in co-operating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.
31. The Council has submitted a number of SoCGs<sup>35</sup> as supporting documents, some of which were provided following the submission of the Plan for Examination, on 30 April 2019. These include several SoCGs with neighbouring authorities, including Tunbridge Wells Borough Council<sup>36</sup> and Tonbridge and Malling Borough Council<sup>37</sup>, which were signed on 21 and 30 May 2019 respectively. The agreed actions within these documents in respect of housing are to 'engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need' and to 'undertake a 5 year review of the Local Plan'; and, 'to engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to strategic housing matters' respectively.
32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email<sup>38</sup> to MHCLG, dated 15 March 2019, the Council says that it 'is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.' However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.
33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.
34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders'

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<sup>35</sup> SUP007a – SUP007i

<sup>36</sup> SUP007h

<sup>37</sup> ED6

<sup>38</sup> Email from James Gleave, dated 15 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan.

*The timing of engagement*

35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter<sup>39</sup> dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.
36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.' However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.
37. The full extent of unmet need only became apparent to the Council following the consideration of the responses to the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have

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<sup>39</sup> ED42

been able to accommodate some of Sevenoaks' unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.
39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks' housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need.

#### *Peer Review*

40. The peer review process undertaken by the Council consisted of advice<sup>40</sup> from Intelligent Plans and Examinations (IPe) in November 2018; a PINS' Advisory Visit<sup>41</sup> in February 2019; MHCLG advice<sup>42</sup>; and, a review of the Plan and PAS Workshop<sup>43</sup> on 24 April 2019.
41. The advice from IPe following its meeting with the Council on 1 November 2018, considered several matters, including housing need and delivery, however, it made no mention of the extent of unmet housing need in the District, or how this could be addressed. The purpose of the PAS Workshop, which was held six days before the Plan was submitted for Examination and led by IPe, was 'to provide advice on the implications of the DtC for the soundness assessment of the Plan' and 'to meet with neighbouring authorities,

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<sup>40</sup> Revised Note in respect of the preparation of the Sevenoaks Local Plan, prepared by Laura Graham of IPe, dated 4 December 2018, set out in 1a of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>41</sup> PINS Advisory Visit Note, prepared by Inspector Jonathan Bore, dated 6 February 2019, set out in 1b of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>42</sup> MHCLG correspondence, meeting 6 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>43</sup> Note on the Duty to Co-operate and the Local Plan, prepared by IPe, dated 7 May 2019, set out in 1d of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].



so they could outline their respective positions regarding meeting development needs in West Kent.'

42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings<sup>44</sup> in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan<sup>45</sup>, prepared by IPe, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement<sup>46</sup>. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.
43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.
44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, several points were raised in relation to the DtC at the Advisory Visit<sup>47</sup> carried out by the Planning Inspectorate in February 2019, as set out in the note<sup>48</sup> of this meeting.
45. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

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<sup>44</sup> This revised figure took account of proposed changes to the Plan period being put forward by the Council for consideration during the Examination.

<sup>45</sup> ED42B

<sup>46</sup> SUP006, SUP006a, SUP006b, SUP006c and SUP006d

<sup>47</sup> The Planning Inspectorate carries out Advisory Visits to local planning authorities ahead of submission to provide advice on procedures and to help them achieve a sound plan.

<sup>48</sup> The PINS Advisory Visit Meeting Note is set out in 1b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C].

46. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.
47. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement<sup>49</sup> in May 2019, in which it states that 'KH<sup>50</sup> advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPe<sup>51</sup>, submitted in November 2019, does not state that the DtC has been met or that KH advised that this was the case.
48. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective.

*If a Plan is found to have failed the Duty to Co-operate, is it possible to proceed with the Examination?*

49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.
50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.
51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to

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<sup>49</sup> SUP006d

<sup>50</sup> KH was Keith Holland of IPe, working on behalf of PAS.

<sup>51</sup> ED42B

proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.
53. For the reasons set out above the DtC set out in Section 33A has not been complied with.

## **Overall Conclusion and Recommendation**

54. The DtC in Section 33A of the 2004 Act has not been complied with for the reasons set out above and I, therefore, recommend that the Local Plan is not adopted.

*Karen L Baker*

Inspector



Neutral Citation Number: [2020] EWHC 3054 (Admin)

Case No: CO/1417/2020

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 13/11/2020

**Before :**

**MR JUSTICE DOVE**

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**Between :**

**Sevenoaks District Court**  
**- and -**  
**Secretary of State for Housing Communities and**  
**Local Government**

**Claimant**

**Defendant**

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**Ms Saira Kabir Sheikh QC and Charles Merrett** (instructed by **Sharpe Pritchard**) for the  
**Claimant**  
**Richard Moules** (instructed by **GLD**) for the **Defendant**

Hearing dates: Thursday 3rd September 2020  
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**Approved Judgment**

**Mr Justice Dove :**

**Introduction**

1. The claimant is a local planning authority who prepared the Sevenoaks District Local Plan (“the SDLP”) for its administrative area. The claimant challenges the decision of the Inspector appointed by the defendant to undertake the examination of the SDLP who concluded that the claimant had failed to comply with the duty to cooperate set out in section 33A of the Planning and Compulsory Purchase Act 2004. The claim is advanced by the claimant on four grounds. The first ground is that the Inspector erred in law in failing to apply a margin of appreciation when considering the test under section 33A of the 2004 Act. Ground 2 is the contention that the Inspector failed to correctly interpret and apply the duty to cooperate, and in reality conflated that duty with the requirement that a plan be sound. Ground 3 is that the Inspector failed to have regard to material considerations and in particular to consider the material evidence that was placed before her. Finally, Ground 4 is a challenge based on the contention that the Inspector’s reasons were inadequate.
2. This judgment will firstly set out the facts in relation to the case, secondly, rehearse the relevant legal framework and, thirdly, deal with the submissions advanced and the conclusions reached in relation to the four grounds on which this application is advanced.

**The facts**

3. The claimant’s administrative area contains a significant element of Green Belt as well as areas which are designated as an Area of Outstanding Natural Beauty. Its district forms part of the West Kent Housing Market Area (the “HMA”) and has further functional and economic relationships with London boroughs to the north of its administrative area.
4. The claimant began the preparation of its proposed SDLP in 2015 and at that time the evidence for it started to be collected. In September 2015 a Joint Strategic Housing Market Assessment (“SHMA”) was published, having been prepared jointly for the HMA by the claimant together with the other local planning authorities in the HMA: Tunbridge Wells and Tonbridge and Malling Borough Councils. Other technical work in relation to the assessment of the Green Belt and provision for gypsies and travellers was prepared by the claimant. The claimant undertook two rounds of consultation under the provisions of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the first in relation to issues and options in August 2017, and then a further consultation on the draft SDLP from July through to September 2018. In a witness statement before the court to explain the factual background to the preparation of the SDLP, James Gleave, who is the Strategic Planning Manager for the claimant, explains that at the Regulation 18 stage of plan preparation the extent of any unmet housing need as a result of the SDLP’s proposals was unknown “because views were still being gathered on what the Plan ought to contain and the council’s ‘call for sites’ process remained open until October 2018”. Thus, Mr Gleave observes, that it was not clear what proportion of unmet housing need might arise in the claimant’s district.



5. Between 8 December 2018 and 3 February 2019 the claimant undertook the consultation required by Regulation 19 of the 2012 Regulations on the SDLP in its proposed submission version. The proposed submission version identified that based upon the defendant's standard methodology the annualised housing need for the claimant's district was 698 dwellings, giving rise to a total of 13,960 dwellings over the 20-year plan period from 2015 to 2035. The housing land supply which was proposed in the SDLP was 10,568 dwellings or approximately 75% of the total housing need derived pursuant to the standard methodology. The plan was submitted for examination on the 30 April 2019.
6. For the purposes of the examination the claimant prepared a Duty to Cooperate Statement ("the Statement") setting out its case and the evidence in support of the conclusion that the duty to cooperate had been satisfied in the preparation of the SDLP. The Statement presents the evidence in a number of themes. Firstly, it alludes to the preparation of a joint evidence base, referring to the SHMA set out above and other studies and plans which were jointly prepared with relevant authorities. Secondly, the Statement refers to discussions which had occurred with a wide variety of statutory bodies ranging from Natural England and the Environment Agency to Highways England and Network Rail. The Statement then turns to discussions with neighbouring authorities. Reference is made to the Kent Planning Officer's Group as a forum (complemented by the Kent Planning Policy Forum) which meet regularly to discuss common issues in relation to plan making and allied concerns. Annexed to the statement are the notes of meetings with other public bodies, and in particular neighbouring authorities, which had occurred since the outset of preparation of the SDLP in 2015. The statement then records the statements of common ground which had been signed with a wide variety of local authorities and public bodies in respect of the various cross-boundary strategic issues which were engaged with the SDLP process. Alongside this documentation the Statement also set out discussions which had taken place at an elected member level with adjoining local authorities and briefings which had occurred with local MPs. Finally, the Statement also sets out the elements of peer review to which the SDLP process had been subject since the Regulation 18 draft consultation.
7. Whilst it is clear that the duty to cooperate, so far as it was relevant to the SDLP process, engaged a number of strategic issues, for the purposes of this judgment it is necessary to focus upon the strategic issue of housing need since, as will be seen, that was the issue which was principally of concern to the Inspector. In that connection it is necessary to set out the contents of the statements of common ground with, in particular, the neighbouring authorities of Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council, along with the conclusions of the peer review which was undertaken and relied upon in relation to the housing issue.
8. A statement of common ground was agreed between the claimant and Tonbridge Wells Borough Council on the 21 May 2019. Having set out the issue in relation to unmet housing need within the SDLP the statement of common ground records as follows:

"2.1.5 Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority has been in a position to assist SDC with its unmet need.

2.1.6 TWBC is currently preparing its second Regulation 18 version of the Draft Local Plan for consultation, which includes the vision, objectives and growth strategy, overarching strategic policies, place shaping policies and detailed Development Management Policies.

2.1.7 TWBC is also constrained by the Green Belt (22%) and the Area of Outstanding Natural Beauty (70%) as well as areas of flood risk and traffic congestion. The Regulation 18 Draft Local Plan identifies the need for 13,560 dwellings in accordance with the Standard Methodology. Taking into account homes already built since 2013 and sites benefiting from planning permission and allocations within the existing Site Allocations Local Plan, TWBC is aiming to allocate land to meet the remaining balance of 8,914 (Note: this is still subject to change following ongoing work) dwellings. TWBC is seeking to meet its full objectively assessed need across the borough through development at a number of settlements, strategic release of Green Belt at Paddock Wood/Capel to allow expansion of the settlement and a new garden settlement within the Green Belt at Tudeley also within Capel Parish.

2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.

2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

#### Actions

TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London growth, large scale developments and opportunities for meeting any unmet need.

TWBC and SDC to each undertake a 5 year review of their respective Local Plans.”

9. The position in the statement of common ground is supported by the material contained within Tunbridge Wells Borough Council’s Hearing Position Statement for the purposes of the examination. The Hearing Position Statement observes that up until 11 April 2019 there had been discussions in relation to matters, including the meeting of housing need, and that those discussions were reflected in the observations made by Tunbridge Wells Borough Council during the Regulation 19 consultation, where they stated that there should be no presumption that there was any capacity within the Tunbridge Wells Borough Council area to accommodate unmet need from another

authority area. The Hearing Position Statement records that on the 11 April 2019 Tunbridge Wells Borough Council received a communication from the claimant formally asking whether or not they were in a position to meet any of the claimant's unmet housing need. At the duty to cooperate workshop on the 24 April 2019 (which is addressed further below) Tunbridge Wells Borough Council made clear that they would not be able to meet any of the claimant's unmet housing need. The Hearing Position Statement does however record as follows:

“1.06 It is considered pertinent to note that if the request from SDC to meet its unmet need had been made at any point prior to the submission of TWBC's comments on Sevenoaks regulation 19 representations then those representations would have addressed this issue more fully.”

The Hearing Position Statement goes on to record the observations made within the Statement of Common Ground and set out above and to indicate that the position from their perspective remained the same.

10. Tonbridge and Malling Borough Council also provided a hearing statement for the purposes of the examination. In their hearing statement they explain that during the consultations on both the Regulation 18 and Regulation 19 versions of their own Local Plan they had not received any request from the claimant to address unmet housing need. In the hearing statement they set out that there had been regular meetings between Tonbridge and Malling Borough Council and the claimant to address cross-boundaries strategic matters engaging the duty to cooperate. The essence of the position which they placed before the Inspector is set out in the following paragraphs of their hearing statement:

“13.5. It is evident that TMCB faces similar constraints and challenges to Sevenoaks District Council for that part of the Borough covered by the West Kent HMA. However, TMBC's response during plan-making has and continues to be significantly different to that of Sevenoaks District Council.

13.6. TMCB has responded positively to the Government's policy for plan-making by addressing in full its assessed need for housing plus some flexibility to adapt to rapid change. This is summarised in the TMBC Spatial Topic Paper. This has been challenging but TMBC understands that if suitable patterns of development are to be delivered and if the Local Plan is to positively address the acute need for housing, as demonstrated by the median housing affordability ratio, then sufficient sites need to be allocated for development to ensure there is no unmet need. This includes the removal of approximately 160 hectares of land from the Green Belt in the West Kent HMA to provide for residential development, as explained in the TMBC Green Belt Exceptional Circumstance Topic Paper.

13.7 Before addressing the matter of whether or not the unmet housing need could be accommodated in Tonbridge & Malling Borough it is important to first question whether it is reasonable

for Sevenoaks District Council to expect TMBC to address it. Given the similarities between the two authorities (see above), TMBC considers that it is entirely inappropriate to ask the Borough Council to accommodate unmet housing need in an area with the same constraints that have been dismissed by Sevenoaks District Council. It is important to bear in mind that the part of Tonbridge & Malling Borough falling within the West Kent HMA is wholly within the Green Belt (with the exception of the settlements not washed over by the designation).

13.8 If Sevenoaks District Council had adopted a similar positive approach to meeting the housing development needs of their area in full, it is possible that there would be significantly less or no unmet need to consider. It is unreasonable to expect TMBC to not only meet their assessed need for housing in full but to accommodate unmet housing need from Sevenoaks District Council who are facing similar constraints.

...

13.19 To conclude, it would be unreasonable to expect Tonbridge & Malling Borough Council to accommodate unmet housing need from Sevenoaks District Council given that TMBC is facing very similar constraints and challenges and is planning to address in full its own assessed housing need. Not only would it be unreasonable but factors including Housing Market Areas, market capacity and infrastructure mean that TMBC could not accommodate the identified unmet housing need.”

11. In addition to the contributions made by the local authorities directly concerned in the duty to cooperate, representations were also made, in particular to the examination process, by other parties who were interested in the issue. Representations were made both for and against the conclusion that the duty to cooperate had been satisfied in the present case. Whilst some reliance was placed upon this material by both parties at the hearing of this case, it suffices to record that there were a number of participants in the examination who maintained that the claimant had not complied with the duty to cooperate and that this was a fundamental flaw in the preparation of the SDLP.
12. As set out above the claimant placed reliance in support of its contention that the duty to cooperate had been satisfied upon the peer review of the plan process which had been commissioned as a cross-check in relation to the process. The first element of this work was the invitation extended by the Planning Advisory Service (“PAS”) to the claimant to participate in a pilot project in relation to the preparation of statements of common ground. This invitation was extended to and accepted by both the claimant and also Tonbridge Wells Borough Council and Tonbridge and Malling Borough Council. The programme led to a sequence of meetings, culminating in the preparation of notes reflecting the outcome of the project, dated the 3 April 2018. Paragraph 5.2 of the note of the discussions indicates that the need to address the matter of unmet housing need was acknowledged on all sides as the most significant issue that needed to be addressed in any statement of common ground between the parties. The note then considers the question of housing need in the three districts in the HMA, and from paragraph 6.1

onwards sets out the position in each of the authorities, and thereafter at paragraphs 8.4-8.5 notes the risks in the current position. The note provides as follows:

“6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government’s standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government’s indicative figure of 692 dpa using the proposed standard methodology.

6.2 The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council’s concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

6.3 The emerging Tonbridge and Malling Local Plan, if it continues to propose a housing supply which is lower than the standardised OAN, clearly presents a risk to finalising an agreed SoCG. Whilst at present neither Sevenoaks or Tunbridge Wells will require Tonbridge and Malling to accept unmet need, it is possible that the reverse may apply. Even if all three Councils sign up to a SoCG which includes a lower housing figure for Tonbridge and Malling than the standard methodology indicates, this could be undermined when its Local Plan is examined.

...

8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government’s standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from states that capacity and delivery issues prevent it from meeting the higher OAN.

8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily



constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose”

13. At a later stage it emerged that the note of the 3 April 2018 (which the claimant had included within the appendixes to the statement) had in fact been superseded in a subsequent note dated 10 April 2018. It seems that the representative of Tonbridge and Malling Borough Council had, in response to receipt of the 3 April 2018 draft, made suggestions in relation to amendments to the draft, including the observation that the claimant would have elements of unmet housing need. Thus, paragraphs 6.1 and following of the note were redrafted as follows:

“6.1 During the short lifespan of this pilot project there have been several changes to both the policy background, for example the revised draft of the NPPF issued for consultation on 5 March 2018 and to the emerging evidence base which will support the three Local Plans. Consequently the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue. The current situation, at the end of the pilot project, is as follows.

#### Sevenoaks DC

6.2 In Sevenoaks the OAN of 12,400 compares with an indicative figure of 13,960 based on the government’s standardised methodology. With Regulation 19 submission planned to take place in early 2019 it likely to fall outside the NPPF transition period, therefore the higher figure will apply. However the district is highly constrained, with 93% of the district lying within the Green Belt and 60% within AONBs.

6.3 The Council is currently examining the potential of releasing some Green Belt land where a convincing exceptional circumstances case is made. This would mean that any proposed development would need to deliver evidenced social and community benefits as well as housing. Sites where this might be the case will be the subject of Regulation 18 consultation. This may increase the housing land supply but it remains unlikely that Sevenoaks DC Tonbridge and Malling DC will be able to meet its housing need in full.

#### Tonbridge and Malling BC

6.4 The evidence base for the Tonbridge and Malling Local Plan, which includes an up to date SHMA covering two housing

market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. However the position has changed since the pilot project began with the revised NPPF draft proposing a transitional period for introducing the standardised methodology of assessing housing need. Provided the Regulation 19 submission can be made within the transition period, as proposed by the Council, then the lower locally derived OAN can be used. This level of housing growth is considered deliverable.

#### Tunbridge Wells BC

6.5 When the pilot project commenced Tunbridge Wells BC was planning to meet its locally derived OAN as determined by the joint SHMA which was updated in 2017. The SHMA sets an OAN of 696 dpa for Tunbridge Wells, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. Recently updated evidence on strategic flood risk suggests that some re appraisal may be necessary, but the Council is still endeavouring to ensure that it can meet its own housing need.

#### Summary

6.6 Each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on their housing needs. The councils are not yet in a position to reach agreement on the matter of housing supply.”

14. In autumn 2018 the claimant commissioned Intelligent Plans and Examinations (IPe) to undertake a review of the Regulation 18 draft of the SDLP, with a particular focus on the Green Belt and the question of exceptional circumstances. A meeting was held on 1 November 2018, and on the 4 December 2018 Ms Laura Graham, who had undertaken the review, produced a report of her advice. Within that advice she noted that there was “no absolute requirement in the NPPF to meet housing need”, but that if development needs could not be met outside the Green Belt it would be necessary to demonstrate through the sustainability appraisal process that the consequences of not meeting that need had been fully and properly addressed.
15. On the 17 December 2018 the claimant contacted the Planning Inspectorate (“PINS”) with a view to arranging an advisory visit in order to assess the plan which was at that stage in the midst of the Regulation 19 consultation (the Regulation 19 consultation closed on the 4 February 2019). On the 6 February 2019 the advisory visit from PINS was undertaken by an experienced Inspector, Mr Jonathan Bore. One of the important topics for discussion at that meeting was the change that the claimant was considering to altering the base date of the SDLP to 2019-35. The note of the advisory visit identifies

that the plan fell seriously short of meeting its housing need in full, based upon the standard method. In relation to the duty to cooperate the note of the meeting records as follows:

“The Duty to Cooperate

Sevenoaks haven’t sent formal letters asking other authorities to accommodate unmet need. They say they don’t want to, because no authorities are willing to help with unmet need and asking the question would sour relations with them. Some neighbouring authorities such as Tandridge may also have unmet need. There is a SoCG with other authorities and a MOU with Maidstone, but the Council did not say that there is constructive engagement among the neighbouring authorities to resolve the issue, nor could they point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated.”

16. The note goes on to record the comments on the issues made by Mr Bore at the meeting. In particular, within the comments on the issues he noted as follows:

“If the OAN really could not be accommodated within the District, I said that there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis. Currently, despite the MoU and SoCGs, this did not appear to exist in a positive form. I said that any Inspector would look closely at this in regard to whether the Duty to Cooperate had been fulfilled.”

17. The advisory visit by Mr Bore on behalf of PINS was followed by correspondence from the defendant seeking to understand how the visit had gone, and offering assistance from PAS in relation to guiding the future progress of the plan. This correspondence led to a meeting on the 6 March 2019 between Mr Gleave and a colleague from the claimant and representatives of the defendants. The notice of the meeting of the 6 March observes as follows:

“Sevenoaks asked whether MHCLG meets with LPAs on a regular basis following an Advisory Visit or whether there were particular concerns with the emerging Sevenoaks plan. MHCLG explained that following the AV the Department had been made aware that there were some potentially significant issues with housing numbers and Duty to Co-operate, and constraints including Green Belt. Given these could be potential ‘showstoppers’ MHCLG wanted to talk through the issues, find out what further work Sevenoaks may be doing in respect of these and to discuss whether there is any assistance MHCLG could provide as the authority prepares its plan for submission.

In terms of the Duty to Co-operate, Sevenoaks explained they had met regularly with neighbouring authorities at Officer and Member level to discuss x-boundary issues, of which housing

need was a standing item on the agenda. In addition, a regular Kent-Planning Officers Group was held at Kent County Council. This operates along similar lines to the ALBPO forum in London and serves to update colleagues on Local Plan preparation. Statements of Common Ground are currently being prepared with neighbours on strategic cross-boundary matters, including housing need.

...

DR advised that the balance between protecting the environment and meeting housing needs was a planning judgement that had to be made locally. SH set out that the approach the LPA took would need to be justified, both in terms of why the authority was unable to meet its own needs and the reasons behind neighbouring authorities not being asked to accommodate some of Sevenoaks needs."

18. On the 11 April 2019 Mr Gleave, on behalf of the claimant, wrote to neighbouring planning authorities in relation to the progress that was being made in respect of the plan. They were also invited to an event which was being facilitated by PAS to be held later in the month. The correspondence contains the following in relation to the duty to cooperate:

"The Council is of the view that all authorities bordering Sevenoaks, and Kent County Council, have engaged actively and on an on-going basis to meet the provisions of the Duty to Co-operate. In particular, Statements of Common Ground (SoCGs) are in the process of being agreed to formally clarify if it is possible to meet unmet housing needs from adjoining areas. Notwithstanding the provisions of the SoCG and for the sake of completeness, I write to formally ask if is in a position to meet any of Sevenoaks' unmet housing need as outlined above. In the event that this is not possible, I would also be grateful for your views on the preparation of a joint sub-regional strategy to address future housing requirements."

19. The duty to cooperate workshop took place on the 14 April 2019 and a note was prepared minuting the meeting. An experienced former Inspector, Mr Keith Holland, facilitated the workshop. Updates were provided by the local planning authorities who attended and, in particular, the update from the claimant identified that the SDLP housing supply left a shortfall measured against the standard methodology requirement of approximately 1,900 dwellings across the plan period, equating to about 17%. The claimant provided a summary of the activities which they had undertaken in order to address the duty to cooperate. Following discussion of the issues a note records Mr Holland advising that in his view "SDC has done all it can and is able to demonstrate that it has satisfied the duty to cooperate requirement". This note of the workshop then records further discussions in relation to the potential to a sub-regional strategy to address unmet housing needs across the area.

20. A note of these meetings held with PAS was also provided by IPe who undertook the work for PAS. Their note covers both the meeting which was held on the 17 April 2019 and a first meeting between Mr Gleave and his colleagues on behalf of the claimant and Mr Holland. The claimant's position as expressed in the SDLP was explained to Mr Holland in the meeting on the 17 April 2019 and noted as follows:

“2.2 The discussion focussed on the implications of the DtC for the soundness assessment of the SLP. At the time of the meeting, the Council's intention was to submit the SLP for examination at the end of the month (it was subsequently submitted on 30 April 2019). The discussion included a review of advice provided by Laura Graham of IPe and Jonathan Bore from the Planning Inspectorate (PINS). SDC feels that there is a degree of inconsistency between the PINS advice and that provided by IPe. SDC believe that the advice from PINS is based on a misunderstanding of the approach being adopted by the SDC. In the view of the SDC, PINS failed to fully appreciate that the council attempts unmet housing need as an exceptional circumstance justifying consideration of Green Belt (GB) land release. What PINS calls a “Council imposed impediment” (the provision of infrastructure for the existing community) is not the defining exceptional circumstance consideration – it is simply the logical requirement that any development in the GB needs to be accompanied by adequate infrastructure. In other words, SDC believes that PINS has placed too much emphasis on the infrastructure point and not enough on the unmet need consideration.”

21. The note prepared by IPe in relation to the workshop on the 14 of April 2019 provides as follows in relation to the views expressed in respect of the duty to cooperate:

“3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the local duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

3.4 The importance of continuing to seek to meet development needs in West Kent through cooperative strategic working was discussed. In this regard, the need for a strategic approach to infrastructure was emphasised. KH explained the importance of



getting member involvement and buy-in to any strategic work and that the more formal the process, the more likely it was to convince a local plan examiner that the councils are doing all they can to use the DtC effectively. Cllr Piper expressed severe reservations about the likelihood of effective strategic planning because of what he described as an inconsistency between the political message provided by the government regarding the GB and the guidance in the NPPF. KH pointed out that under the DtC there is nothing to stop local authorities undertaking joint strategic planning of the sort that previously happened in the South East through SERPLAN (London and South East Regional Planning Conference). KH also explained that the policy in the NPPF makes it clear that where there are exceptional circumstances local authorities can revise GB boundaries, but that this must be done through their local plans and not through the development management process.”

22. On the 30 April 2019 the plan was submitted for examination. As set out above Statements of Common Ground with neighbouring authorities were produced as part of the examination process. The examination hearing sessions commenced on the 24 September 2019, and issues in relation to the duty to cooperate were canvased on the first day of the hearing. On the 14 October 2019 correspondence was received by the claimant from the Inspector raising concerns that she had in relation to whether or not the claimant’s approach to the SDLP had met the requirements of the duty to cooperate. There then followed further correspondence between the claimant and the Inspector which it is unnecessary to rehearse in detail for the purposes of this judgment. Suffice to say, that during the course of that exchange of correspondence the claimant provided detailed responses and further documentation including, for instance, the corrected note of the 10 April 2018. By the 13 December 2019 the Inspector had confirmed her view that the claimant had not discharged the duty to cooperate and therefore indicated that unless the claimant intended to withdraw the plan from examination the only course available was for her to produce a report concluding that the plan was not legally compliant. On the 3 January 2020 the claimant requested that the Inspector issue her report as soon as possible. This led to the production of the Inspector’s final report issued to the claimant on the 2 March 2020 and comprising the decision which is the subject of this challenge.
23. The Inspector’s final conclusions in relation to the issues with respect to the duty to cooperate are set out in the decision which is under challenge. In order to provide the full context for the Inspector’s decision it is necessary to set out her conclusions at some length. At the outset of her decision the Inspector set out that the starting point for the examination was the assumption that the local authority had submitted what it considered to be a legally compliant and sound plan. She confirmed that this was the basis for her examination. She further set out by way of introduction that having reached conclusions in relation to the duty to cooperate she did not go on to consider whether the plan was sound or was compliant with other legal requirements. She points out that if the local planning authority cannot demonstrate that the duty to cooperate has been complied with then, under section 20(7A) of the 2004 Act, the examiner is bound to recommend non-adoption of the local plan. In her decision the Inspector addresses the evidence in relation to the duty to cooperate in the following paragraphs:

“17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.

18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement and Appendices and in Appendix 1: Schedule A attached to its letter, dated 18 November 2019, with the minutes of most of these meetings provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group and the West Kent Statement of Common Ground (SoCG) Pilot Programme group.

19. The minutes of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (IPE), held on 22 January 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks ‘is testing options to assess the way forward’. The summary of the meeting, held on 14 March 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

The Facilitator's Note does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.

21. The Council has since stated, in Appendix 1: Schedule A to its letter, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.

23. The minutes of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted that 'officers discussed the potential requirement for a follow up letter to

request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.

24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.

25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>1</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.

27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need

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following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.

28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.

29. I appreciate that these neighbouring authorities say that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.”

24. The Inspector went on to address the statements of common ground which had been prepared in order to deal with cross-boundary issues. Her conclusion in relation to those statements of common ground is set out as follows:

“32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email to MHCLG, dated 15 March 2019, the Council says that it ‘is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.’ However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.

33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.



34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders' meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan."

25. The Inspector then proceeded to consider the question of the timing of the engagement in relation to, in particular, the extent of unmet housing need which was the strategic issue at the heart of her concerns in relation to the duty to cooperate. She sets out her conclusions in relation to this issue in the following paragraphs:

"35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.

36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The

best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.’ However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.

37, The full extent of unmet need only became apparent to the Council following the consideration to the responses of the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have been able to accommodate some of Sevenoaks’ unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.

39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks’ housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been

significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need."

26. The Inspector then proceeded to consider the peer review processes which had been undertaken by the claimant, in terms of external advice from IPE in November 2018, the PINS advisory visit in February 2019, the advice which had been received from the defendant and the review of the plan and the PAS workshop which had occurred on the 24 April 2019. Dwelling initially on the PAS workshop, and subsequently focusing on the other elements of peer review, the Inspector's conclusions are set out as follows:

"42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan, prepared by IPE, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.

43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.

44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, significant concerns were raised in relation to the DtC at the Advisory Visit carried out by the Planning Inspectorate in February 2019, as set out in the note of this meeting.

44. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet

need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

45. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.

46. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement in which it states that 'KH advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPE, does not state that the DtC has been met or that KH advised that this was the case.

47. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective."

27. The final point addressed by the Inspector was whether it would be possible to proceed with the examination, applying the defendant's indication in correspondence with PINS that Inspectors should be pragmatic in getting plans into place. Her conclusions in relation to this point, and indeed the position overall, are set out in the following paragraphs of her decision.

"49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.

50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also

stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.

51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.

53. For the reasons set out above the DtC set out in Section 33A has not been complied with.”

28. In the light of these conclusions the Inspector reached the overall decision that the duty to cooperate had not been complied with and therefore she was bound to recommend that the plan not be adopted.

#### The law

29. The SDLP, as a development plan document, has to be prepared in accordance with the provisions contained within Part 2 of the Planning and Compulsory Purchase Act 2004. Section 19 of the 2004 Act sets out certain requirements in relation to the contents of a development plan document. The relevant provisions of section 20 of the 2004 Act in relation to independent examination are as follows:

“20. Independent examination



(1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.

(2) But the authority must not submit such a document unless-

(a) they have complied with any relevant requirements contained in the regulations under this Part, and

(b) they think the document is ready for independent examination.

...

(4) The examination must be carried out by a person appointed by the Secretary of State.

(5) The purpose of an independent examination is to determine in respect of the development plan document-

(a) whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;

(b) whether it is sound and

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.

...

(7) Where the person appointed to carry out the examination-

(a) has carried it out, and

(b) considers that, in all circumstances, it would be reasonable to conclude-

(i) that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, and

(ii) that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation, the person must recommend that the document is adopted and given reasons for the recommendation.

(7A) Where the person appointed to carry out the examination –

(a) has carried it out, and

(b) is not required by subsection (7) to recommend that the document is adopted, the person must recommend non-adoption of the document and give reasons for the recommendation.

(7B) Subsection (7C) applies where the person appointed to carry out the examination-

(a) does not consider that, in all circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but

(b) does consider that, in all circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation.

(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that-

(a) satisfies the requirements mentioned in subsection (5)(a), and

(b) is sound.”

30. As can be seen from the provisions of section 20, of particular note for present purposes is the provision contained in section 20(5) that the purpose of the independent examination includes an examination of whether the plan is sound, and also whether the local planning authority has submitted a document that has been prepared in compliance with the duty under section 33A of the 2004 Act in relation to its preparation. By virtue of the provisions contained within section 20(7), (7B) and (7C), where the Inspector determines that it would not be reasonable to conclude that the local planning authority had complied with the section 33A duty then the Inspector can neither recommend modifications nor adoption of the document. This is in effect what happened in the present case.

31. It is not disputed that the duty under section 33A of the 2004 Act applied to the preparation of the local plan by virtue of section 33A(3) of the 2004 Act. The nature and content of the duty is described in the following provisions of section 33A:

“33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(b) a county council in England that is not a local planning authority, or

(c) a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising

the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—

(a) the preparation of development plan documents,

(b) the preparation of other local development documents,

(c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,

(d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs

(a) to (c) that are, or could be, contemplated, and

(e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

(b) sustainable development or use of land in a two-tier area if the development or use—

(i) is a county matter, or

(ii) has or would have a significant impact on a county matter.”

32. It will be noted from section 33A(7) that a person who is seeking to comply with the duty to cooperate must have regard to guidance issued by the defendant on how that duty is to be complied with. Material in that regard is contained both within the National Planning Policy Framework (“the Framework”) and in the Planning Practice Guidance

(“the PPG”). The relevant provisions of the Framework dealing with the duty to cooperate are set out in paragraphs 24-27 of the Framework as follows:

“Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

26. 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 to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”

33. Whilst addressing the provisions of the Framework it is worthwhile at this stage to note that the claimant’s argument includes the contention that the Inspector confused the requirements of the duty to cooperate with the examination of soundness required pursuant to the provisions of section 20(5). The policy in relation to whether or not a plan is sound is to be found in paragraph 35 of the framework in the following terms:

“35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

a) Positively prepared – providing 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 it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

34. Turning to the PPG, it contains a considerable amount of guidance relating to the preparation of statements of common ground including their contents, subject matter and format. Of particular relevance to the issues in the present case are the provisions of the PPG dealing with the question of whether or not local planning authorities are required to reach agreement on strategic matters, and what should be done if they are unable to secure such agreements. The parts of the PPG dealing with this point are as follows:

“Are strategic policy-making authorities required to reach agreement on strategic matters, and what should an authority do if they are unable to secure these agreements?

Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework. If there they are unable to do so they should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework.

Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the 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.”

35. In *Zurich Assurance Limited v Winchester City Council* [2014] EWHC 758 Sales J (as he then was) explained both the substance of the obligation imposed by section 33A and the role of the court in a challenge of the kind presently under consideration in the following terms:

“109. The duty to co-operate imposed by section 33A applies (so far as relevant in this case) in respect of the preparation of development plan documents “so far as relating to a strategic matter” (subsection (3)), as defined in subsection (4) (“sustainable development or use of land that has or would have a significant impact on at least two planning areas, [etc]”). The question of whether development or use of land would have a significant impact on two planning areas is a matter of planning judgment.

110. The obligation (see subsection (1)) is to co-operate in “maximising the effectiveness” with which plan documents can be prepared, including an obligation “to engage constructively [etc]” (subsection (2)). Deciding what ought to be done to maximise effectiveness and what measures of constructive engagement should be taken requires evaluative judgments to be made by the person subject to the duty regarding planning issues and use of limited resources available to them. The nature of the decisions to be taken indicates that a substantial margin of appreciation or discretion should be allowed by a court when reviewing those decisions.

111. The engagement required under subsection (2) includes, in particular, “considering” adoption of joint planning approaches (subsection (6)). Again, the nature of the issue and the statutory language indicate that this is a matter for the judgment of the relevant planning authority, with a substantial margin of appreciation or discretion for the authority.

112. WCC was required to have regard to the guidance about co-operative working given in the NPPF: subsection (7).

113. The limited nature of the role for the court in a case like the present is reinforced by the structure of the legislation in relation to review of compliance with the duty to co-operate under section 33A. The Inspector is charged with responsibility for making a judgment whether there has been compliance with the duty: section 20(5)(c) of the 2004 Act. His task is to consider whether “it would be reasonable to conclude” that there has been compliance with the duty: section 20(7)(b)(ii) and (7B)(b). A court dealing with a challenge under section 113 of the Act to the judgment of an inspector that there has been such compliance is therefore limited to review of whether the inspector could

rationally make the assessment that it would be reasonable to conclude that there had been compliance by a planning authority with this duty. It would undermine the review procedures in the Act, and the important function of an inspector on an independent examination, if on a challenge to a plan brought under section 113 the court sought to circumvent this structure by applying any more intrusive form of review in its own assessment of the underlying lawfulness of the conduct of the planning authority itself. A rationality standard is to be applied in relation to the decision made by the Inspector and in relation to the underlying decision made by WCC.”

36. In the subsequent case of *Trustees of the Barker Mill Estates v Test Valley Borough Council* [2017] PTSR 408 Holgate J endorsed and adopted the analysis of Sales J in *Zurich Assurance* (see paragraphs 55-57). Since the claimant places some reliance upon the conclusions of Holgate J in relation to the particular facts of that case it is necessary to set out Holgate J’s agreement in summary with Sales J, and then his analysis of the issues which arose in that case and how he resolved them. These points are dealt with in the following paragraphs of his judgment:

“58. In agreement with Sales J I consider that:—

(i) The question posed by section 20(7B)(b) of PCPA 2004 is a matter for the judgment of the Inspector;

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that it would be “reasonable to conclude” that the LPA had complied with section 33A ;

(iii) It would undermine the structure of PCPA 2004 and the procedure it provides for review by an independent Inspector if, on a challenge made under section 113 , the Court sought to apply a more intrusive form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance; form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance;

59. The challenge under ground 2 is therefore directed to the Inspector's report, in particular paragraphs 10 to 14 where he stated:—

“10. On the first day of the Hearing a submission was made by a representor to the effect that the Council had failed in relation to the DtC [the duty to co-operate]. This was discussed in some detail at the Hearing, and in public correspondence between the representor, the Council and myself. The most important element of this submission was that the Council's identified affordable

housing need figure is 292 dwellings per annum (d.p.a.) (clarified by MM/5/1 ), with certain caveats, whereas the expected provision is 206 d.p.a. The Council put forward reasons for this position, but the DtC issue relates to the fact that the Council had not asked neighbouring authorities whether they could accommodate some or all of the identified shortfall.

11. There is nothing to suggest the extent to which any shortfall in affordable housing provision within Test Valley would lead to displaced demand affecting some or all of the eight adjoining authorities.

12. The objective of the DtC is to maximise the effectiveness of the plan making process. In this case the overall manner in which the Council has worked with other authorities, particularly but not exclusively in the southern part of the Borough, is impressive. In the light of their considerable experience, Council officers presented me with a very clear picture of the position of adjoining authorities in relation to affordable housing. To have made a formal request to adjoining authorities for assistance with affordable housing, when the Council knew full well what the answer would be, would not have been effective or productive.

13. In subsequent correspondence the representor also stated that there would be a shortfall in market housing, and that the DtC would additionally be triggered in this respect. However, as I conclude (below) that the RLP will meet the full OAN for market housing, this matter does not trigger the DtC.

14. The Council has clearly taken into account the wider strategic context and the interrelationships with neighbouring areas, particularly in terms of housing markets and employment patterns. I am satisfied that the Council has engaged constructively, actively and on an ongoing basis with relevant local authorities and organisations, and I conclude that the DtC has been met.

...

60. The Claimants submit that where an LPA cannot meet its own FOAN for affordable housing then it must “explore under the ambit of the duty to co-operate whether any unmet needs can be met within adjacent LPAs” (paragraph 68 of skeleton). The proposition is said to be based upon paragraphs 104 and 106 of the judgment of Hickinbottom J in *Gallagher* . But in fact the Judge did not determine any issue in relation to section 33A nor did he lay down the proposition for which the Claimants contend.

61. It is to be noted that the Claimants' proposition is limited in scope. This is not a case where non-compliance with section 33A is said to have occurred because the Defendant failed to address

the inclusion of a policy in its plan for meeting needs arising outside its area. The Claimants simply argue that TVBC should have “explored” with other LPAs the issue of whether the shortfall in meeting the FOAN for affordable housing in its area could be dealt with in their areas. In essence, this is the same complaint as that raised at the Examination, namely that TVBC failed to put this question to the other authorities.

62. The Claimants were not at all precise as to what the use of the term “explore” should be taken to mean, although it lies at the heart of the ground of complaint. By implication the Claimants recognise that TVBC was not in a position to complete other authorities to provide for TVBC's shortfall and that they might legitimately say that they were unable to assist. Here the word “explore” suggests obtaining sufficient information about affordable housing needs in the areas of other LPAs and their ability to satisfy their own needs and any additional needs from other areas. In the light of that information a plan-making authority could decide, as a matter of judgment, whether it would be worthwhile to pursue negotiations with one or more other authorities to assist with its shortfall.

63. In this case the Claimants made no attempt to show the Court that TVBC either lacked this information or that, in the light of the information it had, TVBC's judgment that there was no point in pursuing negotiations with other authorities on this point was irrational. In his reply, Mr Cahill QC confirmed that the only criticism of the Inspector's report is one of irrationality and is limited to the last sentence of paragraph 12, in which he had said that there had been no need for TVBC to make a “ formal request” to adjoining authorities when it knew full well what the answer would be. He also stated that no legal criticism is made of the penultimate sentence of paragraph 12 in which the Inspector said that TVBC's officers had given him a very clear picture of the position of adjoining authorities in relation to affordable housing.

64. In fact, paragraph 12 is a summary of what the Inspector had been told during the Examination. In inquiry document IN009 (dated 19 December 2014) the Inspector explained that the extent of cross-boundary working had been explained by TVBC not only in its “Duty to Co-operate Statement” but also in the Hearing sessions, including one devoted to affordable housing. TVBC had been actively engaged in the production of a number of informal strategies and evidence based studies with other authorities and stakeholders. The extent of the working with other authorities was described by the Inspector as “impressive”. It was from this information that he reached the judgment that TVBC's officers were “fully aware that other authorities would not be in a position to assist with any shortfall”. Plainly the

Inspector relied upon this information when writing paragraph 12 of his Report on the Examination.

65. When paragraph 12 of the Report is read properly in the context of the material which was before the Examination, the Inspector, in his review of TVBC's performance, was entitled to reach the conclusions that (i) they had obtained sufficient information from the cross-boundary work which had in fact taken place on whether adjoining authorities would be able to provide affordable housing to meet any part of needs arising within TVBC's area and that (ii) it would have been pointless to make a "formal request" for assistance in meeting TVBC's shortfall. It is impossible for the Court to treat to Inspector's conclusions as irrational and so ground 2 must be rejected."

37. In *R(on the application of St Albans City and District Council) v SSCLG and others* [2017] EWHC 1751 Sir Ross Cranston dealt with an application for judicial review in which it was contended that an Inspector's conclusion that the duty to cooperate had not been satisfied was unlawful. The factual circumstances of that case involved the claimant's argument that the Inspector had failed to properly take into account the polarised position or impasse which had emerged in relation to contentions between the claimant and the adjoining local planning authorities with respect to the housing market. Having accepted and endorsed the approach taken in *Zurich Assurance* and *Trustees of Barker Mills*, Sir Ross Cranston concluded that the reasons provided by the Inspector demonstrated that he was fully aware of the disagreement between the council and adjoining local planning authorities in relation to the definition of the housing market area and appreciated the issue. The judge was satisfied that the decision adequately reasoned the conclusions that the Inspector had reached. In paragraph 51 of the judgment Sir Ross Cranston went on to accept the defendant's submission "that once there is disagreement, I would add even fundamental disagreement, that is not an end of the duty to cooperate". He concluded that the duty to cooperate remained active and ongoing "even when discussions seemed to have hit the buffers". Whilst in reaching this conclusion he placed some reliance on a decision of Patterson J in *R(on the application of Central Bedfordshire Council) v SSCLG* [2015] EWHC 2167 (Admin), which the parties in the present case accepted could not be authoritative as it was a permission decision which did not contain a statement that it could be cited in accordance with the Practice Direction on the Citation of Authorities, 9 April 2001 and, furthermore, was overturned by the Court of Appeal in granting permission to appeal.. Nonetheless the observations of Sir Ross Cranston are in my judgment properly capable of being considered as free standing, relevant and reliable, bearing in mind the fact-sensitive nature of the judgment which has to be reached in each individual case in which the duty to cooperate is being examined, and taken in the context of the particular facts of the case he was considering.

#### Submissions and conclusions

38. On behalf of the claimant Ms Saira Kabir Sheikh QC advances the case on four grounds. The first ground is that the Inspector failed when reaching her conclusions to apply the margin of appreciation which ought to be afforded to the claimant pursuant to section 33A of the 2004 Act. It is Ms Sheikh's submission, based upon both the wording of the statute and also the decisions in *Zurich Insurance* and *Barker Mills*, that when



considering whether or not the claimant had discharged the duty to cooperate in preparing the plan the Inspector was required to afford a margin of appreciation to the claimant and she failed to do so. In particular Ms Sheikh relies upon the contention that the Inspector sought to substitute her own judgment for that of the claimant and adjoining authorities where, for instance, in paragraph 29 of her report she concludes that, notwithstanding the fact that the adjoining authorities indicated that there had been regular constructive and cooperative liaison, she was not satisfied that that had in fact taken place. The discarding of the opinions of adjoining authorities demonstrated that the Inspector had failed to afford the claimant the margin of appreciation to which it was entitled.

39. Moreover, Ms Sheikh disputes the contention that the Inspector applied the correct test in reaching her conclusions: whilst the Inspector made assertions about unmet housing need being met elsewhere outside the claimant's administrative area, in reality the claimant was fully aware from its engagement with neighbouring authorities that there was no possibility of unmet housing need being met elsewhere. The Inspector's approach, for instance in paragraph 37 of her report, demonstrates that the Inspector's focus was upon what a local planning authority might do in the event of unmet housing need arising and was not focused on the particular circumstances of the claimant and its own knowledge and judgment as to what might be expected from any dialogue with adjoining authorities. Effectively, the whole tenor of the Inspector's report reflects the substitution of her own judgment for that of the claimant, without affording the claimant the margin of appreciation to which they were entitled.
40. Ms Sheikh also contends that her approach to the statements of common ground illustrated a similar error. The statements of common ground illustrated the depth and extent of the claimant's engagement with adjoining authorities, and her assertion that these had been drafted too late to influence the plan misunderstood both her role and the proper approach to be taken to the duty to cooperate.
41. In response to these submissions Mr Richard Moules, on behalf of the defendant, submits that when the Inspector's report is read as a whole it is clear that she has applied the correct approach. She started from the proposition that the plan had been submitted by the claimant in what it considered to be a legally compliant and sound form. In paragraph 37 of her report she clearly applied the test of what it was "reasonable to expect" the claimant to have done in the circumstances which arose. Fundamentally, Mr Moules submits that the present case had little to do with the margin of appreciation, on the basis that the Inspector's judgment as to what the claimant had done demonstrated that in fact they had done nothing constructive to explore addressing unmet housing need at the appropriate time during the plan's preparation. The Inspector concluded that the claimant could reasonably have been expected to do something in the circumstances which arose when the extent of unmet need emerged, but in fact did nothing.
42. Moreover, Mr Moules maintains that the Inspector was entitled to scrutinise the assertions of the adjoining authorities and if she concluded that, having evaluated all of the available evidence, it was not "reasonable to conclude" that the duty to cooperate had been satisfied then she was entitled to reach the conclusion which she did. Further, in applying the statutory tests at paragraph 26 of the Framework, the Inspector needed to examine whether the claimant had taken reasonable steps to explore meeting its unmet housing need. In doing so the Inspector was not effectively adopting the

approach of asking what a hypothetical authority would have done but was rather discharging the statutory tests on the facts of this particular case. The undoubted existence of the margin of appreciation should not stand in the way or act as a disincentive to local planning authorities working together to help to solve difficult and controversial problems of, for instance, unmet housing needs where the authority areas are the subject of environmental constraints.

43. Turning to Ground 2, Ms Sheikh contends that in reaching her conclusions the Inspector failed to correctly interpret and apply the duty to cooperate and conflated it with the statutory requirement that the plan should be sound. Central to her submission is that the Inspector misdirected herself by working backwards from evidence which might go to the soundness of the plan to reach conclusions on whether or not the duty to cooperate had been discharged. She worked backwards from the existence of unmet need to reach a conclusion that there had been a failure to comply with the duty to cooperate. This confused and conflated the two issues of the duty to cooperate and soundness. The evidence of this error exists, for instance, in paragraphs 17 and 24 of the Inspector's report in which she focusses on the existence of unmet need and the failure to resolve that issue. Ms Sheikh submits that the reality was that at the stage that unmet need was clearly identified it was well known that it could not realistically be met elsewhere. In effect, the Inspector erroneously considered the duty to cooperate in the light of the unmet housing need, rather than examining the requirements of the duty to cooperate itself in order to understand whether it had been discharged. The issue of unmet need and whether the housing figures and delivery proposed by the SDLP were justified was an issue connected with soundness and not the duty to cooperate.
44. In response to these submissions Mr Moules contends, firstly, that the Inspector was careful to distinguish between the duty to cooperate and the requirements of soundness in the substance of her report. Secondly, Mr Moules submits that when the Inspector's decision is properly understood, it correctly distinguished between the duty to cooperate and soundness. The problem, as identified by the Inspector, did not lie in the existence of unmet housing need in and of itself but rather in the claimant's failure to engage with adjoining authorities constructively, actively and on an ongoing basis in order to consider an attempt to find a solution that that unmet housing need at the time when it emerged. The Inspector recognised, in particular in paragraph 39 of her report, that it may not be possible for the claimant's housing need to be met in full, but concluded that earlier and fuller proactive engagement might have made it "significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need". In truth, Mr Moules contends that the claimant highlights two paragraphs (paragraphs 17 and 24) which in fact exemplify the Inspector addressing and setting out the essence of the claimant's failure to engage in ongoing active and constructive engagement with the neighbouring authorities in relation to the strategic issue of unmet housing need, rather than confusing the questions arising under the duty to cooperate with those which arose in respect of soundness.
45. Turning to Ground 3, Ms Sheikh on behalf of the claimant submits that the Inspector failed to have regard to the available material evidence furnished by the claimant. The evidence demonstrated that the claimant was both aware that there would be an unmet need, but also as a result of its duty to cooperate discussions with adjoining authorities was aware that regardless of the scope of the unmet need neighbouring authorities would not be able to assist. This point is not grappled with, she submits, by the

Inspector, and, in particular, the Inspector fails to grapple with the extensive environmental constraints that each of the authorities have to work with. In addition, Ms Sheikh submits that the statements of common ground ought not to have been disregarded in the way the Inspector did by treating them as too late to influence the SDLP. In fact, that documentation reflected years of discussions between the authorities and was highly relevant to demonstrate that the duty to cooperate had been discharged. Further, the lack of a formal request for assistance from the claimant did not demonstrate non-compliance with the duty to cooperate: the reason that no formal request was made was because as a result of the exercise of the duty to cooperate the claimant was well aware that unmet need could not be met elsewhere.

46. In response to these submissions Mr Moules submits that, firstly, the Inspector addressed whether or not there had been discussion of meeting unmet need for a considerable time and concluded on the evidence, as she was entitled to, that there was no evidence to support the claimant's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities (see paragraph 35). Secondly, Mr Moules submits that the Inspector was clearly aware of the constraints under which both the claimant and the adjoining authorities operated: these were referred to at several points during the course of her report. Thirdly, the Inspector explained clearly her conclusion that the claimant had neither demonstrated that it had constructively and actively pursued solutions to the unmet housing need it had identified with its neighbours at the appropriate time during preparation of the plan, nor that cooperation with its neighbours was an impossibility in respect of meeting any of the unmet housing need arising. Fourthly, Mr Moules submits that, again, the Inspector clearly explained for good reason that the statements of common ground had arrived too late in the process to support the conclusion that the duty to cooperate had been complied with. Fifthly, the claimant's complaint in relation to the Inspector's view on the lack of the formal request to neighbouring authorities is submitted by Mr Moules to be simply another disagreement on behalf of the claimant with the Inspector's planning judgment that it was unreasonable for the claimant to do nothing by way of meaningful exploration of solutions to meet the identified housing need shortfall.
47. Finally, by way of Ground 4, Ms Sheikh submits that the Inspector failed to give adequate reasons for the claimant's failure to comply with the duty to cooperate or, alternatively, the Inspector's conclusion was irrational. In particular it is submitted that the Inspector failed to provide adequate reasons as to why weight was placed upon the claimant's failure to make a formal request for assistance earlier and further failed to adequately reason why she disregarded the evidence of neighbouring authorities in relation to the duty to cooperate, or why she suggested that the statements of common ground did not provide evidence of compliance to cooperate. In the light of the evidence the Inspector's conclusions were irrational.
48. In response to these submissions Mr Moules submits that the Inspector's conclusions on each of the issues relied upon were clear and entirely rational. As the Inspector explained, had formal requests for the adjoining authorities been made as soon as the full extent of the claimant's unmet housing need became apparent then it may have been possible through constructive engagement to achieve a more positive outcome and maximise the effectiveness of the plan (see paragraphs 37-39 of the Inspector's report). The Inspector's reasoning showed that the neighbouring authorities' views were taken

into account, but as the Inspector explains they could not allay the concerns that she had clearly identified. The statements of common ground were, for the reasons the Inspector gave, provided too late to furnish evidence of compliance with the duty to cooperate in relation to the unmet housing need identified. Finally, Mr Moules submits that it is unarguable that the Inspector's conclusion was irrational.

49. In forming conclusions in relation to these competing submissions it is necessary, in my view, firstly to analyse the substance of the legal issues which arise in relation to the duty to cooperate under section 33A of the 2004 Act. Thereafter, secondly, it is important in my view to be clear as to the nature of the decision which the Inspector reached and the specific basis for her conclusions.
50. As described in paragraph 33A(2)(a) the duty to cooperate, when it arises, requires the person who is under the duty "to engage constructively, actively and on an ongoing basis" in relation to the preparation of a development plan document (see paragraph 33A(3)(a)) "so far as relating to a strategic matter" (see paragraph 33A(3)(e)) to "maximise the effectiveness" of the activity of plan preparation. Whilst during the course of her submissions Ms Sheikh points out that activities were undertaken by the claimant in relation to a broad range of strategic issues concerned with infrastructure and wider environmental designations, and she relied upon the numerous strategic matters with which the claimants were concerned in preparing the SDLP, it is in my view clear that the duty to cooperate arises in relation to each and every strategic matter individually. There was, therefore, no error involved by the Inspector in the present case focussing upon one of those strategic matters in reaching her conclusions in respect of the duty to cooperate.
51. I accept the submission made by Ms Sheikh that discharging the duty to cooperate is not contingent upon securing a particular substantive outcome from the cooperation. That was a proposition which was not disputed by Mr Moules. I accept, however, his submission that the duty to cooperate is not simply a duty to have a dialogue or discussion. In order to be satisfied it requires the statutory qualities set out in section 33A(2)(a) to be demonstrated by the activities comprising the cooperation. As Sales J observed in paragraph 110 of *Zurich Assurance*, deciding what ought to be done to meet the qualities required by section 33a(1)(c)(2)(a) "requires evaluative judgments to be made by the person subject to the duty regarding the planning issues and use of limited resources available to them." As Sales J also observed, bearing in mind the nature of the decisions being taken a court reviewing the decision of an Inspector making a judgment in respect of whether there has been compliance with the duty will be limited to examining whether or not the Inspector reached a rational decision, and will afford the decision of the Inspector a substantial margin of appreciation or discretion. It is against the background of these principles that the submissions of the claimant fall to be evaluated.
52. The second issue is, as set out above, to be clear as to the nature of the decision which the Inspector reached. In that connection, in my judgment the submissions made by Mr Moules in relation to Ground 4 are plainly to be preferred. Having carefully examined the Inspector's conclusions they were, in my judgment, clearly expressed and set out in detail the reasons for the conclusions that she reached. I am unable to identify any defect in the reasoning of her report which sets out clearly and in full detail her conclusions and the reasons for them.

53. It is clear from the report that the conclusions of the Inspector were that the claimant became aware of the detailed extent of its unmet housing need after the Regulation 18 consultation which ceased on the 10 September 2018 (see paragraph 27 and paragraph 35). The first minutes of a duty to cooperate meeting referring to addressing unmet housing need in the claimant's area was on 13 March 2019, after the Regulation 19 consultation on the SDLP, and seven weeks prior to submission of the SDLP for examination (see paragraph 23). The minutes of the duty to cooperate meetings provided "no substantial evidence that the council sought assistance from its neighbours in meeting its unmet housing need" prior to the publication of the Regulation 19 version of the SDLP (see paragraph 24). The claimant did not request assistance from Tunbridge and Malling Borough Council during the course of Regulation 19 consultation on the Tonbridge and Malling Local Plan between 1 October and 19 November 2018 to assist with unmet housing need in the claimant's area (see paragraph 27), and only made formal request to ask whether or not Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council would assist in meeting the claimant's unmet housing need after the Regulation 19 consultation had been completed and just prior to submitting the plan for examination (see paragraphs 27 and 28). The statements of common ground were completed after the submission of the plan for examination and prepared too late to influence the content of the plans preparation (see paragraphs 32 and 33). Whilst the claimant contended that discussions had already indicated prior to the extent of unmet housing need emerging following the Regulation 18 consultation and further engagement was not undertaken because it had already been indicated that an unmet need of 600 dwellings could not be accommodated, the Inspector concluded that there was no evidence to support the assertion that discussions had already indicated an unmet need of 600 dwellings could not be accommodated (see paragraph 35).
54. Thus, the Inspector concluded in paragraph 37 of her report that it was reasonable to expect that the claimant would, after the extent of the unmet housing need emerging following the Regulation 18 consultation, have undertaken constructive engagement in an attempt to resolve the issue prior to the publication of the Regulation 19 version of the plan. Whilst that process may or may not have been fruitful, the Inspector observed that "it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place". The peer review process did not assist: the PAS workshop was undertaken at a very late stage the plan process and "if the engagement had occurred as soon as the council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome" (see paragraph 43). The visiting Inspector raised issues which were not adequately resolved before the plan was submitted (see paragraph 44).
55. From this distillation of the Inspector's conclusions and reasoning it is clear to see that there is no substance in the claimant's grounds. In my view it perhaps makes most sense to start with the claimant's Ground 2, the contention that the Inspector failed to properly interpret and apply the duty to cooperate and conflated it with the requirement for soundness. In my view there is no basis for this contention when the Inspector's conclusions and reasons are properly understood. Firstly, as to the application of the test it is clear from paragraph 37 that the Inspector directed herself to whether, in accordance with the requirements of section 20(7)(a)(ii), it was reasonable for her to conclude that the duty to cooperate had been complied with. She found that once the



extent of the unmet need emerged after completion of the Regulation 18 consultation on the SDLP, the claimant should have contacted its neighbouring authorities and engaged constructively in an attempt to resolve the issues arising from its unmet housing needs. Her conclusion that there was no communication, let alone engagement, in between the emergence of this issue and embarking upon a Regulation 19 consultation underpinned her conclusion that there had not been constructive, active and ongoing engagement in relation to that issue. It is clear from paragraphs 37 and 43, and indeed from the totality of her reasoning, that what she was scrutinising and assessing was not the identification of a particular solution for the strategic issue of unmet housing need, but rather the quality of the manner in which it had been addressed. Her conclusions were, based on her factual findings as to what in fact happened after the Regulation 18 consultation disclosed the extent of the unmet housing need, that no constructive and active engagement was undertaken at the time when it was required in advance of the Regulation 19 version of the SDLP being settled. These conclusions properly reflected the statutory requirements and the evidence which was before the Inspector and do not disclose any misdirection on her part, or confusion between the requirements of the duty to cooperate and the requirements of the soundness with respect to this strategic issue.

56. Turning to Ground 1 there is force in the submission made by Mr Moules that, in truth, this is a clear-cut case based on the findings that the Inspector reached. As set out above, the Inspector concluded (as she was entitled to on the evidence before her) that at the time when the strategic issue in relation to unmet housing need crystallised, there was no constructive, active or ongoing engagement and, indeed, the matter was not raised with neighbouring authorities until after the Regulation 19 consultation on the SDLP and at a very late stage in plan preparation. Requests made of neighbouring authorities on the 11 April 2019 post-dated the Regulation 19 consultation and were shortly prior to the plan being submitted. In those circumstances the Inspector was entitled to conclude that these discussions were not taking place at a time when they could properly inform and influence plan preparation and maximise the effectiveness of that activity. As the Inspector recorded in paragraph 37, she found, as she was entitled to, that had engagement occurred after the Regulation 18 consultation and prior to the Regulation 19 consultation “it might have resulted in a more positive outcome”. Further, as the Inspector recorded, the possibility that it may have led to the same outcome was nothing to the point. Effective, constructive and active engagement had not taken place at the time when it was required. By the time there was communication in respect of the issue it was too late.
57. Although the claimant stressed its belief that whenever called upon to do so neighbouring authorities would have refused to provide assistance, I am not satisfied that this provides any basis for concluding that the Inspector’s conclusions were irrational. Indeed, as she notes, Tunbridge Wells Borough Council noted in its written material that if the request to address the claimant’s unmet housing need had been made at any point prior to the submission of its comments on the Regulation 19 version of the plan then their response would have addressed the issue more fully. There was, therefore, evidence before the Inspector to support her judgment in this respect. In the light of these matters I am unable to accept that there is any substance in the claimant’s Ground 1. There is no justification for the suggestion that the Inspector failed to afford a margin of appreciation to the claimant in reaching her conclusions; the clear-cut nature of the conclusions which the Inspector reached were fully set out and ultimately

the Inspector was required by section 20 of the 2004 Act to reach conclusions in relation to the statutory test which she did.

58. Turning to the submissions in relation to Ground 3, I am unable to accept that the Inspector failed to have regard to the material which was available to her in reaching her conclusions. It is clear to me from the detail of the report that the Inspector had regard to all of the evidence that had been placed before her. The Inspector clearly addressed the detailed material in relation to the duty to cooperate meetings and the preparation of joint evidence. She also engaged with the existence of statements of common ground and the views of the neighbouring local authorities. She gave careful consideration to the peer review which had been undertaken and reflected on the responses from adjoining authorities to request they meet unmet housing need from the claimant and the environmental constraints under which the claimant had to operate. In my view the submissions advanced in respect of Ground 3 effectively amount to a disagreement with the Inspector on the conclusions which she ought to have forged based upon the material which was before her. Ultimately, the availability of this evidence did not dissuade the Inspector from reaching the conclusions which she did in respect of quality and timing of the engagement in the present case: the generality of the position presented by the claimant does not gainsay the detailed conclusions reached by the Inspector as to the nature of the duty to cooperate activities, or lack of them, at the critical point of time when the extent of nature of the unmet housing need emerged at the conclusion of the Regulation 18 consultation. In my view it is clear that the Inspector had careful regard to all of the material which was placed before her and reached conclusions which, I have already set out in respect of my views on Grounds 1 and 2, were lawful and appropriate.
59. I have already expressed my view as to the quality and nature of the reasons provided by the Inspector in respect of the examination. In my view her reasons were clear, full, detailed and justified. In addition, under Ground 4 it is contended that the conclusion which she reached was irrational. In my judgment there is no substance whatever in that contention. For the reasons which I have already given the Inspector's conclusions were clearly open to her and based upon a proper appreciation and application of the relevant statutory tests.
60. It follows that for all of the reasons set out above I am satisfied that there is no substance in any of the grounds upon which this claim is advanced and the claimant's case must be dismissed.

## 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**

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**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*".
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### 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 dealt 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 authorities<sup>1</sup>.
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 boundaries<sup>2</sup>. 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.

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<sup>1</sup> The SHS later became informally adopted by the partnership authorities in October 2012

<sup>2</sup> 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."*<sup>3</sup>

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 decisions<sup>4</sup>. 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.

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<sup>3</sup> PPG 3-030 (emphasis added)

<sup>4</sup> 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'<sup>5</sup>. This is

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<sup>5</sup> 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 units<sup>6</sup>.

*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 dwellings<sup>7</sup>. 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.

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<sup>6</sup> 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

<sup>7</sup> 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 here<sup>8</sup>. 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

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<sup>8</sup> 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)<sup>9</sup>. 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 LCA<sup>10</sup>; 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

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<sup>9</sup> Fareham Borough Landscape Assessment : Scott Wilson Resource Consultants, May 1996

<sup>10</sup> 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 tests<sup>11</sup>.
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.

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<sup>11</sup> 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,      Planning consultant  
BA(Hons) LLM MRTPI

Mr Peter Home,      Adams Hendry  
MA(Oxf) MRTPI

### FOR THE APPELLANT:

Mr Christopher Boyle, QC      Instructed by WYG Planning

He called:

Mr Stephen Brown,      Woolf Bond Planning  
BSc(Hons) DipTP MRTPI

Mr Duncan McInerney,      The Environmental Dimension Partnership  
BSc(Hons) MLD CMLI

Mr Martin Hawthorne,      WYG Planning  
BSc(Hons) MRTPI

### 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**

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**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.
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### 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.
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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 judgement<sup>1</sup> 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

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<sup>1</sup> 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 decision<sup>2</sup>, 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 PUSH<sup>3</sup> 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. PPG<sup>4</sup> 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

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<sup>2</sup> APP/A1720/A/14/2220031.

<sup>3</sup> Partnership for Urban South Hampshire.

<sup>4</sup> 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 law<sup>5</sup> 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. PPG<sup>6</sup> 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

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<sup>5</sup> 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).

<sup>6</sup> 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 land<sup>7</sup>. 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 viable<sup>8</sup>. PPG<sup>9</sup> 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

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<sup>7</sup> Table AB 1 submitted by the lpa at the inquiry.

<sup>8</sup> Footnote 11, National Planning Policy Framework.

<sup>9</sup> 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 land<sup>10</sup> (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.

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<sup>10</sup> Annex 2, National Planning Policy Framework.

29. CS Policy CS16 was predicated on guidance contained in PPS7<sup>11</sup>, which the Secretary of State in his 2006 decision<sup>12</sup> 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

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<sup>11</sup> Planning Policy Statement 7: Sustainable Development in Rural Areas.

<sup>12</sup> 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 law<sup>13</sup> 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

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<sup>13</sup> 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 lpa, 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 lpa 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 regulations<sup>14</sup> 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.

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<sup>14</sup> 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 legislation<sup>15</sup>. 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

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<sup>15</sup> 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 evidence<sup>16</sup> 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 Court<sup>17</sup> 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.

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<sup>16</sup> Planning Policy Guidance, Paragraph: 004 Reference ID: 23b-004-20150326.

<sup>17</sup> 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)<sup>18</sup>. 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

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<sup>18</sup> 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 Jezeph 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 Jezeph 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).

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## 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: 10<sup>th</sup> September 2018**

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**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'.
- 

### 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



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## 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**

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**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'.
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### 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 PF117 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 road<sup>1</sup>, with a two-way, daily flow of the order of 6,800 vehicles per day<sup>2</sup>. 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.

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<sup>1</sup> Paragraph 6.24 of Mrs Lamont's PoE

<sup>2</sup> 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 development<sup>3</sup>. 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 witnesses<sup>4</sup> 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 NTS2018<sup>5</sup>. 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

<sup>3</sup> Page 2 of CD10A and Paragraph 2.3.9b of Mr Wall's PoE

<sup>4</sup> Mr Wall for the appellant and Mrs Lamont for the Council

<sup>5</sup> 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 situation<sup>6</sup>. 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 work<sup>7</sup>.
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

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<sup>6</sup> Page 5 of CD10A

<sup>7</sup> Ie 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 rail 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 Council<sup>8</sup> 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 authority<sup>9</sup>.

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<sup>8</sup> Letter of 29 August 2018 (contained within CD2)

<sup>9</sup> 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 bridge<sup>10</sup>. 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 (CD2<sup>11</sup>). 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'<sup>12</sup>, 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 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 bridge<sup>13</sup>. 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.

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<sup>10</sup> As clearly depicted in the cross section contained in Image 3.2 and drawing ITB12212-GA contained in CD29

<sup>11</sup> The summary of HCC's comments to the Council included as Appendix 2 of the Council's committee report of 24 April 2019

<sup>12</sup> Paragraph 3.3.6 in CD29

<sup>13</sup> 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'<sup>14</sup> 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.

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<sup>14</sup> 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 (ID5<sup>15</sup>) 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 evidence<sup>16</sup>. 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 footways<sup>17</sup>.
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 seconds<sup>18</sup>.
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

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<sup>15</sup> Designing for pedestrians a level of service concept

<sup>16</sup> Appendix X of Mr Wall's PoE and ID11

<sup>17</sup> Paragraph 2.4.2 of the Transport Assessment (CD15)

<sup>18</sup> Page 9 of CD10A

as option 3 because of an issue of dealing with '... the lag times once a vehicle is in the narrowing ...'<sup>19</sup>. 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 suitable<sup>20</sup>, 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 ago<sup>21</sup>, and which has a specific module capable of modelling road narrowings<sup>22</sup>. 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 minutes<sup>23</sup>.
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'<sup>24</sup> 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)<sup>25</sup>. 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 evidence<sup>26</sup>. In response to the critique of PDV22 the Council has supplemented its evidence through the submission of a video file for its

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<sup>19</sup> Email from Jim Binning of TRL to Mayer Brown of 23 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

<sup>20</sup> Email from Jim Binning of TRL to Mayer Brown of 9 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

<sup>21</sup> Mrs Lamont in during cross examination

<sup>22</sup> Matter of agreement stated on page 8 of CD10A

<sup>23</sup> Mrs Lamont's rebuttal statement

<sup>24</sup> Email of 23 September 2019 to the Planning Inspectorate from Mrs Mulliner on the appellant's behalf

<sup>25</sup> Appendix K to Mr Wall's PoE

<sup>26</sup> Appendix P to Mr Wall's Rebuttal Statement, Note from Vectos of September 2019 entitled 'Paramics modelling – comments on Sysstra review and Mayer Brown rebuttal', ID12 and ID15

running of PDV22 and written comments from the software's developer, Systra<sup>27</sup>.

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 seconds<sup>28</sup>.
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

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<sup>27</sup> Mrs Lamont's Rebuttal Statement, including Appendix 3, ID9, ID10 and ID14

<sup>28</sup> 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 completely 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 seconds<sup>29</sup>. 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

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<sup>29</sup> 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 seconds<sup>30</sup>.

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 ID6<sup>31</sup>, 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.

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<sup>30</sup> Table 3.1 in CD29

<sup>31</sup> 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 appellant's 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 years<sup>32</sup>.
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 2024<sup>33</sup>.

#### *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

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<sup>32</sup> Having regard to the figures quoted in paragraphs 1.18 and 1.19 in the Housing Land Supply SoCG (CD14)

<sup>33</sup> 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



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## 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: 8<sup>th</sup> June 2021**

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### **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.
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## **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 withdrew<sup>1</sup> that aspect of its case before the appellants presented their evidence on the matter<sup>2</sup>. 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

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<sup>1</sup> Including the evidence given by Mr Whitehead.

<sup>2</sup> 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 Bridgemary, 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 Bridgemary. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemary 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 aesthetic<sup>3</sup>, 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

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<sup>3</sup> 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 Farm<sup>4</sup>), 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

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<sup>4</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 accidents<sup>5</sup>. 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.

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<sup>5</sup> 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 Bridgemary 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 possible<sup>6</sup>. 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

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<sup>6</sup> 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 optimistic<sup>7</sup>.
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 attention<sup>8</sup>, 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

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<sup>7</sup> Statements of Common Ground, January 2021 (paragraphs 7.14).

<sup>8</sup> 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 requirements<sup>9</sup>.

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;

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<sup>9</sup> 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 colleagues<sup>10</sup>, 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

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<sup>10</sup> 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:

**Mr D Lintott**

Of Counsel

He called

**Mr I Dudley**

BSc(Hons) MICFor CEnv CMLI

**Mr C Whitehead**

BEng CEng

**Mr J Mundy**

MSc IMICE

**Mr N Sibbett**

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:

**Mr C Boyle**

QC

He called

**Mr J Atkin**

BSc(Hons) DIP LM CMLI

**Mr N Tiley**

ARTPI

**Miss M Hoskins**

BA(Hons) MCIHT

**Mr A Jones**

BSc(Hons) MCIHT

**Mr D West**

MEnv Sci(Hons) CEnv MCIEEM

**Mr D Weaver**

BA(Hons) MA MRTPI

**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

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 16/12/2020**

**P/18/0363/OA  
T WARE DEVELOPMENTS LIMITED**

**FAREHAM NORTH-WEST  
AGENT: ADVOCO PLANNING  
LIMITED**

RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE  
PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING,  
LANDSCAPING AND ACCESS ROAD

84 FAREHAM PARK ROAD, FAREHAM

### ***Report By***

Richard Wright – direct dial 01329 824758

#### ***1.0 Introduction***

- 1.1 This application has been presented to the Planning Committee due to the number of third party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24<sup>th</sup> June 2020 this year that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

#### ***2.0 Site Description***

- 2.1 The application site comprises a parcel of land approximately 1.45 hectares in size. The northern part of the site is currently used lawfully as part of a caravan storage facility whilst the larger southern part of the site is an open field.
- 2.2 The application site is located immediately adjacent to a recent residential development of seven houses known as Hope Lodge Close. Hope Lodge Close was an allocated housing site in the adopted Fareham Borough Local Plan Part 2: Development Site and Policies. The current application site includes land to the west and south-west of Hope Lodge Close and shares the same access through the site back to Fareham Park Road. The access road crosses a public right of way (Bridleway 82) near its junction with Fareham Park Road which then runs adjacent to the site's south-eastern boundary.
- 2.3 The site is bound on its south-eastern side by a line of mature trees and hedgerow (the other side of which runs the bridleway). Around the site's western edge is land shown edged blue on the submitted site location plan to denote land within the ownership or control of the applicant. This land

features mainly boundary trees and vegetation and also part of the existing caravan storage use. On part of this blue edged land and other land further westwards is an area of ancient woodland designated as a Site of Importance for Nature Conservation (SINC) known as Iron Mill Coppice. To the north of the site lie stable buildings with the M27 motorway a short distance further to the north.

- 2.4 The site is located entirely outside of the designated urban settlement boundaries and so for planning purposes is considered to be countryside. The edge of the urban area lies to the immediate south-east of the site across the bridleway and also eastwards at the perimeter of the curtilage of 86 Fareham Park Road. The development of seven houses already underway is carried out on land which is defined as being within the urban area and which lies immediately adjacent to the application site. The site also lies within a designated Strategic Gap (The Meon Gap).

### **3.0 Description of Proposal**

- 3.1 Outline planning permission is sought for a residential development of up to 28 units along with parking, landscaping and access roads. All matters except for the means of access are reserved.
- 3.2 The applicant has proposed that 8 of the 28 proposed units will be affordable homes. Of those affordable units six would be social rented and the other two intermediate units.
- 3.3 Access into the site would be provided through Hope Lodge Close (a private road which does not form part of the adopted highway). From Hope Lodge Close access is proposed at two points between 3 & 5 Hope Lodge Close and through the end of the close adjacent to 8 Hope Lodge Close.

### **4.0 Policies**

- 4.1 The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

## CS22 – Development in Strategic Gaps

### **Adopted Development Sites and Policies**

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

### **Other Documents**

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

## **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

<b>P/02/0213/LU</b>	USE OF LAND FOR THE OPEN STORAGE OF TOURING CARAVANS
<b>CERTIFICATE GRANTED</b>	30/05/2002
<b>P/13/0059/OA</b>	PROPOSED REDEVELOPMENT BY THE ERECTION OF SEVEN 4-BEDROOMED DETACHED HOUSES (OUTLINE APPLICATION)
<b>PERMISSION</b>	28/10/2014
<b>P/13/0137/OA</b>	PROPOSED REDEVELOPMENT BY THE ERECTION OF FOURTEEN TWO-BEDROOMED BUNGALOWS FOR OCCUPATION BY ELDERLY PERSONS (OUTLINE)
<b>REFUSED</b>	19/07/2013
<b>APPEAL</b>	07/02/2014
<b>DISMISSED</b>	
<b>P/16/1178/FP</b>	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE

<b>PERMISSION</b>	22/05/2017
<b>P/16/1424/OA</b>	TEN DWELLINGS (USE CLASS C3) AND ASSOCIATED ROADS, PARKING, LANDSCAPING AREAS AND PUMPING STATION (OUTLINE APPLICATION)
<b>REFUSE</b>	24/05/2017
<b>P/17/1385/FP</b>	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE (ALTERNATIVE TO PREVIOUS PERMISSION GRANTED UNDER REFERENCE P/16/1178/FP)
<b>PERMISSION</b>	07/02/2018

## **6.0 Representations**

6.1 There have been 31 representations received (48 if including multiple responses from the same persons). Of the 31 representations, there have been 23 letters objecting to the proposal and 8 letters of support.

## **6.2 Objections**

### **General**

- Why is there a need for more homes?
- The site is outside of the urban area / within the countryside
- Harm to integrity of strategic gap
- Site is not allocated for development
- Residents of Hope Lodge Close not informed of planning application

### **Highways**

- Roads cannot cope with increased traffic
- Fareham Park Road is too narrow
- Damage to Fareham Park Road
- Harmful to users of the bridleway
- Harmful to safety of residents of Hope Lodge Close
- Impact on parking provision nearby

### **Environmental**

- Noise and disturbance during construction
- Harm to ancient woodland
- Impact on wildlife
- Motorway noise



- Light pollution
- Loss of privacy

#### **Impact on local services**

- Additional strain on doctors' surgeries

### **6.3 Support**

- Need for housing in local area
- Proposal would provide affordable housing
- The development will blend in well / reflect the character of the area
- Removal of caravan park use beneficial

## **7.0 Consultations**

### **EXTERNAL**

#### **Hampshire County Council (Flood and Water Management)**

7.1 No objection.

#### **Southern Water**

7.2 No objection.

#### **Hampshire County Council (Countryside Service)**

7.3 No objection subject to financial contribution towards enhancing Bridleways 82 & 83b (£65,450).

#### **Hampshire County Council (Archaeology)**

7.4 No objection.

#### **Hampshire County Council (Children's Services)**

7.5 No objection. The small number of dwellings does not warrant a contribution linked to the requirement for any additional education infrastructure. However a contribution of £7,000 for HCC to undertake a school travel plan is required. The development will yield additional pupils who will travel to the local catchment school at St Columba Primary.

### **INTERNAL**

#### **Ecology**

7.6 No objection subject to conditions.

#### **Environmental Health**

7.7 No objection.

#### **Contaminated Land**

7.8 No objection.

**Trees**

7.9 No objection.

**Highways**

7.10 No objection subject to the developer funding a Traffic Regulation Order (TRO) to reduce the impact of parking on the south-eastern end of Fareham Park Road and improvements to the adjacent bridleway to Hillson Drive.

**8.0 Planning Considerations**

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Planning history
- c) Residential development in the countryside;
- d) Residential development within the strategic gap;
- e) Policy DSP40;
- f) The Impact on European Protected Sites;
- g) Other matters;
- h) The Planning balance.

**a) Implications of Fareham's current 5-year housing land supply position**

8.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24<sup>th</sup> June 2020 this year that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

8.3 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations

indicate otherwise. Material considerations include the planning policies set out in the NPPF.

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
  - i. *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *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."*

- 8.8 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

- 8.9 Members will be mindful of Paragraph 177 of the NPPF which states that

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate*

*assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

- 8.10 The wording of this paragraph clarifies that in cases such as this one where an appropriate assessment had concluded that the proposal would not adversely affect the integrity of the habitats site the presumption in favour of sustainable development set out in Paragraph 11 does apply.
- 8.11 The following sections of this report assess the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

**b) Planning history**

- 8.12 In 2013 planning permission was refused for the erection of fourteen two-bedroom bungalows partly on this site and partly on the adjacent housing allocation site. The decision (reference P/13/0137/OA) was the subject of a subsequent appeal which was dismissed in 2014 (reference APP/A1720/A/13/2203892). The Inspector noted as follows:

*“The appeal site has an open character, with a gentle fall in levels from a slight crest westwards towards the area of woodland. The proposed housing would introduce a substantial amount of development on this land, bringing the area of built development close to this crest of the sloping land. It would bring a strong urbanising effect upon the rural appearance of the land, reducing the open countryside character of the area. There are clear views over the appeal site and adjoining rural area from public rights of way. The form and scale of the development would therefore be harmful to the landscape character of the area.”*

- 8.13 A separate planning application made that same year for seven dwellings on the housing allocation site was permitted (reference P/13/0059/OA). In 2016 an alternative to the 2013 permission for the housing allocation's redevelopment was received (reference P/16/1178/FP) with permission being granted the following year and work starting shortly afterwards on the construction of seven detached two-storey houses on the land.
- 8.14 In 2016 a further application was received proposing ten more houses on the land to the west of the housing allocation (reference P/16/1424/OA). The site formed the remainder of the existing caravan storage use and comprises the northernmost section of the current application site. Planning permission was refused by the Planning Committee in May 2017 for the following reasons:

*The development would be contrary to Policies CS2, CS4, CS6, CS14, CS17, CS18 & CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13 & DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:*

- (a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;*
- (b) the proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap;*
- (c) the application is made on a site which is clearly capable of providing a level of development which would require the provision of affordable housing and is also demonstrably part of a potentially larger developable site. The application fails to provide affordable housing either in the form of on-site units or the equivalent financial contribution towards off-site provision;*
- (d) due to the site's proximity to the M27 motorway, external garden areas on the site will be subjected to noise levels which would unacceptably affect the living conditions of those residing there. The application therefore fails to provide adequate external amenity space to meet the requirements of future occupiers;*
- (e) the applicant has failed to demonstrate that the development would protect and would not harm bats and their habitat or the adjacent ancient woodland/Site of Importance for Nature Conservation (SINC);*
- (f) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.*

- 8.15 Since the 2014 appeal decision and the Planning Committee decision in May 2017, there have been several other appeal decisions and material changes to the planning policy context. One of the most significant of these is that, as explained in the previous section to this report, the Council can no longer demonstrate a five year supply of housing land meaning Policy DSP40 of the adopted Local Plan Part 2 is engaged.

**c) Residential Development in the Countryside**



8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.17 Policy CS14 of the Core Strategy states that:

*'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. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*

8.18 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

8.19 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

8.20 Further assessment of the degree of harm to the landscape character and appearance of the countryside and to what extent that harm is mitigated follows later in this report under Policy DSP40(iii).

**d) Residential development within the Strategic Gap**

8.21 The site lies within the Strategic Gap known as The Meon Gap as defined in the adopted Fareham Borough Core Strategy.

8.22 Policy CS22 of the Core Strategy states that:

*'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.'*

*Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap); and Stubbington/Lee-on-the-Solent and Fareham/Gosport.*

*Their boundaries will be reviewed in accordance with the following criteria:*

- 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.'*

- 8.23 It is clear that Policy CS22 does not seek to prevent all or any development in Strategic Gaps but just those which are considered to significantly affect the integrity of the gap and the physical and visual separation between settlements they provide. Such an assessment will need to be carried out on a case by case basis.
- 8.24 In an appeal decision in January 2019 relating to Land west of Old Street, Hill Head elsewhere in the Meon Gap (reference APP/A1720/W/18/3200409) the Planning Inspector concluded that a development of up to 150 houses in that instance would not adversely affect the integrity of the Strategic Gap. She noted that *"The character and setting of Stubbington was not pertinent to gap designation or function in Policy CS22"* and thus the proposal would accord with that policy.
- 8.25 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 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. The proposal would therefore accord with Policy CS22.
- 8.26 Officers acknowledge that this position contrasts with the Council's previous decision in refusing planning permission for ten dwellings (reference P/16/1424/OA). Notwithstanding, following the further assessment summarised above, Officers do not believe a refusal based on harm to the integrity of the strategic gap would be sustainable on appeal.
- 8.27 Further assessment of how any adverse impact on the strategic gap is minimised follows later in this report under Policy DSP40(iii).

**e) Policy DSP40**

8.28 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

8.29 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

*"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 land 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".*

8.30 Each of these five bullet points are worked through in turn below.

**Policy DSP40 (i)**

8.31 The proposal is for up to 28 dwellings which Officers consider to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

**Policy DSP40 (ii)**

8.32 The site is in a sustainable location close to local primary and secondary schools and bus stops. At the south-eastern end of Fareham Park Road are takeaway food shops and other services whilst the local shops and services, including doctor's surgery and dentists, at Highlands Road Local Centre lie a little further.

8.33 The site is located immediately adjacent to the existing urban area. Subject to the satisfactory layout of the site, the development would be capable of relating well to the adjacent housing allocation site on which is the recent development of seven houses.

8.34 The proposal is considered to accord with Policy DSP40(ii).

**Policy DSP40 (iii)**

- 8.35 The first part of this policy test relates to the sensitivity of the proposed design in relation to the existing settlement area. The application is in outline form meaning consideration of the layout, scale and appearance of the development are reserved matters. However, taking into account the quantum of development proposed of 28 dwellings, Officers have no concerns that the scheme could not be delivered to successfully reflect the character of the existing settlement through a sensitive design approach to accord with Policy DSP40(iii).
- 8.36 The second part of the policy test considers to what extent any impact on the countryside and Strategic Gap is minimised.
- 8.37 The visual impact on the countryside arising from development on the site has been considered before by this Council both in determining the 2013 and 2016 applications. Neither application proposed development over the wider site as is now proposed but instead those schemes proposed smaller parcels of housing adjacent to the housing allocation site. Notwithstanding, on both occasions it has been determined that the proposed development would harm the countryside's landscape character and appearance and in the case of the 2013 application that has been reiterated in the subsequent appeal decision.
- 8.38 Consistent with those decisions, Officers consider the current proposal would harm the landscape character and appearance of the countryside. Officers are mindful that the adjacent land has already been developed with the construction of seven two-storey houses and note the urbanising effect this has on the application site. It is furthermore acknowledged that the land to the west of that development, and which forms the northern part of the application site, currently enjoys a lawful use for caravan storage which itself is an unsightly intrusion into the countryside. Notwithstanding, the caravan storage use in one part of the site has a more limited visual impact than housing across a larger area and the adjacent dwellings built on the housing allocation site are in stark contrast to the open character of the field which forms the majority of the application site. As stated earlier in this report, the proposal is found to have an unacceptable harmful impact on the countryside and to be contrary to Core Strategy Policy CS14. The test set out at Policy DSP40(iii) is different to that of Policy CS14 in that it seeks to ensure that such impact is minimised. The remainder of this section of the report sets out that harm in the wider context of the landscape character of the surrounding countryside and explains how Officers consider that impact to be minimised.

- 8.39 As already referred to, the site is within an area of countryside and Strategic Gap. Paragraph 170 of the NPPF states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes...”*

- 8.40 In the January 2019 appeal decision on Land west of Old Street, Hill Head the Inspector agreed that the Lower Meon Valley is a valued landscape for the purposes of that paragraph. She noted that *“Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity”*.

- 8.41 The application site lies in the Upper Meon Valley, an area also considered to be a valued landscape.

- 8.42 The Fareham Landscape Assessment 2017 (FLA) which is part of the published evidence base for the draft Fareham Local Plan describes the character area of the Upper Meon Valley as being a landscape resource of high sensitivity in general. Another evidence study, the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020), identifies the Meon Valley as an Area of Special Landscape Quality (ASQL). Like the Upper Meon Valley landscape character area in the FLA, the boundary of the Meon Valley ASQL includes the application site.

- 8.43 The Upper Meon Valley landscape character area occupies a corridor of land contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. The area has a valley landform in a well-treed and essentially rural or semi-rural landscape and includes the area around Titchfield Abbey. The application site itself is identified in the FLA as being within an area of small-scale mixed farmland and woodland and is located on the fringe of the urban area on the wooded eastern valley side.

- 8.44 In terms of the visual environment the FLA remarks that:

*“There are a few small pockets of land which are enclosed by strong hedgerows or vegetation and less visible, and/or lie within areas where views are already affected by built development or intrusive/unsightly land uses... 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.”*

- 8.45 It continues by saying 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... 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.”*

- 8.46 In summarising development opportunities within the Upper Meon Valley therefore, page 129 of the FLA sets out a number of criteria one of which suggests that development proposals would need to:

*“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.”*

- 8.47 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.
- 8.48 The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.



- 8.49 In summary of this particular policy test, Officers consider that the adverse impacts of the development could be mitigated to the extent that the proposal accords with Policy DSP40(iii).

**Policy DSP40 (iv)**

- 8.50 The applicant has stated that, should outline permission be granted, they would hope to be in a position to submit a reserved matters application within six months. They would anticipate being on site at the earliest opportunity following approval of the reserved matters with all of the 28 dwellings built out as a single phase.
- 8.51 Officers consider that the site is therefore deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).

**Policy DSP40 (v)**

- 8.52 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below. In summary, Officers consider this policy test to be satisfied.

**Ecology**

- 8.53 The Council's ecologist has raised no objection to the application. The submitted Reptile Mitigation Strategy has identified an adjacent area of land within the ownership or control of the applicant as a suitable reptile receptor area. The implementation of the development in accordance with that strategy can be secured by using a planning condition.
- 8.54 The layout of the site is a reserved matter however Officers are satisfied that a suitable scheme could be provided to retain appropriate distance between the development and the adjacent ancient woodland SIN.

**Amenity**

- 8.55 The proposal is in outline form with matters of scale, appearance and layout, as well as landscaping, reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would be no adverse unacceptable impact on the amenity of neighbouring residents.
- 8.56 Officers are satisfied that the effects of motorway noise on the enjoyment of the private garden areas and interior of the new properties hereby proposed could be satisfactorily mitigated by a scheme of sound attenuation. Such measures would need to be designed in light of the emerging layout of the site which would be a reserved matter and can be required by way of a planning condition.

- 8.57 Officers are satisfied that the development would be acceptable in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policies DSP3 and DSP40(v).

### **Highways**

- 8.58 Following further discussions with and information from the applicant it was agreed by Officers that no additional traffic calming measures were necessary along Fareham Park Road to mitigate the impact of additional traffic generated by the dwellings proposed. Similarly, no amendments to the new junction already constructed to serve the development of seven houses on the adjacent housing allocation are required.
- 8.59 The Council's Transport Planner has recommended the developer make two contributions – one towards funding changes to a Traffic Regulation Order (TRO) at the south-eastern end of Fareham Park Road at the junction with Highlands Road, and one towards improvements to the existing bridleway adjacent the application site.
- 8.60 After taking advice from Hampshire County Council Traffic Management team, requiring the developer to fund changes to the TROs along Fareham Park Road would not be justified in this instance.
- 8.61 The County Countryside Service agrees with the Transport Planner's recommendation that the adjacent bridleway be improved to support increased pedestrian usage between the site and Hillson Drive. Funding for such improvements can be secured through an appropriate planning obligation in a Section 106 legal agreement entered into by the applicant/landowner.

### **Affordable Housing**

- 8.62 Policy CS18 of the adopted Fareham Borough Core Strategy sets out that developments of 15 dwellings or more should provide on-site affordable housing provision at a level of 40%. For a scheme of 28 dwellings this equates to 11.2 units.
- 8.63 The applicant has engaged a Registered Provider (RP) of affordable housing and has proposed fewer units with a more favourable tenure split to meet the locally identified housing need in the area. The applicant proposes to provide 8 affordable units in total comprising six social rented 3-bed houses and two 3-bed units as intermediate housing. The Council's Affordable Housing Strategic Lead has welcomed this offer in light of the pressing need for social rent properties, particularly family sized housing, in the area. Whilst therefore the proposal does not comply with the requirement set out in Policy CS18 for 40% affordable units, it does provide a form of affordable housing of a

particular size and tenure which reflects the identified housing needs of the local population. If planning permission were to be granted, the provision of those units would be secured via a Section 106 legal agreement entered into by the applicant/landowner.

**f) The Impact on European Protected Sites**

- 8.64 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.65 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.66 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.67 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated EPS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated EPS. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is the local planning authority.
- 8.68 A Habitat Regulations Assessment (HRA), including Appropriate Assessment, has been carried out and published on the Council's website. The HRA considers the likely significant effects arising from the proposed development. Natural England have been consulted on the HRA and their comments are awaited and will be reported to the Planning Committee by way of a written update if received prior to the meeting.

- 8.69 The HRA identifies three likely significant effects on EPS none of which would result in adverse effects on the integrity of the EPS provided mitigation measures are secured.
- 8.70 The first of these concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMS). The applicant has confirmed that they would be happy to provide such a contribution to be secured through a Section 106 legal agreement.
- 8.71 The second likely significant effect relates to hydrological changes and the risk of flooding on the site. The HRA finds that adverse effects could be avoided through the implementation of the drainage system set out in the Flood Risk Assessment & Surface Water Drainage Strategy (OPUS) provided by the applicant. The provision of this drainage system will avoid any adverse effects on the integrity of the EPS and a suitable planning condition is proposed to secure this mitigation.
- 8.72 Finally, Members will be aware of the potential for residential development to have likely significant effects on EPS as a result of deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon the EPS.
- 8.73 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.74 The applicant has submitted a nutrient budget for the development in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for

New Development in the Solent Region' (June 2020) which confirms that the development will generate 31.746 kg/TN/year and this budget has been agreed by Officers. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.75 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 32kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.76 The Appropriate Assessment carried out by the Council has concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent.
- 8.77 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

**g) The Planning Balance**

- 8.78 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

- 8.79 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

8.80 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

8.81 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

8.82 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in June 2020 and the Government steer in respect of housing delivery.

8.83 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements whilst at the same time capable of being sensitively designed to reflect the area's existing character.

8.84 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site. However, the harm to the countryside's landscape character and appearance would be minimised by the nature of the site's enclosure by built form and mature trees and woodland.

8.85 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. Affordable housing is to be provided with a type and tenure which



reflects the identified needs of the local population and which again can be secured through a planning obligation.

- 8.86 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 28 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.87 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.
- 8.88 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
  - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.89 Having carefully considered all material planning matters, Officers recommend that outline planning permission should be granted subject to the following matters.

## **9.0 Recommendation**

### **9.1 GRANT OUTLINE PLANNING PERMISSION subject to:**

- i) The receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of

Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising after having had regard to those comments;

- ii) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a) To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
  - b) To secure a financial contribution towards enhancements to Bridleways 82 & 83b (£65,450);
  - c) To secure the provision of affordable housing on-site in the form of 6no. 3-bed houses for social rent and 2no. 3-bed houses as intermediate housing;
  - d) To secure a financial contribution towards a school travel plan (£7,000);
  - e) To secure details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units hereby permitted; and
- iii) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions; and
- iv) The following planning conditions:
  - 1. No development shall take place until details of the appearance, scale and layout of buildings and the landscaping of the site (hereafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority (LPA).

Application for approval of the reserved matters shall be made to the LPA not later than six months from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of one year from the date of the approval of the last of the reserved matters to be approved, whichever is later.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following drawings and documents:

- a) Drawing no. 17-1075-001 – Location Plan
- b) Preliminary Ecological Appraisal – April 2018
- c) Reptile Mitigation Strategy – September 2020

REASON: To avoid any doubt over what has been permitted.

3. The details of how the site will be landscaped pursuant to Condition 1 shall include, but shall not be limited to, details of how new tree planting will be carried out along the south-western site boundary and within the land edged blue adjacent to the south-western site boundary to reinforce the existing mature tree planting.

The landscaping scheme submitted under Condition 1 shall be implemented and completed 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 five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, 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.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping; To minimise the visual impact of the development on the landscape character and appearance of the countryside.

4. The development hereby permitted shall not exceed two storeys in height.

REASON: To minimise the visual impact of the development on the landscape character and appearance of the countryside.

5. None of the development hereby approved shall be occupied until the two points of vehicular access into the site from Hope Lodge Close and the access from Fareham Park Road into Hope Lodge Close has been fully completed as shown at Appendix C of the submitted Transport Statement (Opus, March 2018). The accesses shall be subsequently retained.

REASON: In the interests of highway safety.

6. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CMP shall address the following matters:
  - a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
  - b) the measures the developer will implement to ensure that operatives'/contractors./sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
  - c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
  - d) a scheme for the suppression of any dust arising during construction or clearance works;
  - e) the measures for cleaning Fareham Park Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
  - f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure appropriate measures are in place to mitigate the effects of construction works from the outset.

7. No development hereby permitted shall commence until details of the means of surface water drainage from the site have been submitted to and approved by the LPA in writing. The details shall include the detailed design of Sustainable Urban Development Systems (SUDS) to be used on the site as well as details on the delivery, maintenance and adoption of SUDS features. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure the development provides for the satisfactory disposal of surface water.

8. No development shall proceed beyond damp proof course level until a scheme for sound attenuation has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall draw on the conclusions and recommendations from the submitted Environmental Noise Impact Assessment Report (8<sup>th</sup> January 2018) and assess the impact of noise from external sources including the nearby M27 motorway and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:
  - a. One Electric Vehicle (EV) rapid charge point per 10 dwellings;
  - b. One Electric Vehicle (EV) charging point per allocated parking space.

The development shall be carried out in accordance with the approved details.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

10. No work relating to the construction of any development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 08:00 or after 18:00 hours Monday to Friday, before the hours of 08:00 or after 13:00 on Saturdays or at all on Sundays

or recognised public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the living conditions of existing residents living nearby.

11. The development hereby permitted shall be carried out in accordance with the measures set out in Section 6.0 of the Preliminary Ecological Appraisal by Ecosa (April 2018) and the Reptile Mitigation Strategy (Ecosa, September 2020). No development shall commence until the proposed reptile receptor areas identified in the approved Reptile Mitigation Strategy have been made suitable for reptiles and the measures set out in that strategy implemented in full. No development shall commence until details of the erection of boundary treatment around the reptile receptor areas have been submitted to and approved by the LPA in writing. The approved boundary treatment shall be carried out in full in accordance with the approved details and shall thereafter be retained at all times unless otherwise agreed by the LPA in writing.

REASON: To avoid harm to protected species including reptiles known to be present on the site.

12. No dwelling hereby permitted shall be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110L per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

13. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

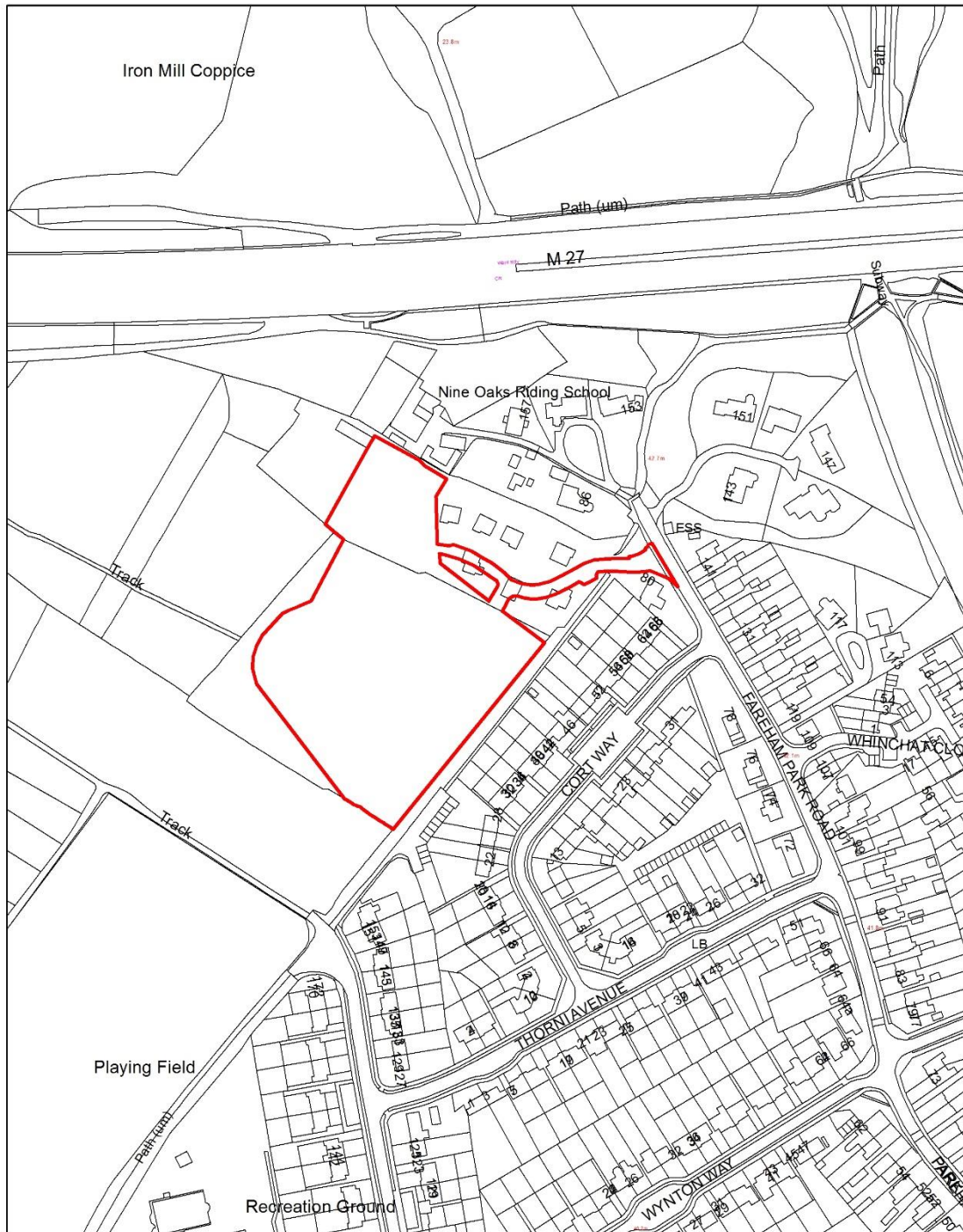
## **10.0 Background Papers**

P/18/0363/OA



# FAREHAM

## BOROUGH COUNCIL



84 Fareham Park Road  
Fareham  
Scale 1:2,500



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# FAREHAM

## BOROUGH COUNCIL

### TOWN AND COUNTRY PLANNING ACT 1990

### TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

## **Planning Decision Notice**

**Planning Application Reference: P/18/0363/OA**

**Decision Date: 18<sup>th</sup> December 2020**

Fareham Borough Council, as the local planning authority, hereby **REFUSE** to permit the **RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING, LANDSCAPING AND ACCESS ROAD** at **84 FAREHAM PARK ROAD, FAREHAM** as proposed by application **P/18/0363/OA** for the following reasons:

The development would be contrary to Policies CS2, CS5, CS6, CS14, CS15, CS17, CS18, CS20 & CS22 of the adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13, DSP15 & DSP40(iii) of the adopted Local Plan Part 2: Development Sites and Policies Plan, and Paragraph 170 of the National Planning Policy Framework, and is unacceptable in that:

- (a) The application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. The proposal represents development for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;
- (b) The proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap;
- (c) In the absence of a legal agreement to secure such, the proposal fails to provide a financial contribution towards enhancements to bridleways 82 & 83b. As a result the proposal fails to provide for, prioritise and encourage safe and reliable journeys by walking;
- (d) In the absence of a legal agreement to secure such, the proposal fails to provide affordable housing at a level in accordance with the adopted local plan;

- (e) In the absence of a legal agreement to secure such, the proposal fails to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- (f) In the absence of a legal agreement to secure such, the proposal fails to provide a financial contribution towards a school travel plan.
- (g) In the absence of a legal agreement to secure such, the proposal fails to provide details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units.

A handwritten signature in black ink, appearing to read 'L Smith', is positioned to the right of the typed name and title.

# **Notes to Accompany Planning Decision Notice**

**Planning Application Ref: P/18/0363OA**

**Decision Date: 18<sup>th</sup> December 2020**

## **General Notes for Your Information:**

- Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address reasons for refusal c) – g) by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.
- The documents considered in relation to this application can be viewed online at [www.fareham.gov.uk/planning](http://www.fareham.gov.uk/planning).
- The Council worked positively and proactively with the applicant and their agent to try and address the issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Richard Wright on 01329 824758 or at [rwright@fareham.gov.uk](mailto:rwright@fareham.gov.uk) if:
  - You would like clarification about this notice
  - You are unhappy with this decision or the way it has been reached

## **Right of appeal:**

- The person who made this application has the right to appeal to the Secretary of State against the Council's decision to refuse permission.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice (so by 18<sup>th</sup> June 2021).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:

- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
- Or submit online at The Planning Inspectorate website at
- [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

**Purchase Notices:**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

## Planning Appeal

### 1. Introduction

- 1.1 The terra firma Consultancy were appointed in December 2017 to provide a Landscape and Visual Impact Appraisal ("LVIA") and a Landscape Strategy to accompany the outline planning application for the site (LPA Ref: P/18/0363/OA). We have been appointed to provide a short technical note addressing the reasons for refusal in support of the forthcoming planning appeal.
- 1.2 Notwithstanding the officer recommendation to grant planning permission, including on account of the acceptability of the scheme in landscape terms, Members voted to refuse the planning application. The decision was issued on 18<sup>th</sup> December 2020 and included landscape impact as part of the reasons for refusal.
- 1.3 This statement addresses the landscape reasons for refusal and sets out the justification for the scheme in landscape and visual terms.

### 2. Policy context

- 2.1 The policy context is set out in the planning statement, however the landscape policies relevant to this technical report are as follows:
  - NPPF
  - Fareham Borough Core Strategy 2011 Policies:
    - CS4 - Green Infrastructure, Biodiversity and Geological Conservation
    - CS14 - Development Outside Settlements
    - CS22 – Development in Strategic Gaps
  - Fareham Local Plan Part 2: Development sites and Policies (2015)
    - DSP6 - New residential development outside of the defined urban settlement boundaries
    - DSP40(iii) - Housing Allocations
  - Fareham Publication Local Plan Evidence Document:
    - Hampshire County Council: Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020)

### 3. Summary of LVIA findings

- 3.1 A Landscape and Visual Impact Appraisal (LVIA) was submitted as part of the planning application and is not replicated in this report. In line with industry guidance, the submitted (LVIA) provides separate consideration for assessment against policy, landscape and visual effects and the conclusions on policy each were presented as follows.
- 3.2 Assessment against relevant landscape policy was as follows *'The development of the site is against policy as the site lies within countryside and in the Meon Strategic Gap. This appraisal has identified various local landscape character areas including the site and concludes that, in comparison to the local undeveloped areas in the countryside and Gap, the land use and character of the site is not consistent with the wider policy areas and is physically separated from them by natural and artificial features.'*
- 3.3 Landscape effects were summarised in the LVIA as *'In policy terms landscape effects on the Meon Gap and Meon Valley LCA, areas of high sensitivity, are appraised as being moderate adverse and not significant. Policy DSP40 has been considered and the proposals designed to minimise adverse impacts on the Strategic Gap, ensuring its objective is not compromised. The landscape effects on the adjacent residential properties which represent the settlement boundary are appraised as minor adverse and not significant.'*

*There will be no significant residual landscape effects on other local landscape character areas as a result of the proposals. Where the proposed development does give rise to effects these are generally related to perception of character rather than physical changes, with the exception of the Strategic Gap and the site itself, the latter of which is to be expected as a result of the change of use. Some changes are beneficial.'*



- 3.4 Visual effects were summarised in the LVIA as *'Due to local vegetation including woodland and tree belts, local topography small scale of the site, views to and from the wider area are restricted and visual effects limited to the immediate surroundings of the site. These have been found to be moderate/minor adverse in all cases, due to the introduction of built form on undeveloped land, though this would be mitigated over time as vegetation matures. None of these visual effects are identified as significant.'*

## 4. Reasons for refusal

- 4.1 The Decision Note sets out that *'The development would be contrary to Policies CS2, CS5, CS6, CS14, CS15, CS17, CS18, CS20 & CS22 of the adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13, DSP15 & DSP40(iii) of the adopted Local Plan Part 2: Development Sites and Policies Plan, and Paragraph 170 of the National Planning Policy Framework, and is unacceptable in that:*

*(a) The application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. The proposal represents development for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;*

*(b) The proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap; ...'*

- 4.2 This report addresses the reasons for refusal (a) in part and (b).

## 5. Reason for Refusal (a)

- 5.1 The reason for refusal is correct in stating that the appeal site lies outside the defined urban settlement boundary, with the proposal therefore being in conflict with Policy DS6.

- 5.2 It should, however, be noted that the site lies immediately adjacent to the urban area, with the settlement boundary running along the site's eastern boundary, and along the boundary with the recent housing development (an allocate housing site) to the north east of the site.

- 5.3 The reason for refusal goes on to state the appeal site lies *'on land which is considered to be part of a valued landscape.'*

- 5.4 The term 'valued landscape' is referred to in the Officer Report to Committee at para 8.40 and 8.41:

*'8.40. In the January 2019 appeal decision on Land west of Old Street, Hill Head the Inspector agreed that the Lower Meon Valley is a valued landscape for the purposes of that paragraph. She noted that "Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity". and*

*8.41 The application site lies in the Upper Meon Valley, an area also considered to be a valued landscape.'*

- 5.5 The Officer Report to Committee goes on to state:

*'8.42. The Fareham Landscape Assessment 2017 (FLA) which is part of the published evidence base for the draft Fareham Local Plan describes the character area of the Upper Meon Valley as being a landscape resource of high sensitivity in general. Another evidence study, the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020), identifies the Meon Valley as an Area of Special Landscape Quality (ASQL). Like the Upper Meon Valley landscape character area in the FLA, the boundary of the Meon Valley ASQL includes the application site.'*

- 5.6 The NPPF at para 170 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); ...'*

- 5.7 The FLA does indeed state (LLCA 6.2 Upper Meon Valley, Page 122) that *'This area is generally of high sensitivity',* but the FLA goes on to elaborate on this stating *'It contains a range of highly valued landscape, ecological and heritage assets across a large proportion of the area, and its natural and unspoilt qualities and the sensitivity of those valued assets, mean that it would be highly susceptible to the intrusion of built development. The potential for development to be accommodated within this area is consequently very low'.*

- 5.8 The Appeal site is not covered by any designations relating to landscape, ecological or heritage assets and therefore must be deemed to lie outside the *'large proportion of the area'* relating to the aforementioned *'high sensitivity'*.

- 5.9 It therefore follows that the appeal site is not *'highly susceptible to the intrusion of built development'* and that there is indeed potential the site to accommodate development.

- 
- 5.10 In the FBC 'Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020)', the site falls into the 'ASLQ4 Meon Valley' area. This sets out qualifying factors for the inclusion within the area boundary. Review of these, as listed below, shows that none are relevant to the appeal site:
- Character of lower reaches
  - Historic village of Titchfield
  - Southern end of river with good views
  - Upstream valley wooded and enclosed with restricted views
  - Open river valley
  - Nature Conservation interests
  - Heritage value of Titchfield Abbey and associated Conservation Area
  - Extensive PRoW network
  - Character of the river valley
- 5.11 It therefore follows that if none of the qualifying factors is relevant to the site then the site does not contribute to the 'valued landscape' identified in ASLQ 4.
- 5.12 It should be noted that the site lies in 'The Meon Gap', one of the Strategic Gaps in Fareham Borough identified as a gap between Fareham / Stubbington and Western Wards / Whiteley.
- 5.13 The Core Strategy sets out criteria for gaps in Policy CS22 as the following:
- 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.'*
- 5.14 The three criteria relate to the function of the gap and none have regard for intrinsic landscape value; therefore the strategic gap designation cannot be attributed to contributing to the value of the site.
- 5.15 Criteria c) also sets out that *'no more land that is necessary'* to achieve the function should be included in the gap.
- 5.16 In addressing the second section of Reason for Refusal a) *'The proposal represents development... [which] would adversely affect its landscape character, appearance and function'* the Officers Report to Committee at 8.38 sets out a statement about the impact of the proposals on the site itself and this is made apparent by the final sentence *'The remainder of this section [beyond 8.38] of the report sets out that harm in the wider context of the landscape character of the surrounding countryside and explains how Officers consider that impact to be minimised.'*
- 5.17 The LVIA considers the site itself as two separate landscape character areas 'LLCA01 Tussocky grassland' and 'LLCA02 Caravan storage'. These are described, along with impacts in section 8.2 and 8.3.
- 5.18 The impact on LLCA01 is described as *'Changes in character as a result of the proposals include the addition of built form and loss of existing elements, but this is balanced by the retention of the contained, small scale nature of the site and the protection of the SINC by the introduction of a 15m buffer, biodiverse vegetation and ongoing management. Due to the minor nature of losses and small size of the site, the magnitude of landscape effects on the character of this area are deemed to be medium adverse.'* and *'appraising the site at a local scale reveals that a medium sensitivity combined with low adverse magnitude of landscape effect results in a moderate adverse landscape effect on this LLCA.'* In line with the LVIA methodology, this is not considered to be a significant effect.
- 5.19 The impact on LLCA02 is described as *'Changes in character as a result of the proposals include the loss of existing elements, which is seen as a positive change supported by the Fareham Borough Gap Review (2012), and the addition of built form to approximately half of the LLCA. The contained, small scale nature of the site will be retained and the SINC protected by the introduction of a 15m buffer, biodiverse vegetation and ongoing management. The magnitude of landscape effects on the character of this area of the site are deemed to be low beneficial'* and *'appraising the site at a local scale reveals that a medium sensitivity combined with low beneficial magnitude of landscape effect results in a minor beneficial landscape effect on this LLCA'*. In line with the LVIA methodology this is not considered to be a significant effect and is indeed not adverse.
- 5.20 The Officer's Report to Committee furthermore acknowledges *'that the land to the west of that development, and which forms the northern part of the application site, currently enjoys a lawful use for caravan storage which itself is an unsightly intrusion into the countryside.'*
- 5.21 It should be acknowledged that the changes brought about by a proposal that replaces an area of grassland with a well-designed housing development will affect the character of the site, however the consideration here is about the

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level of harm. The LVIA has shown part of the site's landscape character to benefit from the proposals, with a medium adverse effect on the grassland, not deemed to be significant.

- 5.22 Whilst there are indeed landscape impacts on the site which would *'adversely affect its landscape character, appearance and function'* the LVIA has shown these to be beneficial in part and moderate adverse at worst and beneficial.

## 6. Reason for Refusal (b)

- 6.1 The second Reason for Refusal sets out the assertion that 'The proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap; ...'
- 6.2 The consideration for the decision is set out in Policy CS22 as whether the proposal *'significantly affects the integrity of the gap and the physical and visual separation of settlements'*. The three criteria for boundaries are set out as follows:
- '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.'*
- 6.3 The Report goes on to set out at 8.25 that the *'Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap... 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. The proposal would therefore accord with Policy CS22'*
- 6.4 Considering the criteria in turn in more detail:
- 6.5 The appeal site does not contribute to the *'a) The open nature/sense of separation between settlements'*. The Officer's Report for Committee at 8.25 describes the site as *'being enclosed by built form and mature woodland'*. The LVIA supports this view with baseline evidence setting out that the site is *'Currently the site is well separated from the wider area of the Gap by the M27 to the north and the woodland to the west, which also form natural boundaries to the settlement when viewed on plan'* and the LVIA in section 7.1.2 notes the nature of boundaries and adjacent land uses, with existing features on all boundaries which serve to form physical enclosure. These features are not affected by the development proposals. With this enclosed nature, the site cannot comply with Criteria a).
- 6.6 If the *'open nature / sense of separation'* is considered in purely visual terms, it should be noted that in the LVIA of the 14 representative public viewpoints locations, of which 11 lie within The Meon Gap, only 5 afford views of the site, all of which lie to the immediate east and south of the site within 200m of the site. In other views the site is not visible. This would suggest that the appeal site does not contribute to the *'open nature / sense of separation'* in Criteria a), with the site being visually *'hidden'* from wider areas of The Meon Gap.
- 6.7 Turning to the second criteria b). *'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'* the Officer's Report for Committee at 8.25 notes *'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'*.
- 6.8 *The LVIA notes that 'Prior to the development of Phase 1 [allocated site to north east of appeal site, now built], the natural boundary [of the Strategic Gap] on plan could have been argued to be the tree line following the footpath west of Cort Way and the extent of the Hope Lodge property, but Phase 1 has now heavily intruded on the character of the larger open space in which the site resides and changed the character of the settlement edge where it meets the site boundary. Other built form, such as Henry Cort School and Fareham Cort Hockey Club clubhouse with artificial pitch and floodlighting already introduce suburban elements in the same N-S alignment as the site.'*
- 6.9 Given that incursions in a similar location and of a similar size to the site into the general north south line of the eastern boundary of The Meon Gap are accepted as not meeting the criteria for inclusion in the strategic gap, it follows that the site could also be accepted as not meeting the criteria.
- 6.10 It is noted that Criteria c) sets out that *'no more land that is necessary'* to achieve the function should be included in the gap. The Officer Report for Committee states that *'It is clear that Policy CS22 does not seek to prevent all or any development in Strategic Gaps but just those which are considered to significantly affect the integrity of the gap and the physical and visual separation between settlements they provide. Such an assessment will need to be carried out*

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on a case-by-case basis' and concludes after short discussion that the 'proposal would therefore accord with Policy CS22'.

## 7. Supporting the development proposals

- 7.1 As set out in the Officer Report for Committee, the FLA, in describing the Upper Meon Valley, sets out that *'There are a few small pockets of land which are enclosed by strong hedgerows or vegetation and less visible, and/or lie within areas where views are already affected by built development or intrusive/unsightly land uses... 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.'* The visual appraisal in the LVIA notes that of the 14 representative public viewpoints locations, of which 11 lie within The Meon Gap, only 5 afford views of the site, all of which lie to the immediate east and south of the site within 200m of the site, showing that the site is indeed one of the 'less visible' pockets of land and, in line with the statement, therefore development could be acceptable.
- 7.2 Also set out in the Officer Report for Committee, the FLA, in describing the Upper Meon Valley, sets out 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... 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.'* The LVIA has shown the impacts of the development proposal are at worst medium adverse landscape impacts on part of the site and in part beneficial impacts.
- 7.3 And also set out in the Officer Report for Committee, the FLA, in summarising the development opportunities in the Upper Meon Valley suggest that development proposals would need to *'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'*. The LVIA has set out evidence that the site and the development proposals accord with this.
- 7.4 The Officer Report for Committee then sets out in concluding remarks on Policy DSP 40 (iii) in relation to impacts that they *'consider that the adverse impacts of the development could be mitigated to the extent that the proposal accords with Policy DSP40(iii).'*

## 8. Summary

- 8.1 In summary it has been set out above that:
- 8.1.1 The findings of the LVIA, forming part of the application, were that there would be no significant residual effects on the local landscape character, with some beneficial effects.
- 8.1.2 The LVIA also found that visual effects would be limited to the immediate surroundings of the site and that none were found to be significant.
- 8.1.3 The Fareham Landscape Assessment sets out that the local landscape character area of the Upper Meon Valley appeal site is 'generally' of high sensitivity, containing a range of highly valued landscape, ecological and heritage assets across a large proportion of the area' with these areas highly susceptible to the intrusion of built development.
- 8.1.4 Therefore, being without designation the appeal site should not be considered to be of high sensitivity and that there is the potential to accommodate development.
- 8.1.5 The purpose of The Meon Gap is one of function and not related to landscape value.
- 8.1.6 Due to the lack of visibility the site does not contribute to the open nature and sense of separation in the gap and that the site is therefore not required to maintain the function of the gap.
- 8.1.7 The Officer Report states that Policy CS22 does not seek to prevent development in the gap, only that which affects the function of the gap.

## 9. Compliance with Policy

- 9.1 Whilst the development of the site is contrary to Policy CS14 'Development Outside Settlements', it has been shown that the development is in accord with the purposes of the Policy CS22 'Development in Strategic Gaps' and is not required for the function of the Meon Gap.

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- 9.2 The development is also in accord with Policy CS4, providing protection to the adjacent designated woodland within the proposals and additional measures to enhance biodiversity and green infrastructure, as well as providing access to greenspace.
- 9.3 It has been shown that the development is in accord with Policy DSP6 'New Residential Development Outside of the Defined Urban Settlement Boundaries' and Policy DSP40 'Housing allocations' Part iii, with the proposals bringing no harm to local character and that the proposals minimise adverse effects on the countryside and the Strategic Gap.

## 10. Conclusions

- 10.1 The development proposals bring no significant harm to landscape character and provide some beneficial landscape effects, with the removal of caravan storage and enhancements in terms of biodiversity and nature conservation.
- 10.2 The development proposals give rise to no significant visual effects with the limited visibility of the site.
- 10.3 This report supports the landscape analysis set out in the Officer Report to Committee that any residual adverse impacts could be mitigated and that the proposals could then be acceptable in policy terms.

**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**

*8<sup>th</sup> July 2021*

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## **1. Introduction**

- 1.1. This Housing Land Supply ("HLS") Statement of Common Ground ("SoCG") has been prepared by Mr Steven Brown (of Woolf 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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*

	<b>Fareham Borough Council</b>	<b>Appellant</b>
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**



Planning obo Foreman

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## 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 <sup>1</sup>	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 <sup>2</sup>	269
Resolution to Grant Planning Permission – Large (5+ dwellings) (exc Welborne)	742 <sup>3</sup>	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
<b>Total</b>	<b>2,310</b>	<b>600</b>	<b>1,710</b>

<sup>1</sup> Supplementary Statement to Newgate Lane East Appeal (3269030)

<sup>2</sup> 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)

<sup>3</sup> 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)**

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**Representations Submitted on behalf of:**

**T Ware Developments Ltd**

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**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).**

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**WBP REF: 8249**

**JULY 2021**



**Woolf Bond Planning**  
Chartered Town Planning Consultants

## Table of Contents

1. INTRODUCTION .....	4
2. REPRESENTATIONS AND SUPPORTING INFORMATION.....	5
3. OVERARCHING POSITION .....	7
4. THE NPPF TESTS OF SOUNDNESS .....	9
5. POLICY H1: HOUSING PROVISION.....	10
The Housing Requirement and Plan Period - Robustness of Supply .....	10
Housing Needs of Neighbouring Authorities.....	10
Robustness of Plan Period.....	12
Approach to Phasing the Housing Requirement .....	13
Robustness of Housing Land Supply.....	15
Conclusions.....	16
Changes sought to the Local Plan with respect of the Borough's development requirements in policy H1. ....	16
6. POLICY DS2: DEVELOPMENT IN STRATEGIC GAPS.....	18
Suggested Change to Policy DS2 .....	20
7. POLICY DS3: LANDSCAPE .....	21
Suggested Change to Policy DS3 .....	22
8. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY .....	23
Suggested Changes to Policy HP4.....	26
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) .....	28
Change sought to the Local Plan .....	30
10. OVERALL CONCLUSIONS.....	31
11. FINAL REMARKS.....	32

## **APPENDICES**

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7<sup>th</sup> June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2<sup>nd</sup> 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5<sup>th</sup> November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 16<sup>th</sup> December 2020 (LPA Ref: P/18/0363/OA)
11. Decision Notice for P/18/0363/OA (18<sup>th</sup> 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 (7<sup>th</sup> June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2<sup>nd</sup> 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5<sup>th</sup> November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> 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 (18<sup>th</sup> 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:

<b>Policy</b>	<b>Representation</b>
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 policies, 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 adoption<sup>1</sup>.

#### **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 dwellings<sup>2</sup> towards unmet needs of neighbouring authorities, the DtC is clear that the City of

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<sup>1</sup> NPPF, paragraph 22

<sup>2</sup> Table 4.1

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Portsmouth seeks a contribution of 1,000 dwellings<sup>3</sup>. Although Fareham contends that the request from Portsmouth is “out-of-date”<sup>4</sup>, 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 25<sup>th</sup> 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

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<sup>3</sup> Paragraph 4.5 and Appendix 9

<sup>4</sup> Paragraph 4.6 of DtC Statement

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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 2012<sup>5</sup> 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 1<sup>st</sup> 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 NPPF<sup>6</sup>, 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

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<sup>5</sup> Data on progress of Strategic Local Plans until 1<sup>st</sup> June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

<sup>6</sup> Submitted on or before 24<sup>th</sup> 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 dwellings<sup>7</sup>. 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.

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<sup>7</sup> (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
<b>CS: Local Plan Part 1 (Adopted Aug 2011)</b>	50	200	300	400	550	550	550	550	550	550	550	550	5,350
<b>Local Plan Part 3, Table 10.1 (Adopted June 2015)</b>	0	0	120	180	200	320	340	340	340	340	340	340	2,860
<b>Nov 2016 AMR with respect of Apr 2016</b>	0	0	0	0	0	250	350	-	-	-	-	-	600
<b>Welborne Background Paper Oct 2017</b>	0	0	0	0	0	0	140	200	250	250	250	250	1,340
<b>Dec 2017 Position (completions to 31<sup>st</sup> Mar 17 and commitments to 31<sup>st</sup> Oct 17)</b>	0	0	0	0	0	0	140	200	-	-	-	-	340
<b>Sep 2018 Position</b>	0	0	0	0	0	0	140	200	250	-	-	-	590
<b>Apr 2019 position</b>							30	180	240	240	-	-	690
<b>Apr 2020 position</b>									30	180	240	-	450
<b>Jan 2021 position<sup>8</sup></b>									30	180	240	180	630
<b>Apr 2021 position<sup>9</sup></b>										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.

<sup>8</sup> 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.

<sup>9</sup> Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

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- 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.

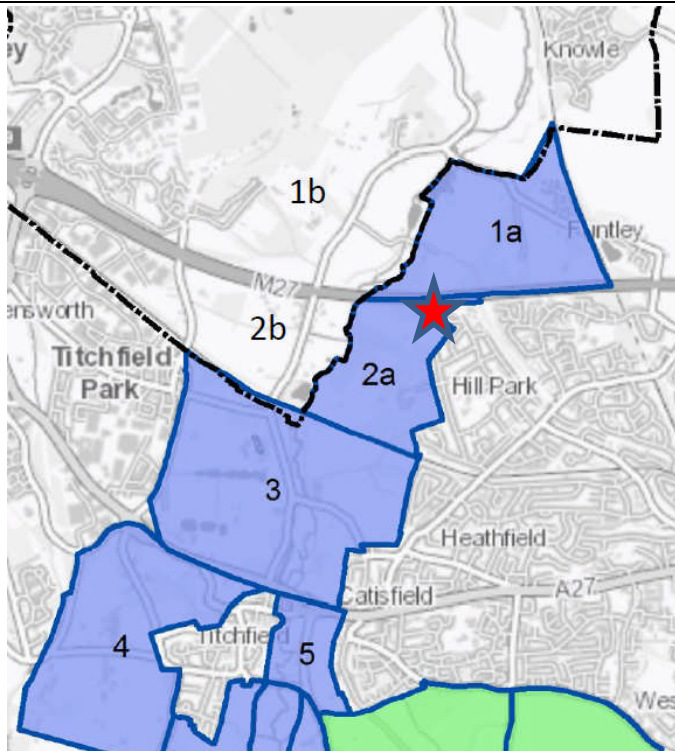
5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

- 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' land<sup>10</sup>. 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**

<sup>10</sup> 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 is 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)<sup>11</sup>
  - Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)<sup>12</sup>;
  - Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)<sup>13</sup>
  - Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)<sup>14</sup>
  - Land east of Dowend Road, Portchester - dismissed on 5<sup>th</sup> November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)<sup>15</sup>
  - Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)<sup>16</sup>
- 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

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<sup>11</sup> Paragraph 62

<sup>12</sup> Paragraph 27

<sup>13</sup> Paragraph 55

<sup>14</sup> Paragraphs 17, 51 & 52

<sup>15</sup> Paragraph 90

<sup>16</sup> 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 1<sup>st</sup> January 2021

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to 31<sup>st</sup> 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 (1<sup>st</sup> Jan 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> December 2025.

*The Respective Five Year Housing Land Supply Positions*

	<b>Council Feb 2021</b>	<b>Council June 2021</b>	<b>My Position obo Appellant</b>
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	<b>-498</b>	<b>-924</b>	<b>-2,634</b>
No. of years supply	<b>4.18yrs</b>	<b>3.57yrs</b>	<b>0.93yrs</b>

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 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.

8.18. To address these matters of soundness, the following amendments are 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.

27 July 2021

**Delivered by email**

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

Ref: TAYW3013

Dear Sir / Madam

## **REPRESENTATIONS TO REVISED PUBLICATION FAREHAM LOCAL PLAN 2037**

These representations to the Revised Publication Version of the Fareham Local Plan 2037 are made on behalf of Taylor Wimpey Southern Counties in relation to the land they control at Warsash, which is known as 'Land at Brook Lane' (the site). In the Fareham Local Plan 2037, the 2.69 hectare site is identified as forming the north-western corner of a proposed 33.43 hectare, wider allocation for 824 new dwellings through policy HA1 'North and South of Greenaway Lane.'

The site received outline planning permission in May 2018 (Ref: P/16/1049/OA) for 85 new homes with public open space, associated access and landscape works, including demolition of existing redundant nursery buildings. A Reserved Matters application was submitted in March 2019 and is currently being considered by Fareham Borough Council. The application has been delayed due to Nitrates issues which have affected the whole Borough. Taylor Wimpey intend to achieve nutrient neutrality through implementation of an off-site mitigation scheme, and have worked with FBC's legal team to ensure that it is legally enforceable and tied directly to the development. These discussions are nearing a close and the relevant documentation will be submitted to the council very shortly. Therefore planning proposals for this site are well advanced.

The proposed allocation of 824 dwellings on land 'North and south of Greenaway Lane' through policy HA1 is supported. The development proposed through the current Reserved Matters application is in accordance with the Framework Plan and this is accordingly supported.

We would like to raise concerns regarding the potential application of criterion (j) of policy HA1, which states:

*j) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3. In addition, the following site-specific infrastructure will be required:*





*i. Two junior football pitches on-site; and*

*ii. Off-site improvements to existing sports facilities*

Contributions towards these sports facilities were not considered necessary to make the development acceptable in planning terms at the outline planning application, and therefore any attempt to apply criterion (j) of policy HA1 would not meet the tests set out in Regulation 122 of the CIL Regulations 2010 (As Amended) and paragraph 57 of the National Planning Policy Framework (2021).

The reserved matters application is not an application for planning permission, this has already been granted by the outline permission subject to various conditions and the legal obligation. Matters completely outside the scope of the original permission cannot be introduced at this stage, unless circumstances have changed that could not have been reasonably foreseen at the outline stage. My clients do not consider these circumstances exist.

Irrespective that the emerging policy currently has limited weight, contributions towards junior football pitches and off-site improvements to existing sports facilities should not be sought through the Reserved Matters application for land at Brook Lane (Ref: P/19/0313/RM).

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and Examination.

Yours sincerely



Alison Young  
**Senior Planner**



### Respondent details:

Title:	Mr
First Name:	alex
Last Name:	child
Organisation: (where relevant)	McCarthy

### Agent details:

Title:	mr
First Name:	alex
Last Name:	child
Job Title: (where relevant)	National Head of Planning
Organisation: (where relevant)	The Planning Bureau Ltd
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

### 1) Paragraph: 5.33

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

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

The Fareham Borough Local Plan is one of an alarmingly limited number that have set a differential affordable housing rates for greenfield (40%), brownfield (30%) and Fareham town centre (20%) sites. This is, of itself, commendable and suggests a greater focus on viability at the Plan making stage. The affordable housing targets set out in Policy HP5: Provision of Affordable Housing are informed by The Fareham Local Plan Viability Assessment undertaken by Three Dragons. This report tested the viability of specialist older persons' housing and, concluding these forms of development cannot support affordable housing provision, exempted them accordingly. With Paragraph 5.33 stating that: 5.33 ... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing. The respondents strongly support the Council's position in this regard and feel that the Policy HP5 is in step with the PPG which advises that 'Different (affordable housing) requirements may be set for different types or location of site or types of development' (Paragraph: 001 Reference ID: 10-001-20190509). The respondents are of the view that the Council has taken a proactive and positive approach to meeting the needs of older people in the Borough. Given how few Local Planning Authorities engage with this issue, this is highly commendable.

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

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

2) Paragraph: 5.69

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

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

n/a - sorry mistake and cant go back ignore representation in respect of this paragraph

**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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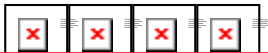
**White, Lauren**

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**From:** Consultation  
**Sent:** 24 June 2021 15:55  
**To:** Planning Policy  
**Subject:** Titchfield Village Trust response

Please see response from Titchfield Village Trust below

Katherine Trott  
Engagement Officer  
Fareham Borough Council  
01329824580



**Subject:** New Draft Local Plan



Charity Number 1184545

Founded 1969 Incorporated 2019

To promote high standards of planning and architecture.

To educate the public in the geography, history, natural history, and architecture of the village.

To assist in the preservation, protection, development, and improvement of features of historic interest.

The provision and maintenance of a village hall for the use of the inhabitants of Titchfield

## NEW DRAFT LOCAL PLAN

Firstly we would like to commiserate and congratulate you for having to go through this process 3 times over the last couple of years through no fault of your own but because government can't seem to make up its mind regarding planning.

After each Draft Plan the Titchfield Village Trust has made comment and once again we would like to applaud the fact that throughout each of the versions you have stuck to your guns regarding the preservation of the 'strategic gap' that is the Meon Valley. In fact you seem to have strengthened your position in para 3.45 : *The Meon Gap plays a vital role in helping to maintaining the separation of Titchfield from settlements to the west and east of the valley, preventing sprawl from both Fareham and Titchfield Common/Titchfield Park and protecting the countryside setting of Stubbington. The Meon Gap is also identified to be of strategic significance to the South Hampshire subregion by the PfSH Spatial Position Statement (2016) as it demarks the boundary of the Portsmouth and Southampton Housing Market Areas.*

This strengthened policy confirms the view of the planning inspector in the case of the Posbrook Lane application from Foreman Homes.

*'The primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities.'*

We would once again encourage you to give even more protection to the 'gap' by designating it as 'Green Belt' in the future.

As planners you have been between a rock and a hard place over the last few years but the Welborne Village plan has often come to your rescue regarding fulfilling housing quotas we would encourage you to build on this in the future.

Let us hope that this will be the last time the government changes its mind on planning policy and this plan is therefore adopted.



---

**Respondent details:**

Title:	Mr
First Name:	Gareth
Last Name:	Titheridge
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

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**1) Paragraph: HA55- Land south of Longfield Avenue**

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 are 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**

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**From:** Ed Tooley [REDACTED]  
**Sent:** 29 July 2021 11:09  
**To:** Consultation  
**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*



Vfdqghg# | # fD ihh#dg#Frqilp hg#lxv0uhh1

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:	

B1

Which part of the Revised Publication 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 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 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 HA56 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:

B1

Which part of the Revised Publication 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 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

HA56 Framework Plan. Land west of Downend Road

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 slip road 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 P18/0005/04 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

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**Respondent details:**

Title:	Mr
First Name:	Vaughan
Last Name:	Tudor-Williams
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	[No Reply]
Address:	<div></div>
Postcode:	
Telephone Number:	
Email Address:	

---

**1) Policy: HP11**

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

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

Fareham Local Plan Consultation July 2021 Housing Policy HP11: Gypsies, Travellers and Travelling Showpeople (Fareham Borough Council's plan to meet its legal obligation to provide accommodation for the above mentioned group by including provision for three sites attached to the existing site at 77 Burrridge Road). This policy appears unusual in that it is inserted into the plan by and for a single family – referred to in this submission as Family B. I believe that this policy fails the test of Soundness. The reasons for this are as follows: Positively Prepared According to the council's consultation document the plan has to show that it has been positively prepared, which includes "being informed by agreements with other authorities". There is no evidence of the council having worked with other authorities to meet the needs of Family B or indeed other travelling families in the wider Hampshire and surrounding area. Family B were in fact living in accommodation in the Winchester area before gaining planning permission (on appeal) for their current site at Burrridge. The council appears to have taken a passive approach to identifying and responding to need, referring in their plan to "no other sites have been promoted to the council". Under this heading, the council's consultation document goes on to say that "unmet need is accommodated where it is practical to do so and is consistent with achieving sustainable development". The building of three additional traveller sites at 77 Burrridge Road is extremely questionable in terms of both practicality and sustainability. The reasons for this include: - there is currently no local public transport linking to shops, schools and other local amenities. Neither are there safe cycling routes that do not involve having to use a busy main road initially. This means that most journeys from Burrridge Road are undertaken in motor vehicles; - the proposed site is prone to waterlogging in periods of heavy rain, with large areas of surface water appearing, even in the summer. Given the current weather trend towards heavier rainfall more frequently at all times of the year, the site is of questionable suitability in this respect; - the site has a main sewer running across it from the NE to the SW. This has necessitated the original planning permission for the current site being amended and to minimise impact on the sewer. A further three similar size developments will need to reflect this which calls in to question the overall viability of the site for this scale of development (see the following point); - it is questionable whether or not the site can be built on to standards that reflect those set out in the Designing Gypsy and Traveller Sites : Good Practice Guide. This point is supported by the following e-mail, released under a FOI request: From: Lyster, Dominic Sent: 22 June 2020 13:41 To: Cutler, Nick; Wootton, Gayle Subject: RE: G and T site burridge Attachments: Site Options.pdf Nick, Gayle, Further to my previous concerns about 3 homes and to this morning's discussion I have attached various options to consider (NOTE 2 pages to the pdf). In my view there are issues with sustainability of this site whatever the option, having regard to the G and T policy and general development policy re access to shops and services, being well over a km to nearest provision. Certainly one home will sit comfortably. 2 is possible with suitable landscape and tree planting. However, if there is an overriding need, then for 3 homes to work, I feel more space is needed, which would involve a reduction of SINC. It is worth discussing with Richard Wright, who dealt with the appeal. Gayle, I do not think we have bottomed this out sufficiently to give a definitive view to Cllr Evans, but you may wish to use the attachment to discuss the matter. Happy to discuss anytime beforehand if that's possible. Regards, Dominic Lyster Urban Designer Fareham Borough Council It is worth noting that the briefing note that was produced for Cllr Evans (then Exec Member for Planning and Development) prior to this proposal being adopted into the local plan subsequent to this email makes no reference to any of these concerns. It is also worth noting that none of the plans for fitting the three additional sites onto the plot at 77 actually show the sewer. Overall, with these considerations in mind this particular policy has the feel about it of an "easy way out" solution for the council to meet a legal obligation that they have previously failed to do. In my view it certainly falls short of passing the test of meeting unmet need "where it is practical to do so and is consistent with achieving sustainable development" It should be of significance that this is to meet the needs of a single family which sets interesting precedents for local planning. It should also be of significance that what is being proposed amounts to "backland development" along Burrridge Road, something that the council has strenuously opposed in the past and will find very difficult to defend in the future if this proposal is allowed to stand. I am happy to supply further evidence from the FOI request if necessary. Vaughan Tudor-Williams Burrridge

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

A properly researched and evidenced case should be made for this policy.

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

It would meet the standards set out in respect of the Tests of Soundness

## **Your suggested revised wording of any policy or text:**

At this stage I have none owing to the absence of an objective and detailed analysis of the situation.

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

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



**White, Lauren**

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**From:** Mckee, Simon <[REDACTED]>  
**Sent:** 22 July 2021 16:37  
**To:** Planning Policy  
**Subject:** Revised Publication Local Plan 2037

Dear Planning Policy,

i am responding to you regarding the Revised Publication Local Plan 2037.

We have responded on previous iterations of the plan but wanted to reiterate our position again.

Veolia objects to the inclusion of Housing Allocation Policy HA4. The allocation borders the site to the north, east and west. Downend Quarry, a former chalk pit now used for a range a waste management uses.

Veolia has planning permission and operates activities including wood waste sorting, shredding and transfer. In accordance with the adopted policies of the Hampshire Minerals and Waste Plan the site is a protected waste management site for such activities. Whilst there is currently a small scatter of housing within the vicinity of our site these are to the west and generally more protected by the intervening topography from activities on site. Any new housing in this location would be closer and more exposed to the operations on site.

Housing Allocation Policy HA4 (h) states that: *'The design of the development should take into account the close proximity to the waste transfer station with the potential for odour'*. this wording does not go far enough and only references odour (so for example not noise)

In our opinion the policy needs to go much further in directly referencing the *Agent of Change* principle. This point has been made by us several times.

In the 2018 National Planning Policy Framework (NPPF) amendments included a more prominent recognition of the 'agent of change principle' which encapsulates the position that a person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change. There is no commentary or policy direction referenced in the plan generally or policy HA4, in respect of the agent of change and impact of residential encroachment on existing uses (incl Waste).

Encroachment by sensitive development such as housing has the potential to create real issues for the ongoing operations on existing waste sites. While our waste facility has its own environmental controls it is for new applicants, bringing new uses into the immediate area, to establish and provide sufficient evidence there will be no significant issues arising post development (Agent of Change). Veolia can not retrospectively change our operations to accommodate newly introduced sensitive development nor are we required to.

This needs to be referenced and explained in the local plan and preferably more formally included by way of a direct policy or policy subtext. The Agent of Change principle could also be defined in any glossary. To confirm we object to housing growth on our site boundaries (Housing Allocation HA4) without these policy safeguards in place as it is not consistent with national policy direction.

Regards

--

**Simon McKee**

S  
U  
n  
S  
w

A large rectangular area of the document has been completely redacted with a solid black box. To the left of this box, the first letters of several lines of text are visible: 'S', 'U', 'n', 'S', and 'w'.

Legal Disclaimer on behalf of the following companies registered in England and Wales under the following numbers (and all subsidiaries and group companies of the same):  
*Veolia UK Limited (2664833); Veolia Environmental Services (UK) plc (2215767); Veolia Water UK Limited (2127283); Veolia Energy UK plc (883131);*  
*Registered office 210 Pentonville Road, London N1 9JY.*

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## White, Lauren

---

**From:** Tracey Viney <[REDACTED]>  
**Sent:** 30 July 2021 20:10  
**To:** Consultation  
**Subject:** T.Viney- Local Plan Consultation Response  
**Attachments:** T\_Viney\_Local Plan Response July 2021.zip

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear sir / madam,

Please find attached my response to the Local Plan consultation publicised in the 'Fareham Today' summer edition, the deadline for which ends at midnight tonight.

As requested, I have used the response form provided by FBC to set out feedback on the policies and allocations my responses related to. However, since the space in the boxes provided on the forms was very small I have provided a separate word document with more detailed additional response information to explain why I believe certain aspects of the plan are not sound or legally compliant. I have indicated clearly the policy number or allocation number my response relates to.

I have scanned the response forms as a pdf which I hope will be adequate, but if you require the top copies let me know and I will provide them as well.

I would be grateful if you could acknowledge receipt of my response.

Yours sincerely,

Tracey Viney

### **Additional Response Information from Tracey Viney to the FBC Local Plan Consultation**

Further to the responses made to the FBC draft local plan consultation on the response form provided, please find below further information on why I believe the current draft plan is not sound or legally compliant.

#### **Policy D2 – Settlement Identity & Development in Strategic Gaps**

QB3 cont'd

The large area of **land allocated as HA54 & 55 effectively removes the important strategic gap between Fareham and Stubbington, which Policy DS2 describes as critical, as a result the draft plan is not sound.**

Paragraph 3.46 states; Retaining the open farmland gap between Fareham and Stubbington is critical to preventing the coalescence of these two settlements. I agree with this statement. I do not agree with the remainder of that paragraph which contradicts the above.

- It states no boundary changes are proposed at this time, yet Housing Allocation HA55 shows a very significant incursion into the strategic gap, effectively removing the farmland gap east of Peak Lane. Half the width of the farmland gap is proposed to be replaced with 1250 dwellings and new infrastructure, while the remaining half is to be replaced with green infrastructure including a 4ha sports pitch hub, changing rooms and parking. This would not provide an effective gap between settlements as required by policy D2. It would certainly not provide an effective natural countryside gap for habitat continuity and wildlife. By definition a sports hub will be heavily used eliminating any value to wildlife of this important and strategic wildlife corridor.
- It states that the boundary of this strategic gap can be redrawn whilst retaining its important function of preventing settlement coalescence. This is not the case with the allocations shown in the draft plan, the gap is effectively lost as described above.

QB4c cont'd

It is important that the continuity of natural countryside at the junction of the Meon Gap and Stubbington Gap is retained to provide valuable wildlife corridors and maintain distinct communities. With the construction of the Stubbington by-pass in this critical gap, the spread of housing/ buildings along the edges of both gaps and urbanisation of agricultural areas of the gaps through expansion of equestrian infrastructure and nurseries the natural habitat within each gap and especially at the junction between the two gaps has already been significantly pinched and denuded reducing the width of the corridors, their value to wildlife and carrying capacity. This should not be allowed to continue and **the need to maintain the existing width of the countryside /habitat gap at the critical junction between the two strategic gaps to ensure continuity of natural habitats should be specifically stated in the plan.**

## **Housing Allocation HA55 – Land South of Longfield Avenue**

QB3 cont'd

I do not consider that the allocation of site HA55 is sound for the following reasons;

I believe that the proposed housing allocations in the plan will significantly affect the integrity of the Stubbington Strategic Gap and the physical and visual separation of the settlements contrary to policy D2 of the plan. The gap was already narrow such that you could see from one side to the other. The allocation for housing, new infrastructure and playing fields east of Peak Lane, in conjunction with the construction of the new by-pass effectively removes the gap, as there will be no natural habitat between the two urban areas. See my comments on Policy D2 regarding the Strategic Gap.

The countryside gap between Hill Head & Stubbington has already been lost to urban sprawl and it is essential that the gap is maintained between Stubbington and Fareham to maintain the distinct community identities.

The plans provided in the public consultation document 'Fareham Today' are misleading and consequently not fit for purpose. It is very disappointing and frustrating that where there is more than one allocation, or other applications have already been made for housing alongside allocated sites being illustrated these are not shown on the plans included by the Council in their public consultation, so that the full impact of new development is clear to those being consulted. For example, Housing Allocation HA54 and 55 are alongside each other in the gap between Stubbington and Fareham, but HA54 is not shown on the plan for Land South of Longfield Avenue, instead the area is shown as open countryside, making the Strategic Gap appear bigger than it will be. This is misleading. I believe that other developments are also already permitted or planned in the fields either side of the new by-pass but these are also not shown. The public consultation plans should have been much clearer about the scale of the development proposed in the area of open countryside between Fareham and Stubbington, showing all areas of planned development on one map.

There has not been appropriate or adequate consultation on the proposed development in the strategic gap (HA55). The information that was originally made widely available to the public was misleading. The March version of 'Fareham Today' which set out the key points on the earlier plan consultation gave no indication of the scale of infilling of the strategic gap between Fareham and Stubbington. On page 15 it merely showed the broad outline of what was described as a Strategic Growth Area, with the text indicating that it would still provide a sizeable but smaller gap between settlements, with ecological parkland connecting the Alver and Meon Valleys. This description is completely misleading when you now see the scale of development (number of dwellings and extent of non-natural habitats) proposed in the gap under allocation HA55 on page 9 of 'Fareham Today' summer 2021 edition. Even if members of the public had looked at page 9 they are likely to have been misled by the terms used on the plan shown as 'bird mitigation' area and 'green infrastructure' most likely assuming that these would be natural open spaces suitable for wildlife. When in fact the key on page 148 of the full draft plan, which the majority of the public will not have seen, describes green infrastructure of a type which will urbanise the gap, not provide improved connectivity between the Alver and Meon Valleys.

The proposal for a bird mitigation area is flawed. If land is to be allocated for bird mitigation it needs to be largely undisturbed. This will not be the case, as the area shown is already not undisturbed.

- a) Page 9 of Fareham Today (summer 2021) shows a plan for HA55 with a Bird Mitigation area illustrated west of Peak Lane. This is not shown specifically on the more detailed plan on page 148 of the draft plan. Instead it indicated that the area west of Peak Lane can include any of a number of green infrastructure uses, with some of the uses indicated being completely incompatible with a bird mitigation area as they would cause disturbance. If it is intended to be a Bird Mitigation area why is this not shown on the more detailed plan on page 148?
- b) The area west of Peak Lane is already trampled by dogwalkers from the existing urban development around the site. When there are crops in the fields this tends to limit dogwalkers to preferred desired lines, which does have some benefit in reducing there impact on wildlife disturbance. If the area were to be set aside for bird mitigation it would not be possible to stop the established use of the area for dog walking, unless an alternative area were to be provided. But far from it, the proposal is to build a further 1250 dwellings south of Longfield Avenue introducing even more dog walking pressure. Dog walkers, joggers etc. emanating from the existing developments and new allocation will inevitably be concentrated into the small remaining pocket of open space land on the west side of Peak Lane reducing the areas value to wildlife. Adding the dogs, cats and people from those further 1250 dwellings will increase disturbance in the area west of Peak Lane even further, effectively making its primary function a dog walking / recreation area with minimum value for wildlife. I cannot see how it could be managed effectively as a viable bird mitigation area.

Lockdown has shown that people need large expanses of open space for exercise and well being. The removal of the Fareham to Stubbington Strategic Gap removes a space that people rely upon for well being and exercise. Instead an even larger population in this area will be forced into a smaller area of open space which is unable to accommodate their needs and this will cause a range of conflicts.

As the open space around residential areas is further pinched people will be forced to the coast which will have a significant impact on the European Protected SAC/SPA habitats and designated species. The Longfield Avenue allocation is very close to the coastal SPA at Hill head and Titchfield Haven National Nature Reserve, close enough to walk, run and cycle, so it will inevitably cause increased disturbance to the European protected sites in breach of the Conservation of Habitat & Species Regulations 2017 (as amended by the 2019 Regulations). Merely allocating a financial contribution for each dwelling to the Solent Recreation Mitigation Strategy in line with policy NE3 will not off-set the short or long-term impact on these habitats (*see separate response on the effectiveness of policy NE3*).

I have observed Bird Aware Solent staff doing their best to engage and educate people on the coast around the borough, but they have no powers to enforce responsible behaviour and as a result the disturbance to the SPA's continues and will get worse with the growth in the housing proposed under this plan.

Paragraph 9.47 of the draft plan refers to some proposals by nature of their size and/or proximity to the coast may have additional effects on the Solent SPAs. This must apply to residential units proposed as a part of HA55. A one off payment by the developer cannot mitigate the short and long-term impacts of increased disturbance to the SPAs from these new dwellings.

I note that the large fields south of Longfield Avenue are not shown on the map on page 146 of the plan as being used as a Brent Goose and Wader Support Area. Historically when I lived in that area flocks of waders such as lapwing, golden plover and even dunlin were present on those fields, notably at high tide. Is there adequate survey data over a number of years for the Council to be sure that these fields are no longer used by waders from the SPA's?



### **Policy NE3 Recreational Disturbance on the Solent Special Protection Areas (SPA's)**

QB3 cont'd

Policy NE3 is not legally compliant with the Conservation of Habitat & Species Regulations 2017 (as amended by the 2019 Regulations) and is not sound.

- a) Paragraph 9.46 of the draft plan states that; Development proposals resulting in a net increase in residential units will need to demonstrate that the negative effects can be avoided or mitigated, or they must contribute towards the strategic mitigation measures put in place by Bird Aware Solent. It is impossible for an increase in residential units not to cause disturbance to the coastal SPA's as in a free country you cannot stop new residents going to the coast, and the housing allocations are so close and the alternative opportunities so limited that new residents will inevitably visit the coast for recreation and dog walking.

I have observed Bird Aware Solent staff doing their best to engage and educate people on the coast around the borough, but they have no powers to enforce responsible behaviour and as a result the disturbance to birds using the SPA's continues and will get worse with the significant growth in housing proposed under this plan. As a result impacts on the SAC and SPAs will continue to occur and will get worse as a result of the implementation of the draft plan. A one off payment by a developer cannot mitigate the short and long-term impacts of increased disturbance to the SPAs.

Bird Aware Solent are unable to prevent disturbance at existing levels of recreational disturbance and therefore the SPAs cannot sustain further levels of recreational pressure and disturbance without there being a significant impact on the SPA. This is entirely predictable and therefore the allocation of further housing and Policy NE3 is not sound nor legally compliant with the Conservation of Habitat & Species Regulations 2017 (as amended).

- b) New text has been added to paragraph 9.46 indicating that other types of development (such as new hotels, student accommodation, camping and caravan sites) may also need to address recreational impact. Of course, any increase in all of these types of development in the borough will have an impact by increasing recreational activities and disturbance on the coast and thus on the SPA's. The use of the term 'may' is inappropriate and the policy must be stronger on this to protect the European protected sites.
- c) The current policy to protect the SPA's is flawed as the Bird Aware Solent Rangers brief is only to attempt to address the negative impacts of land based recreation. In reality increased housing brings with it increased water based recreation as well and this is not being addressed. The impact of the pandemic has not only resulted in increased dog ownership, but also a big increase in canoes, paddleboards, kite surfers and other forms of water based recreation. The level of disturbance is increasing year on year along the coast and along the River Hamble, as people with canoes and paddleboards can access even the shallowest creeks causing significant and regular disturbance of high tide bird roosts designated as part of the SPA. I am involved in monthly Wetland Bird Counts on the River Hamble and coast at Hook with Warsash Nature Reserve and witness the regular disturbance of species which should be protected by the SPA designation under the Habitat Regulations 2010.

Tracey Viney (July 2021)

A2 Please provide your details below:

Title:

MISS

First Name:

TRACEY

Last Name:

VINEY.

Job Title: (where relevant)

N/A RESIDENT OF FAREHAM.

Organisation: (where relevant)

N/A

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

N/A

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

- ☐ 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

D2 - Settlement Identity & Development in Strategic Gaps.

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

Policy D2 describes the strategic gap between Fareham and Stubbington as critical, stating no boundary changes are proposed, then goes on to state



- ☐ The policies map Go to B1e  
☒ 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

- ☐ 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

NE3 - Recreational disturbance on the Sdnt SPA's

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 type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Policy NE3 is not legally compliant and is not sound. The policy does not provide an adequate framework to protect the SPA's from increased recreational disturbance which will inevitably result

# Technical Note 01

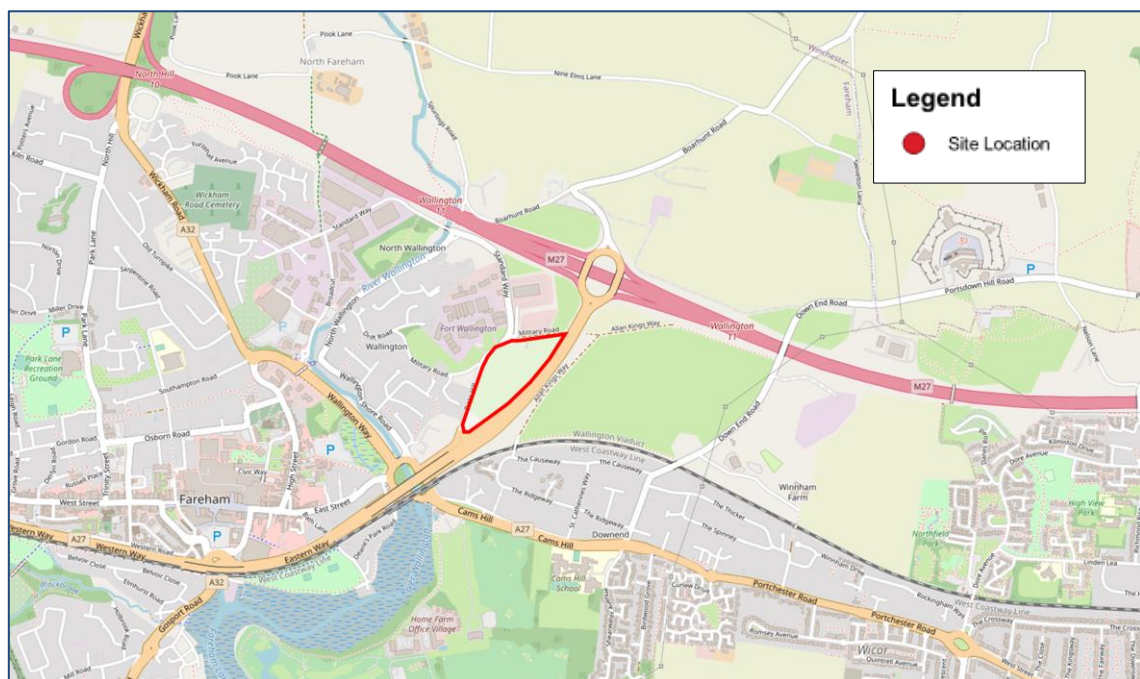
**Project:** Pinks Hill, Fareham  
**Project N°:** 784-HL04000-61  
**Client:** Vistry Group  
**Date:** July 2021  
**Subject:** Access Review

**Office:** Southampton  
**Prepared by:** GS  
**Approved by:** NW  
**Status:** Final

## 1 INTRODUCTION

- 1.1 Tetra Tech has been commissioned by Vistry Group (the ‘Client’) to provide transport and highways consultancy services, and to prepare this appraisal in connection with a potential residential-led development on land at Pinks Hill, Fareham (the ‘Site’). The site location is shown in Figure 1.1.

**Figure 1.1 Site Location Plan**



Source: Openstreetmap

- 1.2 The site has been proposed for inclusion in the Fareham Borough Local Plan; this note considers the highway implications of the development, presents a proposed access strategy, and off-site highway works to improve pedestrian connectivity.

## 2 NEARBY PLANNING APPLICATIONS

- 2.1 A number of planning applications have been submitted for other schemes in the vicinity of the site. These are set out in Table 2.1 below.



**Table 2.1 Summary of Recent/Active Planning Applications**

FBC App ref	Development Description	Current Status	Included in latest Plan?
P/19/0169/OA	Outline Application For Up To 2,000 Sq. Metres Of Employment Space (For Purposes Falling Into Use Classes B1, B2, Or B8) And Access From Standard Way, Wallington With Associated Highway Improvements	Under consideration	Yes – E4D
P/19/0130/OA	Outline Application For Up To 26 Custom & Self-Build Dwellings, Associated Landscaping, Amenity Areas And A Means Of Access From Military Road.	Under consideration	No
P/19/0894/OA	Outline Planning Application With All Matters Reserved (Except For Access) For Residential Development Of Up To 29 Dwellings, Associated Landscaping And Access Off North Wallington Road	Under consideration	No
P/19/0162/OA	Outline Application (With All Matters Reserved) For B1 Office Development With Associated Parking	Approved	Partially (not allocation)
P/20/0636/OA	Outline Application For The Development Of Up To 22 Units For Employment Use (B2, B8 & E(G)) With Access Off Military Road	Under consideration	Yes – E4B

- 2.2 Each planning application has been reviewed as part of this appraisal, which considers the proposed highway mitigation measures under discussion or agreed as part of the different schemes.
- 2.3 Vistry Group has worked collaboratively with the applicants for the nearby schemes, in particular Foreman Homes, to ensure a consistent approach to the off-site highway improvement schemes.
- 2.4 Pinks Hill and Military Road are unadopted roads, owned by Fareham Borough Council (FBC). FBC have agreed to consider highway improvement schemes around Pinks Hill and Military Road to mitigate the impact of proposed developments in the vicinity.
- 2.5 The scheme designs have been undertaken with a view to either contribute to their implementation by FBC, as the landowner, or by securing agreement from FBC to carry out the works.
- 2.6 The proposed allocations in the draft plan for employment land at Wallington require contributions to be made to Pinks Hill, indicating that HCC and FBC consider the Pinks Hill improvement scheme to be a viable mitigation for an increase in HGV traffic generated by the additional employment use.
- 2.7 As a result, it is considered that the scheme will also be acceptable for the additional domestic traffic generated by the proposed residential development.

### 3 PROPOSED SITE ACCESS

- 3.1 It is proposed to access the site from the northern end of Pinks Hill, close to its junction with Military Road. A proposed site layout is shown on **Drawing HL04000-61-TTE-00-XX-SK-O-001** at **Appendix A**.
- 3.2 The proposed site access consists of a simple priority junction, with a 6m carriageway width, 10m radii and a 2m wide footway on the northern side providing a pedestrian link to Military Road (discussed in Section 5 of this report).
- 3.3 Traffic survey data indicates 85<sup>th</sup> percentile speeds of 33mph (northbound) and 32mph (southbound). Using Hampshire County Council's stopping sight distance (SSD) calculator, this equates to visibility requirements of 2.4 x 49mph to the south (without adjustment for the gradient) and 2.4 x 47mph to the north. Traffic survey data is included as **Appendix B**.

**Figure 3.1 Stopping Sight Distance Calculations**

#### Stopping Sight Distance Calculator

Formula for calculating SSD (from Manual for Streets 2):  $SSD = vt + v^2/2(d+0.1a)$   
v = Speed of vehicle (m/s)      d = deceleration rate (m/s)  
t = driver perception-reaction time (seconds)      a = longitudinal gradient (%)

**Fill in the white boxes only**

Enter the vehicle 85<sup>th</sup>ile speed below  

33 mph

      14.752 m/s

v = 14.752 m/s  
t = 

1.5

 taken from MfS2 table 10.1  
d = 4.415 Vehicle type 

Light vehicles

  
a = 

0

 +ve for upgrades and -ve for downgrades

**SSD =**

47

 m

**SSD adjusted for bonnet length (MfS only) =**

49

 m (SSD + 2.4m)

**Conversions**  
mph  to kph 

0.0

  
kph  to mph 

0.0

Based on Table 10.1 MfS2

Design speed	Vehicle Type	Reaction Time t (s)	Deceleration rate d (m/s) (ie factor x 9.81)	Standard
60kph and below	Light vehicles	1.5	0.450 g	MfS2
	HGV's	1.5	0.375 g	MfS2
	Buses	1.5	0.375 g	MfS2
Above 60kph	All vehicles (Abs Min)	2	0.375 g (Absolute minimum)	CD 109
	All vehicles (Des Min)	2	0.250 g (Desirable minimum)	CD 109

**NOTE:** The adjustment for the bonnet length is only required on the MfS SSD as the MfS formula is calculated from drivers eye. To avoid a collision, the bonnet length must be added.

### Stopping Sight Distance Calculator

Formula for calculating SSD (from Manual for Streets 2):  $SSD = vt + v^2/2(d+0.1a)$   
 v = Speed of vehicle (m/s)  
 t = driver perception-reaction time (seconds)  
 d = deceleration rate (m/s)  
 a = longitudinal gradient (%)

**Fill in the white boxes only**

Enter the vehicle 85%ile speed below  
 mph      14.305 m/s

v =  m/s  
 t =  taken from MfS2 table 10.1  
 d =  Vehicle type   
 a =  +ve for upgrades and -ve for downgrades

**SSD =**  m

**SSD adjusted for bonnet length (MfS only) =**  m (SSD + 2.4m)

**Conversions**  
 mph  to kph   
 kph  to mph

Based on Table 10.1 MfS2

Design speed	Vehicle Type	Reaction Time t (s)	Deceleration rate d (m/s) (ie factor x 9.81)	Standard
60kph and below	Light vehicles	1.5	0.450 g	MfS2
	HGV's	1.5	0.375 g	MfS2
	Buses	1.5	0.375 g	MfS2
Above 60kph	All vehicles (Abs Min)	2	0.375 g (Absolute minimum)	CD 109
	All vehicles (Des Min)	2	0.250 g (Desirable minimum)	CD 109

**NOTE:** The adjustment for the bonnet length is only required on the MfS SSD as the MfS formula is calculated from drivers eye. To avoid a collision, the bonnet length must be added.

- 3.4 Consequently, it is considered that the proposed access arrangement presents a viable scheme to serve the proposed development that will not have a detrimental impact on the safety of the local highway network.

## 4 IMPROVEMENTS TO PINKS HILL

- 4.1 As part of applications [P/19/0169/OA](#) and [P/19/0130/OA](#), the applicant has proposed improvements to Pinks Hill to facilitate vehicle movements, in particular for HGVs. The proposed scheme, prepared by i-Transport, can be found in the drawings section of Technical Note ITB14156-004a HCC Response F (received 28th July 2020), found [here](#).
- 4.2 The scheme involves the widening of Pinks Hill to 6m to enable two HGVs to pass, with the pillbox on the southern side of the carriageway being retained.
- 4.3 There is a proposed amendment to the kerb line at the junction with the A27 slip road to the south to enable easier movements for HGVs turning left.
- 4.4 The scheme proposed a deflection to the kerb line on the left turn into Pinks Hill from the A27 slip road; this is in order to reduce vehicular speeds on the approach to Pinks Hill.
- 4.5 It is noted that no footway provision is proposed on Pinks Hill, as there is no pedestrian desire line to the south; at its southern end, it forms a junction with the A27 slip road, a dual carriageway with no pedestrian infrastructure.
- 4.6 It is considered that this proposed scheme presents a viable solution to mitigate the effects of the cumulative development around Pinks Hill and Military Road, including the proposals to which this Technical Note relates.

## **5 PEDESTRIAN INFRASTRUCTURE IMPROVEMENTS**

- 5.1 As noted in Section 3, the proposed access will benefit from a 2m wide footway on the northern side. A crossing point will be provided to the western side to facilitate access to Military Road.
- 5.2 Military Road provides pedestrian access to Pallant Gardens and Drift Road to the west. Military Road effectively operates as a shared space, with very low traffic volumes and no through traffic.
- 5.3 Manual for Streets notes that people will treat a street as a space to be occupied and not a road to be crossed when traffic flows are not more than about 100 vehicles per hour, based on research carried out by TRL. Flows on Military Road are considerably lower than 100 vehicles per hour in the peak periods.
- 5.4 It is therefore considered that Military Road would present a viable pedestrian route for future occupiers, providing access to facilities such as Wallington Village Hall (nine minute walk) and Sainsbury's on Broadcut (11 minute walk), as well as to Fareham town centre (17 minute walk) via the footbridge from Wallington Shore Road over Wallington Way.
- 5.5 Consequently, by providing a pedestrian link to Military Road, the site is considered to be accessible on foot, with a wide range of facilities lying within a 20 minute walking journey time.

## **6 SUMMARY**

- 6.1 This appraisal has demonstrated that safe vehicular and pedestrian access can be gained to the proposed development on land east of Pinks Hill, Fareham.
- 6.2 A widening scheme is proposed along Pinks Hill that would facilitate access to the existing and proposed residential and commercial developments served by the road. This would be delivered with the agreement of Fareham Borough Council, who own the road.
- 6.3 Military Road operates as a shared space, with low traffic volumes and no through traffic. By providing a pedestrian link from the site to Military Road, residents would be able to walk to nearby facilities via Drift Road or Pallant Gardens.
- 6.1 It is therefore considered that there is no reason why the proposed development should not be allocated on transport and highways grounds. In terms of NPPF policy, the development's cumulative residual impact would not be severe and therefore the proposals are deemed acceptable.

## APPENDIX A – PROPOSED SITE ACCESS





## APPENDIX B – TRAFFIC SURVEY DATA

Virtual Week (1)																																		
Time	Hourly Totals	00-15	15 Minute Bin Drops			45-00	Number Vehicle Classes ARX Scheme																Vehicle Speed											
			15-30	30-45			Cycles	Motor Cycles	Car Van	Car Van Towing	2 Axle Van Lorry	3 Axle Rigid	4 Axle Rigid	3 Axle Artic	4 Axle Artic	5 Axle Artic	6 Axle Artic	Double Road Train	Triple Road Train	MPH 0 <10mph	MPH 10 <15mph	MPH 15 <20mph	MPH 20 <25mph	MPH 25 <30mph	MPH 30 <35mph	MPH 35 <40mph	MPH 40 <45mph	MPH 45 <50mph	MPH 50 <55mph	MPH 55 <60mph	MPH 60 <65mph	MPH 65 <140mph	P-Tile 0.85	Average Speed
Mon	962	236	239	233	254	3	0	735	6	197	5	1	4	4	6	1	0	0	12	39	54	181	357	248	64	6	1	0	0	0	0	33.2	27.3	6.2
Tue	947	225	234	232	234	1	1	737	4	181	7	0	3	4	1	7	0	1	7	47	57	144	358	257	59	17	1	0	0	0	0	33.1	27.5	6.3
Wed	954	246	233	229	246	2	2	733	4	200	4	1	2	1	3	1	0	1	10	51	35	155	351	275	67	9	1	0	0	0	0	33.5	27.6	6.3
Thu	1053	266	270	257	260	0	3	820	5	203	3	5	3	2	4	5	0	0	13	42	48	225	408	242	58	13	4	0	0	0	0	32.5	27.2	6.1
Fri	1001	233	249	253	266	1	7	772	3	203	3	1	3	4	2	2	0	0	11	37	57	202	355	263	61	13	2	0	0	0	0	32.9	27.4	6.2
Sat	373	75	90	105	103	0	1	308	2	59	1	0	1	1	0	0	0	0	4	31	23	95	116	83	16	5	0	0	0	0	0	32.0	25.9	6.7
Sun	275	69	69	62	75	0	0	236	0	36	0	0	1	0	0	2	0	0	5	27	13	50	97	62	19	2	0	0	0	0	0	32.4	26.1	7.1
	5565	1350	1406	1371	1438	7	14	4341	24	1079	23	8	17	16	16	18	0	2	62	274	287	1052	2042	1430	344	65	9	0	0	0	0	33.0	27.2	6.3

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			15-30	30-45		Cycles	Motor Cycles	Car Van	Car Van Towing	2 Axle Van Lorry	3 Axle Rigid	4 Axle Rigid	3 Axle Artic	4 Axle Artic	5 Axle Artic	6 Axle Artic	Double Road Train	Triple Road Train	MPH 0 <10mph	MPH 10 <15mph	MPH 15 <20mph	MPH 20 <25mph	MPH 25 <30mph	MPH 30 <35mph	MPH 35 <40mph	MPH 40 <45mph	MPH 45 <50mph	MPH 50 <55mph	MPH 55 <60mph	MPH 60 <65mph			
Mon	1327	314	338	296	379	1	1	1090	8	205	5	3	2	3	9	0	0	0	6	22	109	266	529	320	71	3	1	0	0	0	32.2	27.1	5.4
Tue	1374	308	374	301	391	7	3	1113	6	221	13	2	0	1	5	3	0	0	9	28	113	337	544	300	43	0	0	0	0	0	31.6	26.4	5.3
Wed	1342	295	344	312	391	0	2	1096	4	219	6	3	0	1	6	5	0	0	4	21	95	343	587	258	33	1	0	0	0	0	31.1	26.5	4.8
Thu	1549	352	382	379	436	0	0	1268	3	252	7	5	0	2	8	4	0	0	1	24	110	348	625	361	74	6	0	0	0	0	32.2	27.1	5.1
Fri	1464	338	376	292	458	1	1	1178	4	254	5	7	4	3	5	2	0	0	8	38	114	303	584	356	56	5	0	0	0	0	32.1	26.8	5.3
Sat	516	115	109	141	151	0	1	441	0	72	1	0	0	0	0	1	0	0	1	21	53	132	162	119	21	6	1	0	0	0	32.1	26.4	6.0
Sun	310	76	80	80	74	0	1	291	0	18	0	0	0	0	0	0	0	0	5	17	39	101	103	42	3	0	0	0	0	0	30.0	24.3	5.5
	7882	1798	2003	1801	2280	9	9	6477	25	1241	37	20	6	10	33	15	0	0	34	171	633	1830	3134	1756	301	21	2	0	0	0	31.9	26.7	5.3

# **Fareham Draft Local Plan 2036 Supplement Representations Pinks Hill**

**Prepared on behalf of Vistry Homes Limited  
February 2020**

## Document control

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Revision:	V1 For client review	
Date:	23 February 2020	
Prepared by SH	Checked by N/A	Approved by N/A
Revision:	Final	
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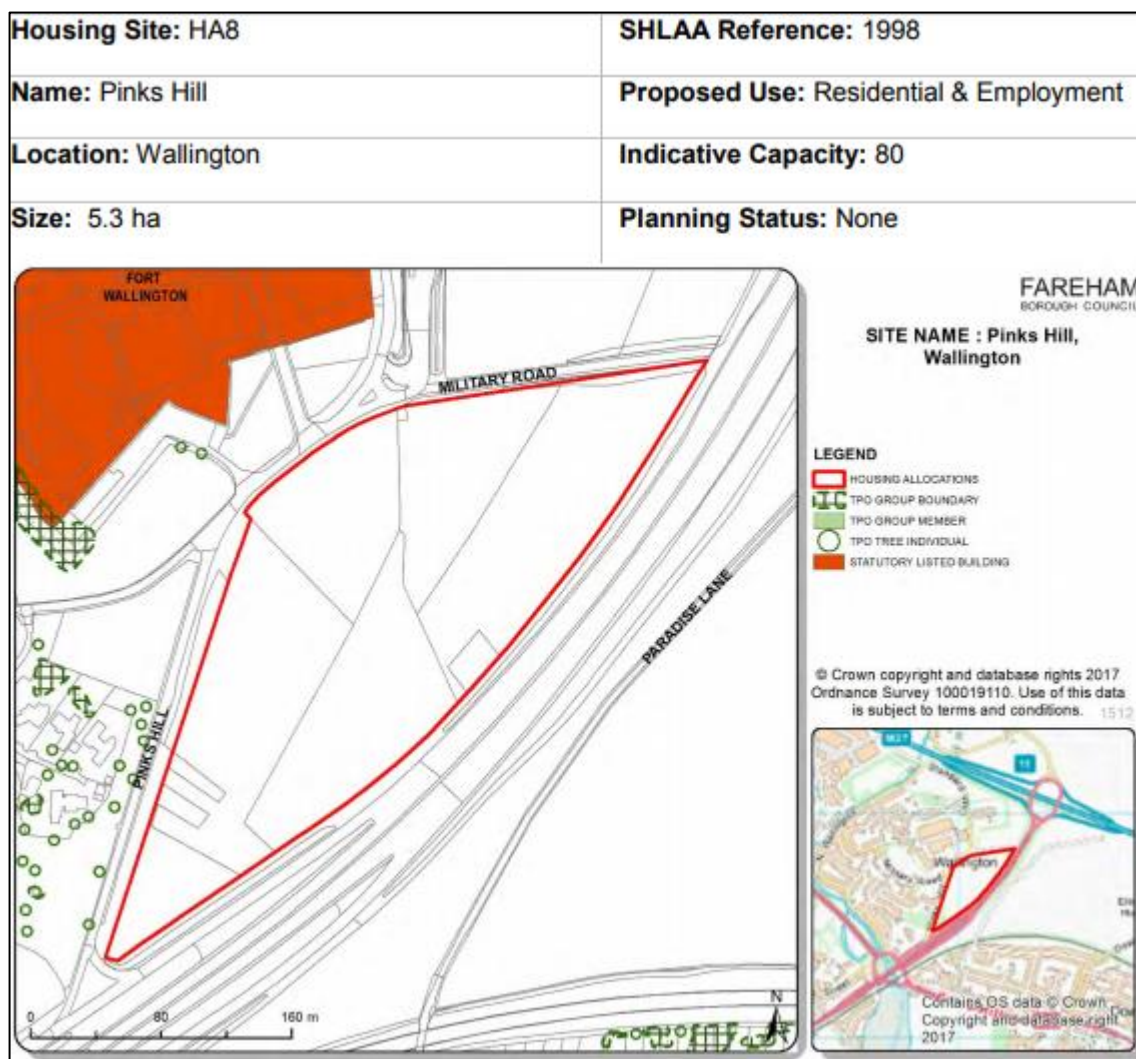
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**Figure 1 Extract from Fareham Draft Local Plan (2017)**

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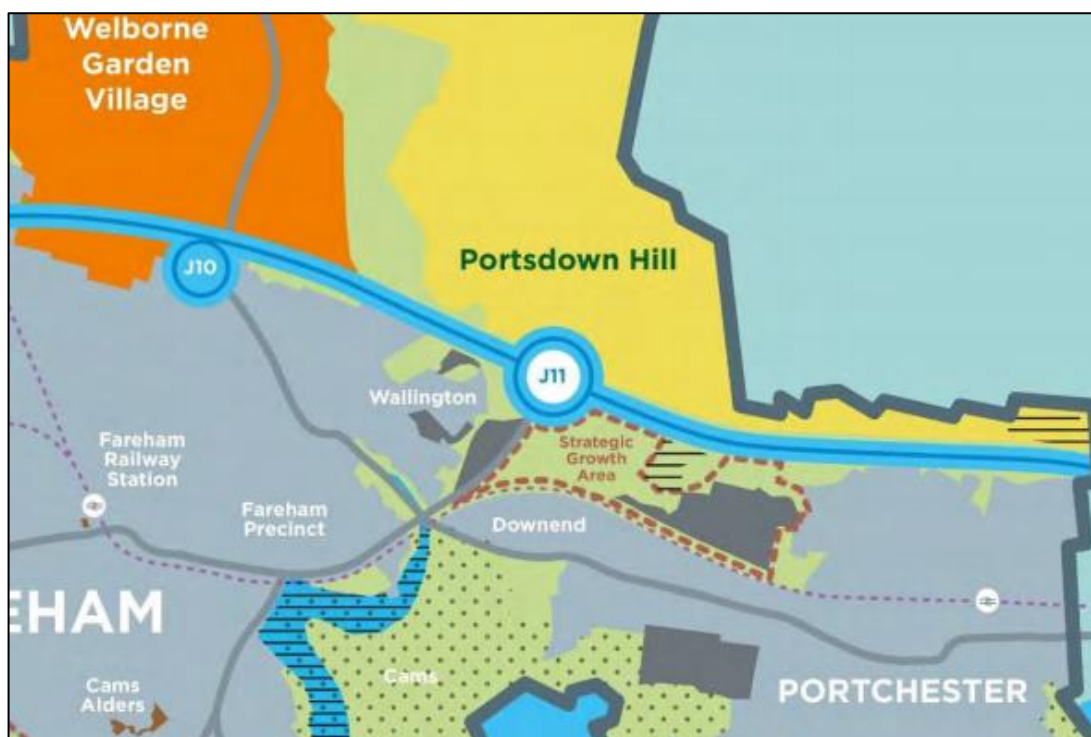
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2. Further proposed development allocations
3. Additional policies to ensure compliance with NPPF

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2.2 The revised development strategy introduces, amongst other things, valued landscape designations, revised strategic gaps and two strategic growth areas, with the overarching aim of providing, “sufficient suitable, available and achievable sites in order to meet the housing need”.

2.3 Vistry Homes welcome the fact that the Revised Development Strategy continues to support the development of land at Pinks Hill under draft allocation HA8. The Revised Development Strategy showing the site as a 2017 allocation on Figure 2.1 of the Local Plan Supplement, as shown in Figure 2 below and this is supported. The site is sustainably located close to the existing urban area boundary and the proposed Strategic Growth Area North of Downend.



**Figure 2 Extract from Fareham Local Plan 2036 Supplement**

- 2.4 The Local Plan Supplement confirms that the Borough's housing need, based on the standard methodology, will be fixed at the point of submitting the Local Plan for Examination and will include a buffer of 10 – 15% to allow for unforeseen delays in the delivery of Welbourne. Vistry Homes support the recognition that the delivery of Welbourne has the potential to be delayed and as such, there is a need to ensure the Local Plan includes smaller, less constrained sites which can be delivered within the early part of the plan period to meet housing need.
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- 2.6 Policy HA8 sets out a list of development requirement criteria. Linden Homes (now part of Vistry Group) has previously commented on these criteria in their Draft Local Plan 2036 representations dated December 2017, and these comments remain valid.
- 2.7 In particular, Vistry Homes would like to re-iterate the fact that, as proposed, the provision of 80 dwellings over the net developable area (3.5 hectares) would equate to a development

density of just 23 dwellings per hectare, which is universally accepted as a low density. Comparable densities from similar planning applications elsewhere in the Borough would result in the delivery of 130 dwellings, rising to 150 dwellings without the employment area. If applied too rigidly, a figure of 80 dwellings would not represent an efficient use of land and therefore, should be provided as a minimum requirement.

- 2.8 The Draft Development Framework at Appendix F of the Draft Local Plan also shows an area for employment on the northern part of the site. For the reasons set out in Linden Homes (now part of Vistry Group) previous representations (December 2017), this is not considered necessary and should be removed. Noise modelling has been carried out and it has been demonstrated that this “employment buffer” is not required to secure acceptable living conditions for future residents. In addition, the limited contribution to be derived from the employment element, given its small scale, localised nature directly adjacent to existing, employment hubs, could be more appropriately sited elsewhere. Further consideration is provided in Section 5 of these representations.
- 2.9 While Appendix F of the Draft Local Plan 2036 continues to provide appropriate parameters for the development of the site, as set out in our previous representations in December 2017 and elsewhere in these representations, it does not provide an accurate representation of the site’s development potential. The framework should be updated to reflect a higher density and the removal of employment units, based on the layout illustrated below. This illustrative layout also allows the findings from more recent technical assessments, such as noise, to be incorporated.



**Figure 3 Illustrative Layout: Land at Pinks Hill**

#### Further Proposed Development Allocations

- 2.10 Vistry Homes have no comments to make on these allocations but support the fact that these are in addition to, rather than in place of, existing allocations identified in the Draft Local Plan (2017), including Policy HA8.

#### Additional policies to ensure compliance with NPPF

- 2.11 The following comments and objections are made in respect of the new Air Quality Policy introduced through the Local Plan Supplement, currently referenced by the prefix NEXX.

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Support: Vistry Homes support the requirement to future proof developments so they can be retrofitted with EV charge points, rather than requiring installation at the time of development. However, alongside this requirement should be measures to ensure security of supply and sufficient capacity from National Grid and local distribution networks, to support the promotion of and increased reliance on electric vehicles.

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## 3.0 Interim Sustainability Appraisal

3.1 The Interim Sustainability Report (January 2020) includes a Site Options Assessment, which provides an appraisal of borough-wide sites which have been assessed as being suitable for development and are being considered for allocation. This includes sites identified in the Draft Local Plan (2017).

3.2 Allocation HA8 is assessed under Site ID 1998 Pinks Hill, Wallington, as shown in Figure 3 below:

<b>ID:</b> 1998		<b>Name:</b> Pinks Hill, Wallington								
<b>Proposal:</b>		5.33 ha greenfield site outside USB proposed for residential and employment use								
<b>SA1</b>	<b>SA2</b>	<b>SA3</b>	<b>SA4</b>	<b>SA5</b>	<b>SA6</b>	<b>SA7</b>	<b>SA8</b>	<b>SA9</b>	<b>SA10</b>	<b>SA11</b>
++	+/-	+	+/-	+	-	+/-	-	0	0	+
<b>SA Commentary</b>										
<b>1</b>	Indicative yield: 80 dwellings									
<b>2</b>	One Listed Building, two Historic Unlisted Buildings within 200m; two HCC Archaeology Alert Green on site									
<b>3</b>	100.0% C Portsdown LCA – High development potential									
<b>4</b>	Falls within 6 accessibility zones									
<b>5</b>	Falls within 6 accessibility zones; not within Flood Zone or Coastal Change Management Area									
<b>6</b>	54.5% SPZ 1 : 85.1% SPZ 2 : 85.1% SPZ 3									
<b>7</b>	Three internationally important features within 1,000m (Portsmouth Harbour Ramsar/SPA 289.9m S; Solent & Dorset Coast pSPA 237.9m SW) One nationally important feature within 500m (Portsmouth Harbour SSSI 289.9m S) No locally important features on site									
<b>8</b>	82.9% ALC Grade 2, 17.1% ALC Urban; Minerals Safeguarded Sites; Minerals Deposits									
<b>9</b>	No employment floorspace proposed									
<b>10</b>	Unlikely to compete with existing or proposed centres									
<b>11</b>	Within 300m of 2 existing open spaces									

**Figure 4 Extract from Site Options Appraisal (January 2020)**

3.3 The methodology used to assess the sites is welcomed, particularly as it provides consistency through a quantitative assessment applied to all sites. However, this provides an entirely factual assessment. In the absence of any commentary or recommendations, there is a risk that the site selection process is over-simplified and is based on the "score" for each site.

- 3.4 Notwithstanding this, the assessment of Site 1998 is largely positive, with only one objective (natural resources) being assessed as having likely strong adverse effects due to the potential effects on agricultural land and minerals, which is common to the majority of greenfield sites. The ability to provide a significant number of dwellings (80) on a site assessed as having high development potential due to minimal impact on the landscape character, is supported by the positive assessments in relation to objectives SA1 and SA3. Uncertain/mixed effects are noted but can be addressed as proposals progress and further surveys and technical work is carried out to inform the proposals.
- 3.5 SA objective 9 confirms that no employment space is proposed and is therefore assessed as neutral. For the reasons set out above, Vistry Homes support the assertion that the site will not provide any employment and the fact that employment provision is not required in order for the site to be assessed favourably overall.

## **4.0 Strategic Housing and Employment Land Availability Assessment (SHELAA) December 2019**

- 4.1 The SHELAA considers site reference 1998 (Pinks Hill, Wallington) to be suitable, available and achievable and therefore concludes that the site is a developable housing site. Vistry Homes support this conclusion of the site's development potential.
- 4.2 The SHELAA provides an estimated yield of 80 dwellings on a site area of 5.33 hectares. For the reasons set out in Section 2 of these representations, it is considered that this is too low and that the site capacity should be increased to a minimum of 130.
- 4.3 The following responses are provided in respect of other constraints and comments made in the SHELAA (2019):

Constraint: Public Right of Way

Response: There is a PROW to the east of the A27, but none are considered to affect the site and therefore, this should be removed as a constraint.

Constraint: Minerals

Response: Any future planning application would be subject to consultation with Hampshire County Council to ascertain whether or not prior extraction is appropriate or viable. Any loss of mineral deposits can be controlled through this process.

Comment: Noise and Air Quality Assessments

Response: Both would be provided as part of a future planning application. The conclusion of noise modelling carried out to date is that the site can accommodate residential development, with acceptable internal and external noise environments across the entire site during the day and night time periods, subject to the inclusion of modest noise mitigation to the site boundaries and through the careful orientation of buildings, rear garden areas and site layout.

Comment: The ability of Pinks Hill to serve the development needs to be fully assessed, including an adequate site access and the provision of a pedestrian/cycle footway. Land

ownership would appear to allow improvements to Pinks Hill and its junction with the A27 slip road to take place. A full Transport Assessment would be required for the site.

Response: These comments are noted and will be considered as part of a Transport Assessment to support any future planning application. Vistry Homes are aware that on-going discussions between Fareham Borough Council (as the owner of Pinks Hill and Military Road), Hampshire County Council and agents acting on behalf of development interests in the local area, have concluded that the widening of Pinks Hill is acceptable in principle and should not act as a constraint to the development in the vicinity.

## 5.0 Employment

- 5.1 The Business Needs, Site Assessment and Employment Land Study (January 2019), published as part of the current consultation, identifies part of the site at Pinks Hill for employment purposes under Site ID 1352 - Land at Pinks Hill.
- 5.2 The site extends to 0.7 hectares and is considered suitable for B2 or B8 open storage. The assessment does however note a number of constraints, including the requirement for measures to be put in place to limit additional commercial vehicle activity on Pinks Hill. The conflict with land being promoted for residential development directly adjacent, is also noted and Vistry Homes support the conclusion that, “adjoining land to the east, south and west is being promoted for residential development therefore employment uses on this site would not be compatible with adjoining residential (development)”.
- 5.3 The site scores negatively when assessed against the Market Attractiveness Criteria, with no evidence to show interest in the site. The recommendation is that the site is average (Score C) and independent of necessary highway infrastructure improvements and neighbouring residential development, would be considered suitable for commercial development. However, Vistry Homes consider that the conclusions regarding limited market attractiveness, conflict with future residential development and highway constraints, means that the site is far better suited to residential development as part of Allocation HA8.



## **6.0 INTERIM DRAFT INFRASTRUCTURE DELIVERY PLAN**

- 6.1 Vistry Homes support the fact that Pinks Hill, Wallington is listed at Table 5 as an allocation tested through the IDP; as one of the sites and locations infrastructure providers were asked to consider requirements and mitigation for. Vistry Homes are committed to working with infrastructure providers to ascertain the specific requirements in relation to their site at Pinks Hill. In this regard, Vistry Homes support the intention for the IDP to be a “Live Document” which will be updated as part of the ongoing local plan process and following discussions with infrastructure providers.
- 6.2 The intention to provide the specific infrastructure requirements of each of the proposed allocations, during the spring/summer 2020 and submitted as part of the evidence base to the Publication version of the plan, is welcomed. This will help provide certainty for developers and ensure that any on-site infrastructure requirements can be designed into a proposal at the earliest opportunity. Likewise, increased certainty regarding financial contributions would be welcomed. Concerns would be raised if the nature of a “Live Document” undermines this certainty and the ability to identify infrastructure requirements and contributions at an early stage of the development process.

## 7.0 CONCLUSION

- 7.1 In conclusion, Vistry Homes are supportive of the Council's intention to retain Housing allocation HA8 alongside new proposals and policies introduced through the Local Plan Supplement. Previous representations made in respect of the Draft Local Plan (2017) remain valid, particularly in respect of the site-specific criteria set out in Policy HA8.
- 7.2 Vistry Homes continue to support the assertion that the site should be allocated solely for residential purposes, the site assessment, published in the Employment Study as part of this consultation, demonstrates that the site has no market attractiveness and would conflict with adjoining residential proposals. On this basis, it is considered that the Development Framework at Appendix F of the Draft Local Plan should be amended and the employment provision removed.

# **Fareham Draft Local Plan 2036 Supplement Representations Pinks Hill**

**Prepared on behalf of Vistry Homes Limited  
February 2020**

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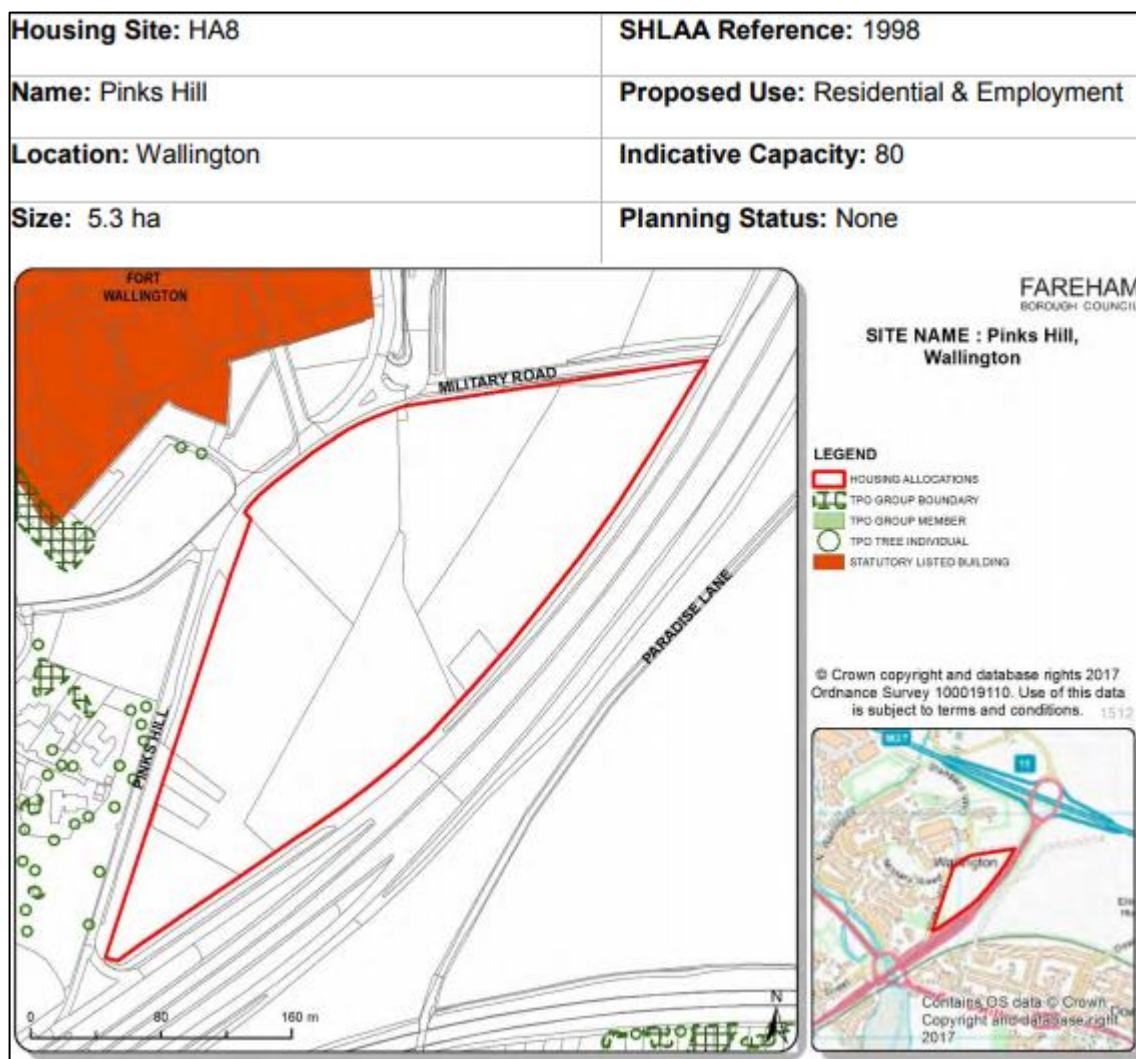
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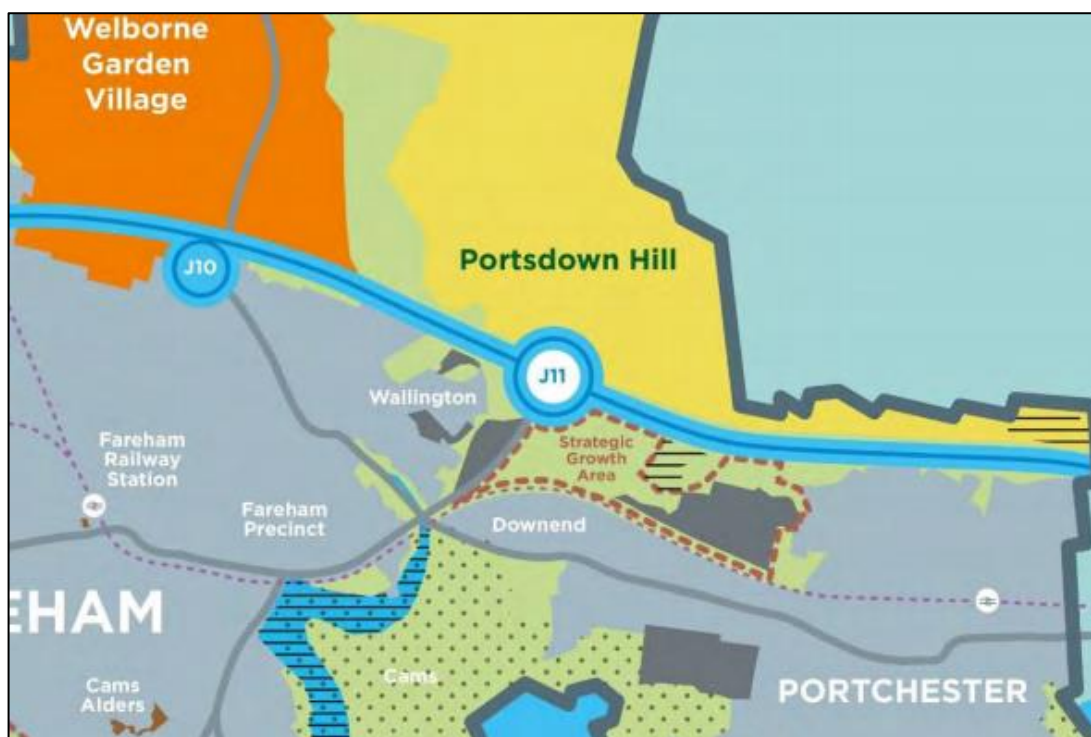
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<b>Proposal:</b>		5.33 ha greenfield site outside USB proposed for residential and employment use								
<b>SA1</b>	<b>SA2</b>	<b>SA3</b>	<b>SA4</b>	<b>SA5</b>	<b>SA6</b>	<b>SA7</b>	<b>SA8</b>	<b>SA9</b>	<b>SA10</b>	<b>SA11</b>
++	+/-	+	+/-	+	-	+/-	-	0	0	+
<b>SA Commentary</b>										
<b>1</b>	Indicative yield: 80 dwellings									
<b>2</b>	One Listed Building, two Historic Unlisted Buildings within 200m; two HCC Archaeology Alert Green on site									
<b>3</b>	100.0% C Portsdown LCA – High development potential									
<b>4</b>	Falls within 6 accessibility zones									
<b>5</b>	Falls within 6 accessibility zones; not within Flood Zone or Coastal Change Management Area									
<b>6</b>	54.5% SPZ 1 : 85.1% SPZ 2 : 85.1% SPZ 3									
<b>7</b>	Three internationally important features within 1,000m (Portsmouth Harbour Ramsar/SPA 289.9m S; Solent & Dorset Coast pSPA 237.9m SW) One nationally important feature within 500m (Portsmouth Harbour SSSI 289.9m S) No locally important features on site									
<b>8</b>	82.9% ALC Grade 2, 17.1% ALC Urban; Minerals Safeguarded Sites; Minerals Deposits									
<b>9</b>	No employment floorspace proposed									
<b>10</b>	Unlikely to compete with existing or proposed centres									
<b>11</b>	Within 300m of 2 existing open spaces									

**Figure 4 Extract from Site Options Appraisal (January 2020)**

3.3 The methodology used to assess the sites is welcomed, particularly as it provides consistency through a quantitative assessment applied to all sites. However, this provides an entirely factual assessment. In the absence of any commentary or recommendations, there is a risk that the site selection process is over-simplified and is based on the "score" for each site.

- 3.4 Notwithstanding this, the assessment of Site 1998 is largely positive, with only one objective (natural resources) being assessed as having likely strong adverse effects due to the potential effects on agricultural land and minerals, which is common to the majority of greenfield sites. The ability to provide a significant number of dwellings (80) on a site assessed as having high development potential due to minimal impact on the landscape character, is supported by the positive assessments in relation to objectives SA1 and SA3. Uncertain/mixed effects are noted but can be addressed as proposals progress and further surveys and technical work is carried out to inform the proposals.
- 3.5 SA objective 9 confirms that no employment space is proposed and is therefore assessed as neutral. For the reasons set out above, Vistry Homes support the assertion that the site will not provide any employment and the fact that employment provision is not required in order for the site to be assessed favourably overall.

## **4.0 Strategic Housing and Employment Land Availability Assessment (SHELAA) December 2019**

- 4.1 The SHELAA considers site reference 1998 (Pinks Hill, Wallington) to be suitable, available and achievable and therefore concludes that the site is a developable housing site. Vistry Homes support this conclusion of the site's development potential.
- 4.2 The SHELAA provides an estimated yield of 80 dwellings on a site area of 5.33 hectares. For the reasons set out in Section 2 of these representations, it is considered that this is too low and that the site capacity should be increased to a minimum of 130.
- 4.3 The following responses are provided in respect of other constraints and comments made in the SHELAA (2019):

Constraint: Public Right of Way

Response: There is a PROW to the east of the A27, but none are considered to affect the site and therefore, this should be removed as a constraint.

Constraint: Minerals

Response: Any future planning application would be subject to consultation with Hampshire County Council to ascertain whether or not prior extraction is appropriate or viable. Any loss of mineral deposits can be controlled through this process.

Comment: Noise and Air Quality Assessments

Response: Both would be provided as part of a future planning application. The conclusion of noise modelling carried out to date is that the site can accommodate residential development, with acceptable internal and external noise environments across the entire site during the day and night time periods, subject to the inclusion of modest noise mitigation to the site boundaries and through the careful orientation of buildings, rear garden areas and site layout.

Comment: The ability of Pinks Hill to serve the development needs to be fully assessed, including an adequate site access and the provision of a pedestrian/cycle footway. Land

ownership would appear to allow improvements to Pinks Hill and its junction with the A27 slip road to take place. A full Transport Assessment would be required for the site.

Response: These comments are noted and will be considered as part of a Transport Assessment to support any future planning application. Vistry Homes are aware that on-going discussions between Fareham Borough Council (as the owner of Pinks Hill and Military Road), Hampshire County Council and agents acting on behalf of development interests in the local area, have concluded that the widening of Pinks Hill is acceptable in principle and should not act as a constraint to the development in the vicinity.

## 5.0 Employment

- 5.1 The Business Needs, Site Assessment and Employment Land Study (January 2019), published as part of the current consultation, identifies part of the site at Pinks Hill for employment purposes under Site ID 1352 - Land at Pinks Hill.
- 5.2 The site extends to 0.7 hectares and is considered suitable for B2 or B8 open storage. The assessment does however note a number of constraints, including the requirement for measures to be put in place to limit additional commercial vehicle activity on Pinks Hill. The conflict with land being promoted for residential development directly adjacent, is also noted and Vistry Homes support the conclusion that, “adjoining land to the east, south and west is being promoted for residential development therefore employment uses on this site would not be compatible with adjoining residential (development)”.
- 5.3 The site scores negatively when assessed against the Market Attractiveness Criteria, with no evidence to show interest in the site. The recommendation is that the site is average (Score C) and independent of necessary highway infrastructure improvements and neighbouring residential development, would be considered suitable for commercial development. However, Vistry Homes consider that the conclusions regarding limited market attractiveness, conflict with future residential development and highway constraints, means that the site is far better suited to residential development as part of Allocation HA8.

## **6.0 INTERIM DRAFT INFRASTRUCTURE DELIVERY PLAN**

- 6.1 Vistry Homes support the fact that Pinks Hill, Wallington is listed at Table 5 as an allocation tested through the IDP; as one of the sites and locations infrastructure providers were asked to consider requirements and mitigation for. Vistry Homes are committed to working with infrastructure providers to ascertain the specific requirements in relation to their site at Pinks Hill. In this regard, Vistry Homes support the intention for the IDP to be a “Live Document” which will be updated as part of the ongoing local plan process and following discussions with infrastructure providers.
- 6.2 The intention to provide the specific infrastructure requirements of each of the proposed allocations, during the spring/summer 2020 and submitted as part of the evidence base to the Publication version of the plan, is welcomed. This will help provide certainty for developers and ensure that any on-site infrastructure requirements can be designed into a proposal at the earliest opportunity. Likewise, increased certainty regarding financial contributions would be welcomed. Concerns would be raised if the nature of a “Live Document” undermines this certainty and the ability to identify infrastructure requirements and contributions at an early stage of the development process.



## 7.0 CONCLUSION

- 7.1 In conclusion, Vistry Homes are supportive of the Council's intention to retain Housing allocation HA8 alongside new proposals and policies introduced through the Local Plan Supplement. Previous representations made in respect of the Draft Local Plan (2017) remain valid, particularly in respect of the site-specific criteria set out in Policy HA8.
- 7.2 Vistry Homes continue to support the assertion that the site should be allocated solely for residential purposes, the site assessment, published in the Employment Study as part of this consultation, demonstrates that the site has no market attractiveness and would conflict with adjoining residential proposals. On this basis, it is considered that the Development Framework at Appendix F of the Draft Local Plan should be amended and the employment provision removed.

# **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

July 2021

# Document control

<b>Document:</b>	Fareham Local Plan 2037 Reg 19 consultation
<b>Project:</b>	Pinks Hill, Wallington, Fareham
<b>Client:</b>	Vistry Group Plc
<b>Job Number:</b>	784-HL04000-61
<b>File Origin:</b>	\\SOUTHAMPTON14\new-data\HK\Shared\data\1. PROJECT FOLDERS 1998 - 2015\2007\Linden\HL07009 - HL04000-61 Pinks Hill, Fareham\Local Plan\FBC Reg 19 consultation July 2021

Revision:	V2	Status:	For submission
Date:	29/07/2021		
Prepared by: Laura Black		Checked by: Nick Billington	Approved By: Nick Billington
Description of revision:			

Revision:		Status:	
Date:			
Prepared by:		Checked by:	Approved By:
Description of revision:			

Revision:		Status:	
Date:			
Prepared by:		Checked by:	Approved By:
Description of revision:			

## CONTENTS

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1.0	Introduction .....	2
2.0	Local Plan Housing Strategy .....	3
	Appropriate Buffer .....	4
	Affordable Housing .....	4
	Trajectory .....	5
	New Housing Allocations .....	5
	Wider Unmet Housing Need .....	6
	Summary .....	6
3.0	Development at Pinks Hill .....	7
4.0	Other Policies .....	10
5.0	Conclusion .....	11
	Appendices .....	13

## 1.0 INTRODUCTION

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- 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 Plan<sup>1</sup>. 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 dwellings<sup>2</sup>.
- 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.

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<sup>1</sup> Representations made in December 2020, January 2020 and December 2017

<sup>2</sup> Policy HA8 of the FBC Draft Local Plan (2017)

## 2.0 LOCAL PLAN HOUSING STRATEGY

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- 2.1 FBC approved on 10<sup>th</sup> 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 17<sup>th</sup> 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 25<sup>th</sup> 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”*<sup>3</sup>. 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<sup>4</sup>.”* 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 figures<sup>5</sup>.
- 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<sup>6</sup>”*. 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.

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<sup>3</sup> NPPF paragraph 69

<sup>4</sup> Paragraph 002, reference ID: 2a-002-20190220

<sup>5</sup> Paragraph 4.3

<sup>6</sup> 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 years<sup>7</sup>.
- 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"*<sup>8</sup>.
- 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

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<sup>7</sup> Page 4, Figure 4

<sup>8</sup> 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"*<sup>9</sup>
- 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 – 2036<sup>10</sup>.
- 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"*<sup>11</sup>.
- 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.

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<sup>9</sup> Paragraph 5.28

<sup>10</sup> Page 16, Table 4

<sup>11</sup> 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.

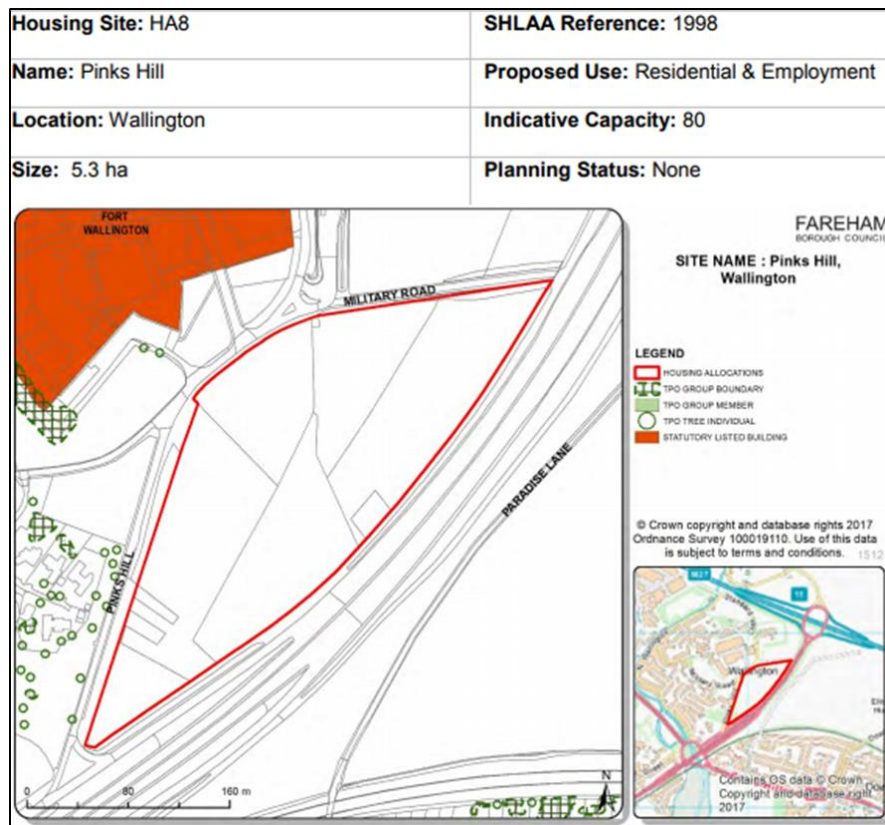


Figure 1 - Extract from Fareham Draft Local Plan (2017)

- 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

- 3.4 However, despite still being assessed as suitable, the plan subject of this consultation does not now propose the site for allocation, which we consider unjustified for the reasons set out below. The site also aligns with FBC's strategy 3a, which is to conserve and enhance the character of the landscape, including minimising adverse impacts on gaps between settlements.
- 3.5 In the High Level Assessment at Appendix F, the assessment of the site is largely positive, with only one objective (SA8 natural resources) being assessed as having likely strong adverse effects, due to potential effects on agricultural land and minerals, which is common in many greenfield sites. There is also one objective (SA6 air, water, light & noise pollution) which has been assessed as having likely adverse effects.
- 3.6 However, other sites that are allocated in the current draft plan scored worse in terms of adverse and strong adverse effects, including HA54 (Land East of Crofton Cemetery and West of Peak Lane) and HA55 (Land South of Longfield Avenue), both of which scored three adverse and strong adverse effects relating to landscape, biodiversity and natural resources. This Assessment is used to identify social, environmental and economic performance of possible sites to decipher which may be more sustainable.
- 3.7 Therefore, selecting sites which score worse is illogical and contrary to the aim. The NPPF makes clear that local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal and that significant adverse impacts on these objectives should be avoided and where possible, alternative options which reduce or eliminate such impacts should be pursued<sup>12</sup>.
- 3.8 FBC reached differing conclusions on the site's suitability/achievability in its Strategic Housing and Employment Land Availability Assessments (SHELAA). The April 2021 SHELAA asserts that the site is neither suitable nor achievable because it has poor pedestrian and cycle links to local services and there is no evidence to suggest that safe routes can be provided. It also states there are noise level concerns due to the proximity to the A27. However, the December 2019 SHELAA states that the site is both suitable and achievable based on buffers of woodland in the southwest and subject to implementing highways improvements and air quality and noise impact assessments being required. It is therefore evident that FBC have been inconsistent in its approach to site assessment and selection in the plan-making process as shown through the inconsistent assessment of the site.
- 3.9 Previous representations which are included in Appendix 1 set out in detail how the site is suitable, achievable and available when tested against the comments of the SHELAA and demonstrate there are no overriding issues preventing the sites allocation and development. Noise assessments of the

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<sup>12</sup> NPPF paragraph 32

site have also previously been carried out, which show it is a suitable site for development from a noise perspective. Furthermore, new allocation HA56 (SHELAA ID 3009), immediately to the east of the site on the opposite side of the A27, has a nearly identical relationship with the A27 and is closer to the M27, and yet the draft Plan concludes that the site is suitable and achievable.

- 3.10 Verbal discussions with FBC Planning Policy Officers pointed to concerns regarding highways, particularly highway widths and lack of footways. Supporting this representation is a Transport Technical Note and plan<sup>13</sup> which demonstrates that safe vehicular and pedestrian access can be gained to the site and there is no reason why the site should not be allocated on transport and highways grounds.
- 3.11 It should also be noted that two adjacent sites proposed for allocation as employment sites (E4b – Land North of Military Road, Wallington & E4d – Standard Way) are required to secure highway improvement works to Pinks Hill. The requirement for contributions shows a workable scheme for improvements to accommodate HGVs on Pinks Hill Road is feasible and therefore also removes the highways concerns raised regarding the site subject of this representation, hence the site should be re-allocated in the plan.
- 3.12 The site aligns with the plans development strategy and priorities to address the need for new homes in a sustainable manner; protect and enhance the environment; retain valuable landscapes; and encourage diversity in the housing market. It is a relatively unconstrained site and lies outside any strategic gap or other environmental designation. It is acknowledged that there is an area of historic interest to the north (Grade II listed Fort Wallington), however this can be carefully managed and protected from the impacts of development through sensitive design.
- 3.13 The site represents a logical location and ideal opportunity for sustainable growth for the above reasons and is well related to the adjacent existing and proposed new housing and employment allocations as depicted on the policies map (HA56, HA04, HA40, E4b, E4d).
- 3.14 There are no overriding physical constraints that would inhibit the delivery of the site, and the site aligns with FBC's strategy for growth in the Borough. Hence the allocation should be reinstated in the plan to make a valuable contribution in meeting the development needs of the Borough over the plan period.
- 3.15 The Plan therefore requires amendments in respect of the land at Pink's Hill to accord with the underpinning evidence base. Without inclusion, the plan would not be sufficiently justified and risks being found unsound. As set out in section 2, there is a need to provide a robust approach to meet FBC's needs and better address the acute and growing wider needs of the south Hampshire area.

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<sup>13</sup> Appendix 2



## 4.0 OTHER POLICIES

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- 4.1 Our Previous representation made during the preparation of the Fareham Borough Council (FBC) Local Plan provides commentary on the proposed policies within the plan. Those policies in this plan essentially remain unchanged from the previous plan iteration and therefore our comments continue to apply.
- 4.2 In summary, our previous comments related to Policy HP5 – Affordable Housing, HP9 – Self and Custom Build Housing, Policy NE2 – Biodiversity Net Gain and Policy NE8 – Air Quality. Please refer to our previous representation for more information.

## 5.0 CONCLUSION

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- 5.1 In conclusion, the plan is not considered justified or sound for various reasons set out in this representation<sup>14</sup>.
- 5.2 The housing strategy is not effective, particularly due to uncertainties over the delivery of Welborne Garden Village and FBC's historic under-delivery. The PPG makes clear the standard method is a minimum and the Government is committed to supporting ambitious authorities who plan for growth. Affordable housing provision at Welborne Garden Village may drop to just 10%, therefore the plan should allow for a higher housing requirement and the allocation of larger small and medium sizes sites over 10 units as this would allow the Borough to better meet not only its overall housing need, but also its acute affordable housing requirements. In particular, the site at Pinks Hills will deliver affordable housing to help meet this potential reduced provision at Welborne Garden Village.
- 5.3 Due to such reliance upon strategic sites to supply much of its housing requirement, it is considered a greater buffer between the identified housing need and supply should be applied to ensure that delays in delivery of strategic sites do not compromise the deliverability of the plan.
- 5.4 The plan is also not positively prepared, nor effective in its contribution towards the significant unmet housing need across the South Hampshire region. Given there are suitable available and achievable development sites in the Borough, it is considered that FBC should be contributing further to this wider unmet need.
- 5.5 Whilst supporting the use of the Government's standard method of assessing housing need, we still do not consider the plan is justified when taking into account reasonable alternative sites for housing development and the acute need for increased housing supply. FBC is inconsistent with its approach to site assessments and the plan is not entirely consistent with national policy. There continues to be a national objective to significantly boost the supply of housing, and a particularly acute and growing shortfall of housing within the south Hampshire region. However, the plan in its current form omits sustainable housing development sites from coming forwards, including the site at Pinks Hill.
- 5.6 The site was allocated in previous draft iterations of the plan demonstrating that FBC considered it a suitable site for development. In addition, the site is still listed as a 'suitable site' within the revised SA and SEA. It is deliverable, achievable and suitable for development and the highways concerns raised have been addressed in this representation, demonstrating this can be overcome.
- 5.7 The site should therefore be re-allocated in the plan in order to make a valuable contribution in meeting the development needs of the borough and wider area over the plan period, particularly in

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<sup>14</sup> With reference to NPPF Paragraph 35

the early years of the plan, which will assist in overcoming the likely delays to the delivery of Welborne Garden Village.

- 5.8 We hope that this representation is helpful in highlighting areas where, in our view, the plan requires further consideration in order to be found sound and to be sufficiently justified. Vistry Group would like the opportunity to participate in the local plan examination. Vistry Group also welcome further discussions and look forward to working with FBC to bring the site at Pinks Hill forward for development, which will help the Borough better meet the objectives of its plan.

## **APPENDICIES (Attached Separately)**

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# **Fareham Borough Council Local Plan 2037 Consultation (Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012)**

## **Consultation Response Pinks Hill, Wallington**

**Prepared on behalf of Vistry Homes Limited  
December 2020**

## Document control

Document:	Fareham Local Plan 2037 Reg 19 consultation	
Project:	Pinks Hill, Wallington, Fareham	
Client:	Vistry Homes Limited	
Job Number:	HP16040-A097690	
File Origin:	\\southampton14\Shared\data\2007\Linden\HL07009 - HL04000-61 Pinks Hill, Fareham\reg 19 rep	
Revision:	Final	
Date:	18.12.20	
Prepared by	Checked by	Approved by
Nick Billington	Chris Lyons	Chris Lyons



## Contents

1.0	Introduction .....	3
2.0	Local Plan Housing Strategy .....	4
3.0	Sustainable Development at Pinks Hill .....	6
4.0	Other Policies .....	10
5.0	Conclusion .....	14

## Appendices

Appendix 1a – FBC Local Plan Supplement Consultation Response (Feb 2020)

Appendix 1b – FBC Local Plan 2036 Consultation Response (Dec 2017)

Appendix 2 – Hampshire County Council Response to app 19/0894/OA in relation to Pinks Hill road

Appendix 3 – Site Access Drawing SK05

## 1.0 Introduction

- 1.1 These representations have been prepared by WYG on behalf of Vistry Group who have an interest in the land at Pinks Hill, Fareham which is in a single ownership. The Group was formed in January 2020 following the successful acquisition by Bovis Homes Group PLC from Galliford Try Plc of Linden Homes and their Partnerships & 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.
- 1.2 This representation follows various previous representations made during the preparation of the Fareham Borough Council (FBC) plan. Most recently this included a representation in relation to the FBC Draft Local Plan 2036 Supplement in January 2020. Our previous representations are appended at Appendix 1. The site has previously also been promoted as part of the Council's Call for Sites and Draft Local Plan Regulation 18 consultation, and these previous representations remain valid.
- 1.3 This representation relates to Fareham Borough Council's Regulation 19 consultation in relation to the Fareham Borough Council Local Plan 2037 (hereafter referred to as 'the plan').
- 1.4 The site extends to approximately 5.3 hectares and had, until the publication of the current version of the plan, been proposed by FBC for allocation for residential development, with an indicative capacity of 80 dwellings, in the Fareham Borough Draft Local Plan (2017) under Policy HA8.
- 1.5 These representations consider the Local Plan and the supporting evidence base, which are the subject of a Regulation 19 Consultation which runs until 18th December 2020, focusing on whether it: has been positively prepared; is legally compliant and sound; and whether the duty to cooperate has been met. This document will demonstrate that the decision to seek to deliver a lower number of houses than the adopted Method for Calculating Housing Need requires is not justified or sound and undermines the Council's Duty to Cooperate. It will then go onto show that the removal of draft policy HA8 is not justified by the sites available, achievable and deliverable status and its highly sustainable location in Wallington, which is borne out by the Council's own evidence.

## 2.0 Local Plan Housing Strategy

- 2.1 On the 22nd of October 2020 FBC's Cabinet? approved the publication Local plan for regulation 19 consultation ahead of submission to the Secretary of State for independent examination. The publication of the 'submission' local plan followed several previous iterations, tweaks and consultation on the emerging plan. This included major changes to the plan in 2018 and 2019 to accommodate additional housing to reflect the Government's adopted Method of Calculating Housing Need.
- 2.2 In August 2020 the Government published a document entitled 'Changes to the current planning system', which proposed an alternative Standard Method for Assessing Housing Numbers in strategic plans (hereafter referred to as the 'SMAHN'). The current iteration of The Plan was subsequently based on the SMAHN.
- 2.3 On the 16<sup>th</sup> December 2020 the Government announced their response to the consultation, confirming that they "...have decided the most appropriate approach is to retain the standard method in its current form".<sup>1</sup> Alongside the announcement, the Government published a table confirming the indicative local housing need for Fareham would be 514, the same need as identified by FBC in their Local Plan Supplement. The Planning Practice Guidance has also been updated to reflect the announcement.
- 2.4 We appreciate the untimely change in approach by central government has placed the council in a difficult position. However, for the plan to be 'sound' the housing requirement will need to be revised to reflect the latest planning practice guidance. Owing to the resultant and significant changes this entails, we are of the view that a further round of consultation should be undertaken prior to The Plan's submission. This representation is made on the assumption that FBC will review their approach in light of the Government announcements and changes to the PPG in relation to calculating housing need made on the 16th December 2020. If the plan is submitted in its current form, we request the opportunity to participate in and comment further on the currently proposed housing requirement and the methodology behind it.
- 2.5 Vistry Group maintain that site HA8 remains available and deliverable and can help meet the council's housing requirement in the short term.

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<sup>1</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system> [accessed 16.12.2021]

### Summary

- 2.6 In summary, there have been fundamental changes in circumstances since The Plan was produced. As a result The Plan in its current form fails to deliver the housing the area needs owing to the abandonment of the proposed revisions to the SMAHN. Consequentially, Policy H1 relating to the strategy to deliver the housing the area needs is therefore unsound. The current adopted housing method would represent a far more robust starting point to help deliver the housing the Borough requires.

## 3.0 Sustainable Development at Pinks Hill

- 3.1 Vistry Group (which encompasses Linden homes) has previously submitted various promotion documents and representations confirming that the site is deliverable, achievable and suitable for development. Our previous site promotion has demonstrated that development of the site represents sustainable development in an accessible location. Until this most recent iteration of the plan, the site had been proposed for allocation with reference HA8, which demonstrates that FBC also considered it a suitable site for development.

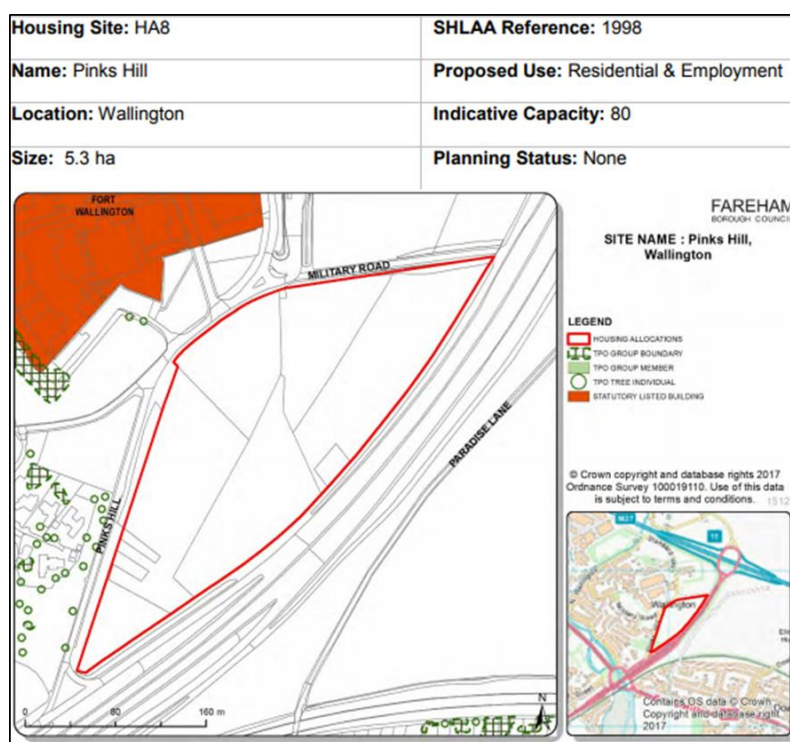


Figure 1 - Extract from Fareham Draft Local Plan (2017)

- 3.2 The January 2020 consultation on the local plan supplement continued to consider the site in accordance with the Council's intended strategy for development as the extract from the 2036 supplement demonstrates, showing Pinks Hill continuing to be allocated:

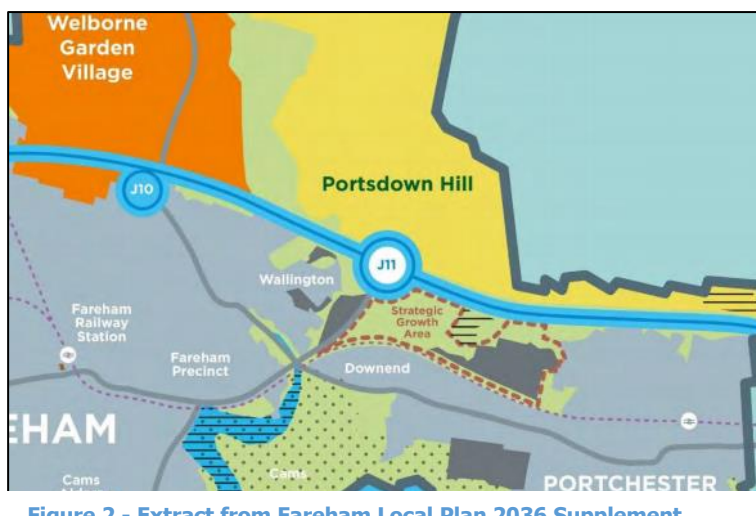


Figure 2 - Extract from Fareham Local Plan 2036 Supplement

- 3.3 However, the regulation 19 plan, subject of this consultation, excludes the site from allocation,. Given the change in circumstances and the resultant uplift in housing requirement, Vistry Group can confirm that site HA8 remains available and developable for reasons set out below.
- 3.4 Firstly, the site is within walking and cycling distance of a range of facilities, including Fareham Town centre. It also has excellent access to the strategic road network and good access to public transport. There are no overriding technical constraints to its development.
- 3.5 The site is not considered an area of landscape sensitivity, nor is it in an identified gap where development of the site could physically or visually be considered to result in landscape harm or coalescence. It is also a well contained site with strong defensible boundaries formed by a mixture of existing built form, including the A27 to the south-east, and strong planting.
- 3.6 In respect of Highways, it has been demonstrated that a suitable access can be provided to the site (see appendix 3). Vistry is committed to providing suitable pedestrian access to the site to provide a safe and convenient route for people to access the facilities and services in Wallington and Fareham. Formal details of pedestrian routes would be submitted with a planning application, but, the adjoining roads are in public ownership and no overriding constraints to their provision are envisaged.
- 3.7 In terms of traffic impacts of the development on the surrounding road network, and in particular Pinks Hill road, it has been demonstrated that no overriding issues arise. Pinks Hill and Military road, avoiding the site, are not adopted highways managed by the Highways



Authority (HCC) - they are though owned and managed by a public body, Fareham Borough Council, meaning ownership issues are not an overriding constraint. HCC, in its formal responses to extant planning applications in Wallington (P/19/0894/OA), has confirmed that with suitable works to Pinks Hill, the cumulative impacts of development in the area can be appropriately accommodated (Appendix 2). Indeed, upgrading the road to potentially adoptable standard offers an opportunity for FBC, as owners of the road, to potentially remove its liability for maintenance and management through offering it for adoption to the Highways Authority.

- 3.8 In regards noise from nearby uses and roads, we have also demonstrated that, with suitable mitigation in place, the site can form a suitable living environment for residents.
- 3.9 The site is also not within an Air Quality Management Area (AQMA) and the proposals are located and will be designed such that sustainable forms of travel, such as walking and cycling, will be prioritised to reduce CO<sub>2</sub> and NO<sub>2</sub> production.
- 3.10 Our previous submissions in relation to the regulation 18 consultation and supplement consultation are included at Appendix 1 and set out in more detail how the site is suitable, achievable and available when tested against the comments of the SEA and SHELAA. These comments largely remain relevant and demonstrate there are no overriding issues preventing the sites allocation and development.
- 3.11 The previous allocation of the site by FBC, and its designation in the 2019 SHELAA as a Suitable, achievable and available site proves that the site has no overriding constraints which would prevent its development. This includes matters relating to highways.
- 3.12 The site also consistently scores well in the most recent SEA. The site is considered in three different ways by the SEA, despite being promoted as a single residential site. Nonetheless, the site consistently scores positively whether appraised as a whole site or in parts.

ID	Fareham Town Centre & other brownfield sites	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11
1998	Land at Pinks Hill (south-east part)	++	+/-	+	+	++	+/-	+/-	-	0	0	+
1352	Land at Pinks Hill, Wallington (north-west part)	++	+/-	+	+/-	+	+/-	+/-	-	0	0	-
1998	Pinks Hill, Wallington					++	+/-	+	+/-	-	0	+

Figure 3 - Extract from the SEA (November 2020)

- 3.13 Overall, the submission version SEA confirms the site is suitable for development and should be selected.

1998	Pinks Hill, Wallington	Selected - suitable site, low landscape sensitivity
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Figure 4 - Extract from Appendix G of the SEA November 2020

- 3.14 The site also scores comparably, and in some instances better than sites chosen for allocation, including against sites not yet benefitting from planning permission or a resolution to grant.
- 3.15 The site's sustainability was confirmed by the SHELAA December 2019 which concluded that the site is suitable, available and achievable. However, the latest SHELAA (September 2020) confusingly then suggests the site is not suitable or achievable, despite its previous acceptability in the 2019 SHELAA, and its positive scoring in the latest SA.
- 3.16 Vistry welcomes the fact that the latest SHELAA now considers the site for a minimum of 130 units and no employment, which we have previously argued is a more appropriate and efficient use of the site and hence this change is supported.
- 3.17 Furthermore, the latest SA sets out an even more positive appraisal of the site.
- 3.18 Overall, the site offers an excellent opportunity to deliver at least 130 homes on a sustainable and accessible site. The sites suitability for development continues to be recognised by the evidence published supporting the plan, which ranks the site highly on the majority of SA objectives. Development of the site also continues to cohere with FBC's preferred plan strategy (option 2F). There are also no overriding technical constraints to the site's development. The site should therefore be reincluded for allocation in the plan to make an important and sustainable contribution to FBC's housing need. Failure to include the site in the plan to meet the increase in housing requirement would represent an unsound and unjustified approach to the consideration of sites for development which does not cohere with the requirement that plans be positively prepared to meet the areas housing need.

## 4.0 Other Policies

### Policy HP5 – Affordable housing

- 4.1 Vistry is committed to providing an appropriate quantum and mix of affordable housing on site to meet local needs.
- 4.2 Vistry supports the wording of part (iv) of policy HP5 which recognises that local need and site characteristics are key drivers of mix but suggest that Market Signals also be added to the considerations.

### Policy HP9 – Self and Custom Build Housing

- 4.3 Custom build and self-build development is an important part of the Government's agenda to widen the choice of homes and encourage greater variety by supporting small and medium size housebuilders. The need for self and custom build plots is recorded through registers kept by Councils and a duty has been placed on LPAs to grant planning permission to satisfy this need in full. As set out in our regulation 18 representation to the 2017 draft plan, it is considered that the policy is too blunt and fails to account for the particular needs and requirements of potential self and custom home builders. Self/custom building housing is a dynamic housing need that can vary considerably year-on-year and therefore a more dynamic policy is required that enables the requisite amount of self/custom building development land to come forward in places and on sites that reflects the actual need as identified by the local self-build register.
- 4.4 It is not clear whether the Council has considered alternative approaches to the delivery of self-build plots. It is important that the Council examines all options in line with PPG before placing additional burdens on the development industry. The PPG also sets out at para 025 of the Self build and custom build housebuilding page that the Council should seek to encourage landowners to consider the provision of self-build plots and facilitate access where they are interested. The approach taken by the Council clearly goes beyond encouragement as it requires the provision of plots without site specific prior engagement about what is realistic and achievable on a given site, taking account of its particular context and local circumstances.
- 4.5 It is also questionable whether there will be a high demand for self-build plots within a wider residential estate. In our experience, self-builders seek either bespoke 'self-build' sites (such as that proposed by application P/19/0130/OA – see below) or individual self-build units, often in the countryside. Provision as part of a larger scale site is hence likely to lead to poor take up of

the self-build plots and not meet the requirements of those on the register, whilst also resulting in additional cost and wasted developable space on sites such as Pinks Hill.

- 4.6 If the Council considers that a quota-based policy is the preferred approach to satisfying the self/custom build need in Fareham then a more flexible approach should be adopted. For example, the proportion of plots being brought forward as self-build should only reflect the need demonstrated on the register. This should also factor in locational choice as clearly demand exhibited in one part of the Borough is specific to that location and it would be unreasonable to expect those on the register to satisfy their need elsewhere. If a specific quota is applied, then this should be regarded as a starting point for negotiations and with the relevant caveat that such a requirement could be set aside or reduced on the grounds of viability or contextual factors relevant to the site.
- 4.7 Vistry Group do offer a 'self-finish' product whereby the developer works with the potential home buyer to design the interior layout, fixtures and fitting to provide a bespoke interior product for the purchaser, akin to custom build options. This offers an alternative, more appropriate, route for delivery of a self/custom build type product as part of a larger site, whilst still making the most efficient use of the site and the time and resources required.
- 4.8 In the case of Pinks Hill, an application for an entirely self-build scheme of 26 dwellings is under consideration adjacent to the site (FBC ref P/19/0130/OA). This would likely take the foreseeable demand within Wallington for Self-build plots on a site designed to cater specifically to the self and custom build market. If further plots were delivered on Pinks Hill, there is a very real risk that these plots could be left empty due to the saturation of self-build plots in the very immediate area. This is a good example of why draft Policy HP9 is too blunt and needs to be made more flexible and dynamic, responding to the actual demand for self-build plots as identified on the register.
- 4.9 Notwithstanding the above, if the quota-based approach is adopted, Vistry support the inclusion of the 'fall back' that any self-build plots that are not taken up can be developed as standard units as part of the wider site. It is suggested that this fall back be made more agile by reducing the period to six months to reduce potential expensive delays on site. Consideration should also be given to how any self-build plots would fit conveniently and safely within the wider development site as their inclusion introduces logistical and health and safety challenges not recognised by the policy or supporting text.

Policy NE2 – Biodiversity net Gain

- 4.10 Vistry is committed to protecting and enhancing ecology on the sites it delivers and welcomes efforts to utilise opportunities to improve biodiversity on sites. However, there appears to be inconsistent consideration of the potential affects of imposing a Biodiversity Net Gain (BNG) requirement on the deliverability and viability of sites, which could have implications for site delivery.
- 4.11 Firstly, in viability terms, we note that a £500 sum per dwelling has been assumed as the 'cost' of implementing BNG, based on figures provided by Natural England. However, the basis on which this 'average' figure has been arrived at by Natural England is not apparent from the published evidence base. The BNG cost is also likely to vary substantially depending on the baseline ecological value of a particular site and the ability to provide enhancements.
- 4.12 There also does not appear to have been an assessment of how the requirement to provide BNG might affect site capacity. Some habitats which may require enhancement are particularly land intensive and so may reduce the developable area of sites, which in turn may reduce site yields and viability.
- 4.13 A blanket £500 per dwelling assumption in testing the viability of the policy is therefore too blunt a measure of its affect on viability.
- 4.14 Finally, recognition, either within the policy or supporting text, should be given to the potential use of 'credits' to achieve BNG where net gains are not achievable on site.

Policy NE8 – Air Quality

- 4.15 Vistry is pleased that amendments have been made to this policy. However, whilst improved from its original wording, it still remains somewhat ambiguous, particularly the first paragraph of the policy which states that major development "shall...contribute to the improvement of local air quality". It should be made abundantly clear within the policy that this does not mean major developments need to demonstrate they are 'air quality neutral'. This still could have the unintended consequence that, where a development has even a slight negative change to air quality, it could be refused. To reiterate however, that alongside requirements for electric vehicle charging points should be measures to ensure security of supply and sufficient capacity from National Grid and local distribution networks, to support the promotion of, and increased reliance on, electric vehicles. Vistry nonetheless supports the overall principle of the policy and strongly endorses adopting measures to minimise harm to air quality in the area. This will include

imbedding measures in the design of the site that will encourage people to walk and cycle to local facilities and services, reducing the need to travel by car.



## 5.0 Conclusion

- 5.1 In conclusion, the Fareham Borough Council draft Local Plan 2037 in its current form is not sound for the reasons set out in this representation. The principal reason the plan is not considered sound and not positively prepared following the abandonment of the SMAHN published by the Government for consultation in August 2020. The Council should instead utilise the adopted methodology as set out by the PPG which indicates a local need of 514 units per annum.
- 5.2 A reconsideration of the housing numbers upwards to reflect the adopted housing method, the actual sub regional housing shortfall and the historic under delivery in the Borough resulting in affordability issues would allow FBC to plan positively for good growth to positively meet its housing needs. Owing to the significant changes to the Plan this necessitates we would urge the Council to undertake a further round of consultation on a revised plan reflective of housing needs as set out in the PPG. This approach will significantly reduce the risk of The Plan being found unsound at EiP.
- 5.3 The land at Pinks Hill represents a suitable, achievable and available site, ready for allocation in a revised plan to meet the Council's actual housing need. The site has historically been proposed for allocation, and even on the latest Council Evidence, the site is considered 'suitable' for development due to its sustainable location and in accordance with the Council's chosen strategy. The site can provide new housing supply early in the plan period, within the first 5 years of the plan, which will help mitigate any potential delays to the delivery of larger sites such as but not limited to Welborne. The site should therefore be reallocated for development to help meet the evidenced housing need in the Borough. Vistry look forward to working with the Council to bring forward the site development.

**Respondent details:**

Title:	Mr
First Name:	Arthur
Last Name:	Hackney
Job Title: (where relevant)	[No Reply]
Organisation: (where relevant)	Wallington Village Community Association
Address:	
Postcode:	
Telephone Number:	
Email Address:	

**1) Policy: E4B**

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

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

Another one of the few remaining green field sites in the village would be lost and wildlife at risk as evidenced by a prospective developer's own ecology survey. Major adverse indications for any development here are that Standard Way is un-restricted and carries many heavy lorries and fast-moving Industrial Park/Motorway-bound traffic. Safety would be impossible to achieve since access is close to a tight, blind and dangerous bend. Noise and airborne pollution levels would be unavoidably high, creating unpleasant working conditions. This is even more relevant with the imminent arrival of two extra lanes on the adjoining M27. It is difficult to see how this can be considered an 'appropriate' location as defined in the criteria set out in your Local Plan Vision at Section 2.10 Land at Standard Way is stated to be 2,000 sq m and Military Road 4,750 sq m. These are tiny amounts in comparison with quantified/prospective capacities at the sites at Daedalus, Solent 2 or Welborne (77,900 sq m, 23,500 sq m, and 76,140 sq m respectively) and yet their environmental impact is huge for a village surrounded as it is by industry and where the loss represents the sacrifice of so few remaining areas of green space. The approval if passed, would inflict increased industrial traffic on roads which are already heavily loaded. This would, in turn, result in an increased burden of pollution by noise and emissions in areas which are already on or beyond acceptable limits. It would be to the detriment of quality of life both for residents and tenants of nearby office buildings. With so many vacant industrial units available in the area generally it is hard to see that these proposals can be justified on a 'needs' basis. Importantly - There is reason to believe that the proposed access route is problematical. The legality of using the truncated road, once part of the old MOD route to Portsdown Hill, may itself be in doubt even though it is owned by FBC. General points to do with traffic: On a general note, the revised plan purports to extend the mission towards environmental improvements and Section 9.98 about Air Quality and Section 11.41, also Policy D2: Ensuring Good Environmental Conditions elaborate on this. In respect of air quality, yet more industry in and around Wallington, together with a possible new road junction on the eastern border, will completely negate the aforementioned policies. Wallington is surrounded by fast and heavily loaded roads and there are probably more industrial premises within walking distance on several sides or in its centre (at Fort Wallington) than for any other residential area in the Borough. The road network includes the (soon to be 8-lanes) M27, a 6-lane approach road (A27) which might have a new junction on it to add congestion to the Delme Roundabout, and Wallington Way carrying an increasing burden of traffic to Broadcut, the feeder road to the Industrial Park. Noise and pollution are becoming a serious issue, especially for residents of Wallington Shore Road.

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

Remove the site from the list of 'existing Employment Areas' The fact that they it is so listed is likely to be as a result of a civil wrong committed some years ago when the (first) waste recycling facility was foisted on the adjoining site previously occupied by the MOD Victualling Depot. At the time there was widespread opposition, including by FBC, but HCC claimed that it was the only suitable location in the county!

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

Remove the site from the list of 'existing Employment Areas' The fact that they it is so listed is likely to be as a result of a civil wrong committed some years ago when the (first) waste recycling facility was foisted on the adjoining site previously occupied by the MOD Victualling Depot. At the time there was widespread opposition, including by FBC, but HCC claimed that it was the only suitable location in the county! The site could not be made safe without extensive road modifications which would have unwelcome knock-on effects to Fareham Industrial Park traffic. Pollution would probably increase with traffic control measures. Use of the access point could not be made legal while it is still technically designated Open Space (probably under covenant).

### Your suggested revised wording of any policy or text:

Cannot be remedied

### 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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## 2) Policy: E4D

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

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

Another one of the few remaining green field sites in the village would be lost and wildlife at risk as evidenced by a prospective developer's own ecology survey. Major adverse indications for any development here are that Standard Way is un-restricted and carries many heavy lorries and fast-moving Industrial Park/Motorway-bound traffic. Safety would be impossible to achieve since access is close to a tight, blind and dangerous bend. Noise and airborne pollution levels would be unavoidably high, creating unpleasant working conditions. This is even more relevant with the imminent arrival of two extra lanes on the adjoining M27. It is difficult to see how this can be considered an 'appropriate' location as defined in the criteria set out in your Local Plan Vision at Section 2.10 Land at Standard Way is stated to be 2,000 sq m and Military Road 4,750 sq m. These are tiny amounts in comparison with quantified/prospective capacities at the sites at Daedalus, Solent 2 or Welborne (77,900 sq m, 23,500 sq m, and 76,140 sq m respectively) and yet their environmental impact is huge for a village surrounded as it is by industry and where the loss represents the sacrifice of so few remaining areas of green space. The approval if passed, would inflict increased industrial traffic on roads which are already heavily loaded. This would, in turn, result in an increased burden of pollution by noise and emissions in areas which are already on or beyond acceptable limits. It would be to the detriment of quality of life both for residents and tenants of nearby office buildings. With so many vacant industrial units available in the area generally it is hard to see that these proposals can be justified on a 'needs' basis. Importantly - There is reason to believe that the proposed access route is problematical. The legality of using the truncated road, once part of the old MOD route to Portsdown Hill, may itself be in doubt even though it is owned by FBC. General points to do with traffic On a general note, the revised plan purports to extend the mission towards environmental improvements and Section 9.98 about Air Quality and Section 11.41, also Policy D2: Ensuring Good Environmental Conditions elaborate on this. In respect of air quality, yet more industry in and around Wallington, together with a possible new road junction on the eastern border, will completely negate the aforementioned policies. Wallington is surrounded by fast and heavily loaded roads and there are probably more industrial premises within walking distance on several sides or in its centre (at Fort Wallington) than for any other residential area in the Borough. The road network includes the (soon to be 8-lanes) M27, a 6-lane approach road (A27) which might have a new junction on it to add congestion to the Delme Roundabout, and Wallington Way carrying an increasing burden of traffic to Broadcut, the feeder road to the Industrial Park. Noise and pollution are becoming a serious issue, especially for residents of Wallington Shore Road.

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

Remove the site from the list of 'existing Employment Areas' The fact that they it is so listed is likely to be as a result of a civil wrong committed some years ago when the (first) waste recycling facility was foisted on the adjoining site previously occupied by the MOD Victualling Depot. At the time there was widespread opposition, including by FBC, but HCC claimed that it was the only suitable location in the county!

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

The site could not be made safe without extensive road modifications which would have unwelcome knock-on effects to Fareham Industrial Park traffic. Pollution would probably increase with traffic control measures. Use of the access point could not be made legal while it is still technically designated Open Space (probably under covenant).

### Your suggested revised wording of any policy or text:

Cannot be remedied

### 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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## 3) Paragraph: HA56- Land west of Downend Road

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



## PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No                      No

A2 Please provide your details below:

Title:                      Mr

First Name:              Chris

Last Name:              Ward

Job Title: (where relevant)              Planning Consultant

Organisation: (where relevant)              BJC Planning

A

P

T

E

A3 Please provide the Agent's details:              Not Applicable

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              YES

A policy Go to B1b              YES

The policies map Go to B1c              YES

A new housing allocation site Go to B1d

The evidence base Go to B1e



**BJC PLANNING**  
**Representation on Fareham Local Plan 2036**  
**(Regulation 19 Consultation)– July 2021**  
**Educational Provision and Policy DS1 d)**

**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**

Chapter 3 – the omission of any mention of educational need.

**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 DS1 – Development in the Countryside

**B1c Which part of the Policies Map ?**

Those relevant to DS1d), ie school sites outside the urban area.

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

NA

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

NA

**B2 Do you think the Revised Publication Local Plan is:**

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

**B3 Please provide details you have to support your answers above**

Please see attached Document – BJC Reps re Educational Provision and Policy DS1d), as revised July 2021.

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 revision of Policy DS1d) as suggested in the **attached document**, and amended as set out in B4c below

In addition, the Plan needs to clarify exactly how the increasing need for new school places will be quantified (in conjunction with the Education Authority, and how this future need will be met, having regard to all the additional housing (and future pupils) identified in the Plan.

The Policies Map either needs to identify all school sites that are outside the urban area, or to delete these from the Map, so that some are not included and others excluded.

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

It would go some way towards recognising the wider need for education facilities, as required by the NPPF, and allow for new schools to be built, albeit potentially short of meeting the requirement to plan positively for the provision of community needs as per paragraphs 93, 95, and 96.

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

New wording to say:-

d) is for a new or replacement building, conversion and/or extension either within an existing education facility or on a new site if suitable alternative sites cannot reasonably and viably be accommodated within the urban area. Such facilities should not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site.

The policy should not refer to sites on the Policies Map unless all school/education sites are shown.

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.



## BJC PLANNING

Representation on Fareham Local Plan 2036

(Regulation 19 Consultation)– July 2021

Educational Provision and Policy DS1 d)

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	Yes
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) To explain, if necessary, the current need for new education facilities by at least one provider who has a waiting list for places including places requested by the Local Education Authority and whose students include those with a need for a non-urban location.

ii) to explain, if necessary, the current 'lottery' in terms of when educational contributions might or might not be required, the lack of clarity in when that need may arise and also in terms of what facilities may or may not be provided by such contributions.

This may change depending on the response of the LPA to these suggestions.  
(No response has been received to the comments submitted in December 2019)

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.

**Comments on Education Provision and Policy DS1  
(FBLP 2036 - Reg 19 Consultation July 2021)**

These comments set out in brief detail why it is considered that the Plan is **not sound** and **fails in its duty to co-operate** with other local authorities (specifically Hampshire County Council) as Education Authority.

The paragraphs in normal type are largely copied from representations made in December 2019. These have been updated by additional comments in italics, relating to any changes since 2019.

**1. The Plan is not sound.**

- 1.1 For the Plan to be sound it needs to comply at least broadly with Government advice and specifically with Policy as set out in the NPPF.
- 1.2 Chapter 8 of the NPPF addresses the correct approach to promoting healthy and safe communities, with paragraph 92 [now 93] advising on the correct approach to a broad range of community services and needs, and paragraph 94 [now 95] specific advice about education/school places. The Plan fails to follow this advice in a broad sense, as a potential result of which Policy DS1 (specifically d)) is flawed and inadequate.

**In a broad sense**

- 1.3 Whilst chapter 3 of the Plan sets out the approach to identifying housing and employment needs, and the consideration to issues such as climate change, and transport, no consideration appears to have been given to assessing the future education (or health) needs of the borough, either as they currently exist or as these will change as new development (as proposed in the Plan) comes forward. It is noted that some allocations refer to the need for possible educational contributions, but these are not quantified, and no guidance is provided on how these needs will be met.
- 1.4 It is now common for many appeals relating to medium/large housing sites to seek a contribution to new educational facilities, but rare for details to be available of what facilities are needed and how these needs may be met/ a contribution used to assist. These details should be set out in the Plan, setting out how current needs will be met, plus the additional needs that will arise from new development (as proposed in the Plan)

**Specific concerns re Policy DS1 d)**

- 1.5 There is a known need for new school places for children with special educational needs, which cannot be met in mainstream schools, and for which HCC as education provider seeks to locate children with these needs into schools run by other providers. There is currently a waiting list for such places, meaning that some children are unable to be placed as required. The Plan does not recognise this need or make adequate/any provision for new provision to be made.
- 1.6 Many existing school sites within the urban area are already at or close to capacity, with limited or no space for extension. New sites for schools are difficult to locate within an existing urban area, especially if these will also need new playing fields to complement classroom facilities, unless specific sites are identified in a local plan. No sites are identified.
- 1.7 New schools may need to be located on the edge of an urban area, in the countryside, and some special needs are best provided on sites more remote from busy urban areas. This is not permitted by the Plan.
- 1.8 Policy DS1 d) only allows for the extension of educational facilities within existing school sites, where land may already be very limited. It does not allow for any new educational

provision (new school sites) outside of the urban area. Hence the Plan not only fails to provide sites for an existing identified need, but also to allow for new sites to come forward, outside the urban area, to meet future needs. BJC Planning represents one client urgently seeking new school facilities.

1.9 This lack of positive provision, and the restrictive nature of DS1, fails to satisfy the policy requirements set out in para 94 of the NPPF, specifically:-

- fails to ensure a choice of school places,
- fails to meet the existing educational needs, or to plan for future needs,
- fails to give any weight to the need to create new schools,
- fails to set out how the LPA has worked with HCC and other providers to identify needs and to ensure that these are provided.

1.10 It is noted that the Policies Map does not show all existing educational facilities facilities, so either all facilities need to be shown, or the reference to this deleted.

#### Changes needed to DS1 d)

1.11 As a minimum the Policy needs to recognise that new schools/educational facilities may be necessary that cannot be accommodated on existing school sites, and to allow for such facilities in the countryside, where a need can be demonstrated. This might be achieved by:-

-adding the word “either” after ‘extension’ and before ‘within’ and “ or on a new site if suitable alternative sites cannot reasonably be accommodated within the urban area Such facilities should” after ‘educational facility.

- Delete reference to sites identified on the Policies Map.

*Addition July 2021*

1.12 *It is noted that the comments above (as submitted in December 2019) were summarised and considered by the P and D Scrutiny Committee in May 2021. The details presented to the committee are copied in Table 1 below.*

**Table 1**

Name of Respondent	Paragraph/policy	Issues Raised	Council Comment	
Bryan Jezeph	DS1	Comments relates to the lack of policy provision for new education sites within the countryside, with many within the urban areas at or near capacity. Additional wording to DS1d suggested	Disagree. Para 20 of the NPPF sets out national policy requirements for community facilities and services, which includes education. Policy DS1 criterion c) and d) in DS1 covers provision for new educational facilities in the countryside	Page 35

1.12 *As a matter of fact the comments were not submitted by Bryan Jezeph but by Chris Ward of BJC Planning.*

1.13 *Having regard to the Council's response to the comments, as set out under 'Council Comments':-*

- *Whilst the reference to para 20 in the NPPF is identified correctly, the comment fails to acknowledge the guidance of paras 92 and 94 [now paras 93 and 95] of the NPPF as referred to in the consultation response.*
- *It is factually incorrect to say that criteria c) and d) allow for new educational facilities in the countryside because,*
  - i) criterion c) does not mention educational facilities;*
  - ii) criterion d) is specific to educational facilities and only allows for new, or replacement buildings, the conversion or extension within an existing educational facility.*

*Hence if a new school is needed on a new site, or even the extension of a school onto adjacent (non-educational) land, criterion d) does not allow for this.*

## 2. **Duty to co-operate.**

- 2.1 The Plan sets out in chapter 3 the discussions with other authorities to address housing and employment needs, but there is no indication of any collaborative working with the education authority (HCC) or indeed other service providers (such as health) to identify existing needs, the need likely to arise as a result of other proposed developments (specifically housing) or to include provision for this within the Plan (or elsewhere).
- 2.2 This lack of collaboration is currently evident in the difficulties set out in para 1.4 above, and needs to be improved so as to provide certainty to developers (and to planning officers considering an application) about what the educational needs arising from any development might be, how these are to be quantified, or what additional provision, or contribution, is justified to meet that need. In the absence of such details, and co-operation between the LPA and the education provider, there is no clarity for developers, and no certainty for the LPA that these needs will be addressed.
- 2.3 Given that the Plan identifies where all new housing (and employment) will be located, there is no reason that it should not also include details of any future education provision necessary to meet these needs, and policies setting out how these needs might be met. This should include not only mainstream education, but also special educational needs.

*Addition July 2021*

- 2.4 *None of these comments in section 2 above are included in the report to the Scrutiny Panel as set out in Table 1 above, suggesting that these were simply ignored. This ambivalence highlights the lack of any effective consideration of educational issues, and the lack of effective collaboration between FBC and HCC (the education authority) to ensure that the existing and future need for new education facilities is identified and provision made within the Plan. At the very least this should identify which proposed housing sites might give rise to pressure on education facilities and where (and how) any new educational provision arising will be met.*

- 2.5 *It is clear that this criticism raised in December 2019 has not been considered by the Committee or remedied within the more recent Local Plan.*
- 2.6 *As such the Plan does not provide the strategic guidance required by paragraphs 22 and 23 of the NPPF, to show how present and future educational needs have been assessed, identified, and will be provided for. In addition, it fails to follow the guidance in paragraphs 95 and 96 of the NPPF, to "take a proactive, positive and collaborative approach --- to development that will widen choice in education", and to "plan for required facilities".*



**White, Lauren**

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**From:** June Ward <s[REDACTED]>  
**Sent:** 28 July 2021 16:38  
**To:** Consultation  
**Cc:** June Ward  
**Subject:** New Local Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Katherine,

Thank you for your continued help with this and it was good to see you the other evening. Unfortunately due to my poor IT skills I cannot now find everything I submitted before Christmas. However I will just pick up a few points and hopefully they are not a duplicate of items on which I have already commented.

Infrastructure

PolicyHA1 Page 53

I consider that there will be a very negative impact on the character of Greenaway Lane and with specific regard to safety of those not using cars in this village area. I am not in agreement with a number of access points onto Brook Lane and Lockswood Road, these are, either gridlocked on occasions or used as racing circuits at quieter times.

PAra 10.15

I think there needs to be more consideration to the Transport Assessment. There is no reference for the mitigation assessment required to reduce congestion by 2037.

Policy HA1 on P 54 says that there will be two junior football pitches and yet I cannot see them in the Masterplan.

Occupancy Rates

As regards nitrate budget calculations, paragraph 5.41 does not appear clear at all. The LPA indicates that the average occupancy for a 4/5 bed house would be 2.4 whereas the affordable homes would be in the range of 4 to 6.

More tomorrow  
Kind regards  
June Ward

**White, Lauren**

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**From:** June Ward [REDACTED]  
**Sent:** 29 July 2021 14:38  
**To:** Consultation  
**Subject:** Continuation of Comments re Local Plan

Dear Katherine,

Although I have put capital letters where required my iPad seems determined to rule them out!

#### Carbon Reduction

##### Paragraph 11:36

There are no set standards set for carbon reduction as Developers are encouraged to design for natural ventilation and green infrastructure. Building populations are insufficient and will not enable the country to meet the promised carbon reductions. It is imperative that the council should set standards so that developers are designing for sustainability.

##### Policy CC1

This indicates "green infrastructure" we do not have a greenbelt and there is nothing to do you note this in the plan.

The climate change emergency is recognised by all and CPRE Hampshire has stated that local plans need to set ambitious targets and action plans with accountabilities so that carbon emissions are measurable and can be reported on annually with accountability. This would mean that development should only be allowed taking account of the relevant local plan policies and as such would be designed to reduce energy consumption.

#### Education

Paragraph 10.27 infrastructure delivery plan. Education is planned with Hampshire county council however the period of any proposed extensions for child placements only goes up to 2022. The plan goes up to 2037 this is not acceptable for child education.

Paragraph 10.27 of the infrastructure Delivery plan, table 6 says that section 106 addresses the provision of Early Years Foundation Provision in the Western Wards. The development of H A 1 shows no provision within the development area. There are to be over 1000 new houses proposed for Warsash, however the child placement contribution allocation only calls for the infrastructure delivery plan for 100 placements. If we are asking families to act more sustainably this provision should be local so that parents could walk or cycle to the facility.

#### Healthcare

Paragraph 10.26 Infrastructure delivery Plan assesses the need for the expansion of health care provision as a critical prioritisation within the Western Wards. Neither HA1 warsash practices has the ability to expand and would therefore not cope with increased numbers. The fact that the plan proposes building alterations to Whitely surgery, although the application to enlarge the car park was refused by the council, will still not be able to accommodate the over 800 houses proposed. I consider this not a sound approach. Whiteley also is enlarging its population with just the one small surgery available. I would think that priority would be given to those living in Whitely.

Thank you Katherine I think this is all for now; I need to prepare for Sunday's service, Kindest regards June



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# **Report to Tonbridge and Malling Borough Council**

**by Louise Crosby and Luke Fleming**

**Inspectors appointed by the Secretary of State**

**Date: 07 June 2021**

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Planning and Compulsory Purchase Act 2004  
(as amended)  
Section 20

## **Report on the Examination of the Tonbridge and Malling Borough Council Local Plan**

The Plan was submitted for examination on 23rd January 2019

The examination hearings were held between 6th and 8th October 2020

File Ref: PINS/H2265/429/8

# Contents

Abbreviations used in this report	page 3
Non-Technical Summary	page 3
Introduction	page 4
Assessment of Duty to Co-operate	page 5
Overall Conclusion and Recommendation	page 13

## **Abbreviations used in this report**

DtC	Duty to Co-operate
HMA	Housing Market Area
LPA	Local Planning Authority
MoUs	Memorandums of Understanding
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SDC	Sevenoaks District Council
the Act	Planning and Compulsory Purchase Act 2004 (as amended)
the Plan	Tonbridge and Malling Borough Local Plan

## **Non-Technical Summary**

This report concludes that the Tonbridge and Malling Borough Local Plan (the Plan) is not legally compliant in respect of the Duty to Cooperate (DtC) and, as such, we recommend that the Plan is not adopted.



## Introduction

1. This report contains our assessment of the Tonbridge and Malling Borough Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the Act). It considers whether the Plan's preparation has complied with the duty to co-operate (DtC).
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The Tonbridge and Malling Borough Local Plan, submitted on 23 January 2019, is the basis for our examination. It is the same document as was published for consultation between 1 October 2018 and 19 November 2018.
4. This report considers whether the Plan's preparation has complied with the DtC. Given our conclusion in relation to the DtC, we do not go on to consider whether the Plan is sound and whether it is compliant with other legal requirements. If a local planning authority cannot demonstrate that it has complied with the DtC at the independent examination of their local plan, then Section 20(7A) of the Act requires that the examiner must recommend non-adoption of the Plan. This is the situation in this case, and it is not, therefore, relevant for us to consider the other matters in this Report. Accordingly, we have not recommended any main modifications.
5. Hearing sessions were held between 6 and 8 October 2020 and they focussed on legal compliance matters including the DtC and Sustainability Appraisal.
6. Further hearing sessions were planned as part of the examination from 3-5 November and on 10 November 2020 to consider other soundness issues. However, following our consideration of the evidence presented by Tonbridge and Malling Borough Council (the Council) and other participants in response to our Matters, Issues and Questions<sup>1</sup> at the hearing session in relation to DtC, and taking into account written representations and discussion at that hearing session we notified the Council in a letter<sup>2</sup> dated 22 October 2020, that we had

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<sup>1</sup> ED56

<sup>2</sup> ED67

significant concerns in respect of legal compliance. The letter also explained that we had asked the Programme Officer to cancel the hearings planned for November 2020 and that we would be writing to the Council as soon as possible setting out our specific thoughts in more detail. The letter also advised that we would not reach a final conclusion on the way forward for the examination until we had had a chance to consider the Council's response to that letter.

7. Our letter<sup>3</sup> to the Council, dated 15 December 2020, set out our concerns with regards to the DtC in some detail. The Council submitted a response dated 29 January 2021<sup>4</sup>, along with a number of appendices. Having fully considered the Council's response and appendices, our final letter<sup>5</sup>, to the Council, dated 2 March 2021, set out our conclusions on this matter and stated that, there were two options before the Council; either to withdraw the Plan from examination or we would write a final report recommending its non-adoption because of a failure to meet the DtC. We gave the Council 21 days to consider which option they wished to pursue. On 11 March 2021 the Council confirmed that it would not be withdrawing the Plan and invited us to prepare a final report at our earliest convenience<sup>6</sup>.

## **Assessment of Duty to Co-operate**

### **Background**

8. Section 20(5)(c) of the Act requires that we determine whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. Section 33A of the Act imposes a duty on a local planning authority to co-operate with other local planning authorities, the County Council and prescribed bodies or other persons by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation. It makes clear that sustainable development or use of land that would have a significant impact on at least two planning areas is such a strategic matter. Account can only be taken of the engagement undertaken by authorities up to the point of submission of the Plan, as the assessment of compliance with the DtC only relates to the preparation of the Plan.
10. Government policy in the 2012 NPPF paragraphs 178 to 181 sets out the importance placed on planning strategically across boundaries. Paragraph 181

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<sup>3</sup> ED68

<sup>4</sup> ED69

<sup>5</sup> ED81

<sup>6</sup> ED82

states that "local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination" and that "cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development".

11. It is not disputed by the Council that housing is a strategic matter for the purposes of S33A of the Act, which required cooperation as set out above. Whether the DtC has been complied with is a matter of judgement for the examining Inspectors following consideration of the evidence presented by the Council and other participants, both in writing and at the hearing sessions.
12. Sevenoaks District Council (SDC) considers that it is unable to meet all of its own housing needs. It is a neighbouring local authority and forms a large part of the West Kent Housing Market Area (HMA) which also includes a significant part of Tonbridge and Malling Borough, as well as parts of Tunbridge Wells Borough. Our report will focus on the engagement of the Council with SDC, in relation to housing across the HMA. The NPPF (para 47) states that local planning authorities (LPAs) should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for housing in the HMA, as far as is consistent with the policies set out in this Framework.

**Did the Council know that Sevenoaks District Council considered that it would be unable to meet its own housing needs in full, prior to the submission of their plan for examination in January 2019?**

13. The Council explained at the hearings that it was not clear until SDC's Regulation 19 (of the Town and Country Planning (Local Plan) (England) Regulations 2012 (the Regulations)) Plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the Plan had not been examined by an Inspector and the housing need and requirement found sound. As set out above, the Tonbridge and Malling Regulation 19 Plan was submitted for examination on 23 January 2019 which was before the transitional deadline of 24 January 2019, set out in paragraph 214 of Annex 1 to the July 2018 and February 2019 versions of the NPPF.
14. At the hearings the Council's view was that until SDC's Plan had been consulted on there was uncertainty about whether there was any unmet need and the basis for that. Furthermore, there had not been a process of examination to demonstrate that there were unmet needs and even if there were unmet needs there was a chance that they could be quite small. However, SDC's Regulation 18 Plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to

meet between 6,582 and 13,382 dwellings<sup>7</sup>. So, at this stage it was clear there was a likely shortfall of at least around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. While the level of unmet need and the justification for it could be a matter for debate, there is enough here to demonstrate that this was a strategic matter on which cooperation was required. In the submitted SDC Regulation 19 Plan the unmet need was in the order of 3,392 dwellings<sup>8</sup>. The calculation of housing need is not an academic exercise, it is a question of identifying an actual local need.

15. However, much earlier than this, in October 2017 when SDC were at their 'issues and options' stage of plan preparation, the Council wrote to SDC (ED78B), saying, "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling".
16. This was at a stage in the process when officers in a report to Tonbridge and Malling Council's Planning and Transportation Advisory Board (ED78A), in December 2017, advised that SDC, unlike Tonbridge and Malling Council, was not planning to release Green Belt land to meet its housing need. It also says that, even with some Green Belt releases, "the conclusion is that Sevenoaks will be a significant way adrift from meeting its identified housing needs". So, in our view, it is clear that the Council knew in 2017 that SDC would be likely to reach the judgement that it would be unable to meet its own housing needs in full, even with Green Belt release.
17. The Council's views on market capacity are informed by a Housing Delivery Study (CD HO3) which was published in September 2017. The purpose of the Study was to consider the market capacity and potential pace of housing delivery within the Borough to inform the development of the emerging Local Plan. However, paragraph 1.7 says that "emerging evidence suggests that a number of neighbouring authorities may not be able to meet in full their objectively assessed housing need. Some authorities may therefore ask TMBC whether it is able to help to address an unmet housing need arising". Paragraph 4.8 advises that "...in addition to Tonbridge and Malling's own housing needs, the Council has a Duty to Cooperate with neighbouring authorities and is likely to need through the plan-making process to consider the potential to contributing to meeting unmet housing needs from beyond the borough boundary. A core role of this study is to consider what additional housing delivery the market could potentially accommodate".

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<sup>7</sup> Page 2 of letter dated 28 October 2019, from the Inspector examining the SDC Plan

<sup>8</sup> Paragraph 14 of the Report on the Examination of SDC Plan, dated 2 March 2020

18. It is clear then that one of the motivations for the September 2017 Study was to consider the issue of unmet needs arising in a number of neighbouring authorities. Irrespective of a number of technical concerns raised by representors with regard to whether this evidence demonstrates market capacity issues or not, in our view the Housing Delivery Study is further evidence that shows that the Council knew in 2017 that SDC had or was likely to have unmet need and that they may be asked for help with meeting the need.
19. Also, it is well documented that the Council, along with SDC and Tunbridge Wells were involved in a pilot scheme (West Kent Statement of Common Ground Pilot Project), which appears to have started in 2017. This pilot scheme with the Planning Advisory Service (PAS) was set up to look at the use of Statements of Common Ground in plan making. Paragraph 6.6 of the PAS facilitator's notes, dated April 2018, says "Each of the Council's has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on the matter of housing supply". However, paragraph 6.3 of the same notes says, "This may increase the housing land supply but it remains unlikely that Sevenoaks DC will be able to meet its housing need in full". This shows that it was known then that there was likely to be some unmet need in SDC, albeit there was no firm figure.
20. In summary, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their Plan for examination, that it was highly likely that SDC would reach the judgement that it would be unable to meet its housing need in full. While the scale of the unmet need was uncertain, the overall position was clear well in advance of the submission of the Plan for examination in January 2019. It should, therefore, have been obvious to the Council that this was a strategic matter to which the DtC applied.
21. This should have led to the Council engaging constructively, actively and on an ongoing basis with SDC on unmet housing needs, regardless of whether this was a precise figure or a range, or indeed whether the Council felt it may not be able to accommodate the unmet need in full or in part. The requirement of the Act is for authorities to actively engage to maximise the effectiveness of plan preparation.

**Did the Council engage constructively, actively and on an ongoing basis with SDC on unmet housing needs?**

22. In the Council's Duty to Cooperate Statement (CD SC1), section 8 deals with Cross-Boundary Issues. The table in paragraph 8.1 of this document sets out the strategic cross boundary issues, the key neighbouring authorities/organisations in relation to each issue and the summary of cooperation. Under the housing section of this table the key neighbouring authorities/organisations are listed as Maidstone Borough Council, Ashford Borough Council, Kent County Council and Highways England. It seems that the limited extent of this table is because it only covers authorities where cross boundary issues are specifically covered in the Plan. Nowhere in this document, which is dated January 2019, and therefore postdates the publication of the SDC Regulation 19 Plan on 18 December 2018, is there any mention of unmet housing need in SDC. If there had been any constructive, active and ongoing engagement with SDC ahead of submission on what was clearly a strategic matter, it would be reasonable to expect that this would at least be mentioned in the Council's DtC statement.
23. As set out above, it was apparent from as early as October 2017 there were clear signs that SDC was likely to conclude that it would not be able to meet its housing needs in full. It seems that regular meetings were held between the Council and SDC during the preparation of the Council's Plan, but there is no evidence that unmet housing need in SDC was discussed at these meetings and no meeting minutes have been provided to evidence that housing needs were discussed. The Council say that the discussion was predominantly about 'constraints' to meeting housing needs but no minutes of any of these meetings have been produced as evidence of what was actually discussed. Consequently, there is no evidence before us, that these meetings were used for constructive and active engagement in an attempt to resolve the strategic matter of unmet housing need and maximise the effectiveness of plan preparation.
24. The Council argue that SDC did not formally ask them for help and it was not up to the Council to "make the running", but this is a circular argument with a risk that both parties defer the issue to the other without any meaningful attempt to resolve it. We are obliged to consider whether the Council cooperated and the question of whether or not SDC made any running does not remove the obligation on the Council, particularly as the issue of unmet housing need in Sevenoaks appeared to be well known to both. Moreover, it is clear from the Council's letter sent to SDC in October 2017, where they say "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling", that such a request would have been likely to be pointless. The letter was therefore a



discouragement to constructive, active and ongoing engagement, because it can reasonably be read as closing the door to cooperation. Indeed, there does not appear to have been much engagement for the next 15 months or so, up to the submission of the Plan for examination. In fact, very little evidence of any meaningful engagement in relation to this particular strategic matter has been submitted for us to take into account.

25. The Council explained at the hearings that, if they had delayed the submission of the Plan to try to accommodate some of the unmet need from SDC, once the SDC Regulation 19 Plan was published in December 2018, they would have had to effectively start plan preparation again. This is because they would have missed the transitional deadline in NPPF paragraph 214 and their housing need would have increased by around 3000 dwellings, due to the introduction of the standard method in the 2018 and 2019 versions of the NPPF<sup>9</sup> and related PPG. Whilst this may have been so, it is not an adequate or legally compliant reason to not engage. Early engagement in 2017, when there was first evidence that SDC were unlikely to be able to meet their housing need, would not necessarily have caused delays to the overall process and to the Council meeting the transitional deadline<sup>10</sup>. Furthermore, the decision to push ahead to submit on or before the 24 January 2019 was entirely a choice made by the Council. Importantly, even if no agreement had been reached on the matter, if constructive, active and ongoing engagement had taken place from the earliest stages of preparation of the Plan, the Plan would have been found legally compliant in relation to the DtC.
26. The conclusion of the SDC Regulation 18 consultation, in September 2018, was some four months prior to the submission of the Plan for examination. At this point the unmet need was still a range and would only be confirmed on conclusion of the Sevenoaks examination. This is something the Council argue is necessary before active and constructive engagement can commence, but we strongly disagree. It should have been clear at this time (i.e. four months prior to submission of the Plan), if not earlier, that there was a strategic matter relating to unmet housing need which required addressing through constructive engagement, regardless of the lack of clarity at the time over the precise volume of unmet need.
27. Whilst it was not clear in 2017, or even later in the process, at the Regulation 18 consultation stage, what the exact level of unmet need was or would be, the fact that SDC considered there was likely to be some unmet need should have led to constructive, active and ongoing engagement between the Council and SDC at that point and subsequently.

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<sup>9</sup> NPPF 2019 Paragraph 60

<sup>10</sup> NPPF 2019 Annex 1, paragraph 214

28. The Council advise that, like SDC, they have large amounts of Green Belt land, which is a constraint to meeting housing needs other than their own. Both authorities have significant areas of Green Belt as well as land in Areas of Outstanding Natural Beauty (AONB). The Council carried out a Green Belt review of land in their own administrative boundary, leading to the release of some Green Belt land in the Plan as well as a proposal to put some land into the Green Belt.
29. However, there is no evidence that at any time the Council cooperated or even considered cooperating with SDC on a joint review of the Green Belt across both of their boundaries to understand the comparative quality across the two authority areas and any potential to amend Green Belt boundaries to fully or more fully meet needs. Nor was there any joint work to assess and reach an agreement on the housing capacity on non Green Belt areas across both authorities or on how that capacity might reasonably be maximised. The Council say the reason for this is that the two LPAs were at different stages of plan making, however the plans were submitted for examination within months of each other. In addition, the fact that the Council disagreed with SDC on the approach they were taking to Green Belt release did not mean the DtC did not apply and could be ignored.
30. In terms of the Council's position about relative timescales, the Council's Regulation 19 Plan was published for consultation on 1 October 2018, around 3 weeks after the conclusion of the SDC Regulation 18 consultation. SDC published their Regulation 19 Plan for consultation on 18 December 2018 and so the fact is the plan-making timescales and processes in Tonbridge and Malling and SDC were actually closely aligned. We can find no credible reason why the Councils could not have engaged constructively and actively during the plan making process in accordance with the duty on them to engage constructively with each other in a meaningful attempt to resolve issues relating to unmet needs.
31. Whilst resolution to the problem of unmet housing needs is not a prerequisite to the Council being able to demonstrate compliance with the DtC, earlier, constructive, active and ongoing engagement, in line with the Act and national policy as articulated in the Framework and PPG, would have been much more likely to result in an effective strategy for meeting SDC's need, whether within the SDC area or elsewhere. Even if in this case the Council considered it unrealistic to contemplate a joint local plan at this point, it might have considered other less formal mechanisms of compliance with the duty, such as aligning plan time-tables and policies and/or joint approaches to plan-making. Any steps of that kind would have demonstrated positive proactive attempts at cooperation.

32. The Council's hearing statement<sup>11</sup>, submitted to SDC's examination, explains the Council's view that it would be unreasonable to expect it to accommodate any unmet housing need for SDC because it faces similar constraints and challenges, is planning to meet its own need in full, and market and infrastructure capacity mean any such external need could not be accommodated. In the circumstances, these could have all been valid issues for discussion and engagement between both authorities, but there is no evidence to indicate that they were actually the subject of any constructive engagement between the authorities.
33. The Council advise that once the actual SDC unmet need is examined and established, they would potentially seek to deal with it through a future review of the Plan. However, such an approach is not in the spirit of the Act or of national policy. The identified need for housing exists now, and the likely existence of unmet need has been known about for some time and is therefore a strategic matter that should have been considered through the DtC in the current round of local plans, not delayed to some future date. Deferring the issue to subsequent plans does not amount to constructive, active engagement, especially when the plan making processes were, in reality, closely aligned.
34. Memorandums of Understanding (MoU) were signed after the submission of both plans and provide no evidence of constructive and active engagement prior to the submission of the Plan and are therefore of no help in demonstrating the DtC has been met. Indeed, the short final MoU simply states, *'TMBC's evidence of meeting the Duty is set out in the Duty to Cooperate Statement (January 2019). The strategic cross-boundary matters and how the Duty was addressed are summarised in section 8 of the DtC Statement. The details are set out in sections 9 to 16. The record of engagement is documented in Appendix A'*. As set out above, the Statement provides no reference to the unmet housing need in SDC. Appendix A is a list of meetings that took place between April 2012 and January 2019 with various organisations, but no minutes have been provided from any of these meetings to show that unmet housing need in SDC was discussed, and moreover from careful consideration of the verbal evidence given by the Council at the hearing sessions, it would seem that it was not discussed at any of the meetings. The only discussion was about the constraints all of the Council's in the HMA were facing in meeting their housing need. Simply discussing constraints does not in itself amount to cooperation.
35. This shortcoming is surprising given that the Council were involved in the pilot scheme (West Kent Statement of Common Ground Pilot Project) with PAS looking at the use of Statements of Common Ground in plan making. Indeed,

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<sup>11</sup> Paragraph 13.19 of Tonbridge & Malling Borough Council Position Statement (ED58)

as part of this project, the Council, SDC, and Tunbridge Wells Borough Council all agreed in April 2018 that the need to address the matter of unmet housing need was the most significant issue to be addressed in any Statement of Common Ground<sup>12</sup>. This also shows that by April 2018 the Council and SDC had acknowledged that it remained unlikely SDC would be able to meet its housing need in full<sup>13</sup> and despite this, there is no evidence of cross boundary working with SDC and others as a way of seeking to ensure that housing needs were met in full across the HMA. Moreover, the NPPF at paragraph 181 provides advice to LPAs on how to demonstrate evidence of effective cooperation in relation to cross-boundary impacts. This suggests the use of, among other things, memorandums of understanding. It adds that 'cooperation should be a continuous process of engagement from initial thinking through to implementation...'. There is no evidence that this approach was followed.

36. Despite knowing that, as early as 2017, SDC was indicating it would be likely to have unmet housing need, it is reasonable for us to conclude on the basis of everything that we have considered that the Council failed to engage constructively, actively and on an ongoing basis with SDC on that strategic matter. An active process of ongoing, active and constructive engagement might or might not have led to a more positive outcome despite the constraints of market capacity, infrastructure capacity, Green Belt and AONB designations. However, what is certain is that, if parties choose not to engage with each other, there will be little prospect of difficult but important cross-border issues being resolved in relevant strategic matters. If there is no cooperation on such matters, then the effectiveness of plan preparation is unlikely to be maximised.

**If a plan is found to have failed the DtC, is it possible to proceed with the Examination?**

37. In a letter to the Planning Inspectorate, dated 18 June 2019, the Secretary of State stressed to Inspectors the importance of being pragmatic in getting a plan in place that, in line with paragraph 35 of the 2019 NPPF, represents a sound plan for the authority.
38. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This 2015 letter also stresses the importance of Inspectors working in a pragmatic way with councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within 5 years of adoption, giving councils the option to undertake

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<sup>12</sup> Sevenoaks District Council v Secretary of State for Housing Communities and Local Government [2020] EWHC 3054 (Admin)

<sup>13</sup> ED69A, Appendix D, paragraph 6.3

further work to address shortcomings identified at examination and highlighting significant issues to councils very early on and giving councils the full opportunity to address issues. However, the failure we have identified cannot be remedied during the examination since any failure in DtC cannot be resolved after submission of the Plan because the duty relates to the period of plan preparation which has ended. Once we had considered all of the evidence pertaining to DtC presented in writing and orally at the hearing sessions we immediately notified the Council of our concerns and cancelled the future hearings. We gave the Council opportunities, prior to the hearing sessions, during the hearing sessions and afterwards, to provide additional evidence confirming its approach to complying with the DtC undertaken prior to the submission of the Plan for examination.

39. In examining the Plan we have had this advice in the forefront of our minds and we have worked in a pragmatic way with the Council towards achieving a sound plan as far as practicable. However, we have identified a failure of legal compliance in relation to the DtC.
40. It is reasonable for us to conclude that the DtC, as set out in section 33A of the Act, has not been met.

## **Overall Conclusion and Recommendation**

41. The DtC in Section 33A of the 2004 Act has not been met for the reasons set out above and we, therefore, recommend that the Plan is not adopted.

*Louise Crosby and Luke Fleming*

Inspectors

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# **Report to Sevenoaks District Council**

**by Karen L Baker DipTP MA DipMP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 2 March 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Sevenoaks District Local Plan**

The Plan was submitted for Examination on 30 April 2019.

The Examination Hearings were held between 24 and 26 September 2019 and between 1 and 3 October 2019.

File Ref: PINS/G2245/429/7



## **Abbreviations used in this Report**

DtC	Duty to Co-operate
HMA	Housing Market Area
HPS	Hearing Position Statement
IPe	Intelligent Plans and Examinations
the Plan	Sevenoaks District Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PAS	Planning Advisory Service
PPG	Planning Practice Guidance
SoCG	Statement of Common Ground
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This Report concludes that the Sevenoaks District Local Plan (the Plan) is not legally compliant in respect of the Duty to Co-operate (DtC) and, as such, I recommend that the Plan is not adopted.

## Introduction

1. This Report contains my assessment of the Sevenoaks District Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The National Planning Policy Framework (NPPF) 2019 makes it clear in paragraph 35 that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. It goes on to say that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a legally compliant and sound plan. The Sevenoaks District Local Plan Proposed Submission Version<sup>1</sup>, dated December 2018 and submitted on 30 April 2019, is the basis for my Examination. It is the same document as was published for consultation between 18 December 2018 and 3 February 2019.
3. This Report considers whether the Local Plan's preparation has complied with the Duty to Co-operate (DtC). Given my conclusions in respect of the DtC, I do not go on to consider whether the Plan is sound and whether it is compliant with the other legal requirements. If a local planning authority cannot demonstrate that it has complied with the Duty at the independent Examination of their Local Plan, then Section 20(7A) of the Act requires that the Examiner must recommend non-adoption of the local plan. This is the situation in this case, and it is not, therefore, necessary for me to consider the other matters further in this Report.
4. Hearing sessions were held between 24 and 26 September 2019 and between 1 and 3 October 2019. These focussed on legal compliance matters, including the DtC, and matters of soundness in relation to the Local Plan Strategy, Green Belt, Housing Need, Housing Requirement, Housing Distribution and Housing Supply, along with the Sustainability Appraisal.
5. Further Hearing sessions were planned as part of this Examination between 5 and 7 November 2019 and between 12 and 14 November 2019 to consider other soundness matters including: individual housing allocations; Gypsy and Traveller provision and allocations; employment need, requirement, distribution and supply; individual employment allocations; transport and infrastructure; the historic environment; open space, recreation and community facilities; the natural environment and biodiversity; climate change, flooding and water management; and, health, well-being and air quality. However, following my consideration of the evidence presented by the Council and other participants in response to my Matters, Issues and Questions<sup>2</sup> at the Hearing sessions during the first two weeks, and taking into account the written representations and discussion at those Hearing sessions, I had significant concerns in respect of legal compliance, namely the DtC, and soundness.

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<sup>1</sup> SDC001

<sup>2</sup> ED8

6. Following the first two weeks of Hearing sessions, I notified the Council in my letter<sup>3</sup>, dated 14 October 2019, that I had significant concerns about a number of aspects of the Plan, both in terms of legal compliance and soundness. This letter also stated that, given these concerns, I had asked the Programme Officer to cancel the further Hearing sessions planned for November and that I was preparing a letter setting out my thoughts in more detail which would be with the Council shortly afterwards. It also confirmed that I would not reach any final conclusions on the way forward for the Examination until I had had the opportunity to consider the Council's response to that letter.
7. Although I had concerns regarding soundness, these were issues which I would have needed to explore further, it is the failure to comply with the legal DtC which necessitated a halt to the Examination proceedings. Any failure in the DtC cannot be rectified once the Plan has been submitted for Examination because the DtC applies specifically to Plan preparation, and Plan preparation ends when the Plan is submitted for Examination.
8. My letter<sup>4</sup> to the Council, dated 28 October 2019, set out my concerns with regards to the DtC in some detail. The Council submitted responses<sup>5</sup> to this and to my earlier letter, along with a number of appendices. I replied<sup>6</sup> on 19 November 2019 to say that I would be responding after the pre-Election period, in line with the Planning Inspectorate's published position in this regard.
9. Having fully considered the Council's responses and appendices, my final letter<sup>7</sup> to the Council, dated 13 December 2019, set out my conclusions on this matter and stated that, unless the Council confirmed that it intended to withdraw the Plan from Examination, the only course of action open to me would be to prepare a Report concluding that the Plan is not legally compliant in respect of the DtC and recommending that it should not be adopted. In its letter<sup>8</sup>, dated 3 January 2020, the Council confirmed that it would not be withdrawing the Plan from Examination and asked that I issue my Report as soon as possible.

### **Main Modifications**

10. I have found a failure in respect of the DtC and, as such, I have no option but to recommend that the Plan should not be adopted. Accordingly, I have not concluded on any other matters in connection with the Plan and, as a result, I would not be able to recommend any Main Modifications [MMs].

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<sup>3</sup> ED37

<sup>4</sup> ED40

<sup>5</sup> ED38, ED38A, ED41, ED42, ED42A, ED42B and ED42C

<sup>6</sup> ED43

<sup>7</sup> ED44

<sup>8</sup> ED45

## Assessment of Duty to Co-operate

### ***Has the Council demonstrated that it has engaged constructively, actively and on an on-going basis in the preparation of the Local Plan?***

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation.
12. Section 33A requires that a local planning authority co-operates with other local planning authorities, the County Council and prescribed bodies or other persons in relation to the preparation of the Plan. This duty requires the Council to engage constructively, actively and on an on-going basis in the preparation of the Plan, so far as it relates to a strategic matter. A strategic matter includes the sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
13. Government policy, set out in paragraph 26 of the NPPF, says that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. It goes on to say that, in particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Co-operation is, therefore, about maximising the effectiveness of plan preparation.
14. The Plan, as submitted, identifies a need for 13,960 dwellings between 2015 and 2035, but sets out a requirement for 10,568 dwellings, which would amount to an unmet need of 3,392 dwellings. The Council advanced a position<sup>9</sup> during the Examination which sought to reduce the unmet need. However, it would still have left an unmet need of 1,316 dwellings, even if I had agreed with the Council's position.
15. It is common ground between the Council and most parties to the Examination that housing is a strategic matter upon which the Council should engage constructively, actively and on an on-going basis with its neighbours. I concur with this view. The Council published a DtC Statement<sup>10</sup> in May 2019, following the submission of the Plan for Examination, which sets out the activities undertaken by the Council, including meetings with neighbouring authorities, at both Officer and Member level, and the production of a joint evidence base with neighbouring authorities in the West Kent Housing Market Area<sup>11</sup> [HMA].

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<sup>9</sup> Housing Supply Update Paper – C2 Update [ED23]

<sup>10</sup> SUP006 and SUP006a-d

<sup>11</sup> The West Kent Housing Market Area includes Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council.

16. Whether the DtC has been complied with is a matter of judgement for the examining Inspector following consideration of the evidence presented by the Council and other participants, both in writing and at the Hearing sessions.
17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment<sup>12</sup> (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area<sup>13</sup> (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.
18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement<sup>14</sup> and Appendices<sup>15</sup> and in Appendix 1: Schedule A<sup>16</sup> attached to its letter<sup>17</sup>, dated 18 November 2019, with the minutes of most of these meetings<sup>18</sup> provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group<sup>19</sup> and the West Kent Statement of Common Ground (SoCG) Pilot Programme group<sup>20</sup>.
19. The minutes<sup>21</sup> of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues

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<sup>12</sup> Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment, prepared by GL Hearn Limited, September 2015 [HOU001]

<sup>13</sup> The West Kent HMA includes Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council

<sup>14</sup> SUP006

<sup>15</sup> SUP006a, SUP006b, SUP006c and SUP006d

<sup>16</sup> ED42A

<sup>17</sup> ED42

<sup>18</sup> No minutes have been provided of the meetings held on 6 December 2017, 22 January 2018 and 14 March 2018, although summaries of the meetings on 22 January 2018 and 14 March 2018 are provided in the West Kent Statement of Common Ground (SoCG) Pilot Project Facilitator's Note, dated 3 April 2018 (updated by the amended version of this note dated 10 April 2018 and submitted by the Council as part of its Appendix 3: Duty to Co-operate Appendices [ED42C]).

<sup>19</sup> This group is made up of the three West Kent Housing Market Area (HMA) authorities, namely Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council.

<sup>20</sup> This group, facilitated by the Planning Advisory Service (PAS), also included the West Kent HMA authorities.

<sup>21</sup> Pages 172-174 of SUP006a

and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary<sup>22</sup> of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (IPe), held on 22 January 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes<sup>23</sup> of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks 'is testing options to assess the way forward'. The summary<sup>24</sup> of the meeting, held on 14 March 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated. The Facilitator's Note<sup>25</sup> does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say<sup>26</sup> that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.
21. The Council has since stated, in Appendix 1: Schedule A<sup>27</sup> to its letter<sup>28</sup>, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note<sup>29</sup>, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are

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<sup>22</sup> Page 185 of SUP006a

<sup>23</sup> Pages 182-183 of SUP006a

<sup>24</sup> Page 185 of SUP006a

<sup>25</sup> Paragraphs 5.1 and 5.2

<sup>26</sup> Paragraph 6.1

<sup>27</sup> ED42A

<sup>28</sup> ED42

<sup>29</sup> West Kent SoCG Pilot Project Facilitator's Note, dated 10 April 2018, set out in 2a of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]



additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.
23. The minutes<sup>30</sup> of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted<sup>31</sup> that 'officers discussed the potential requirement for a follow up letter<sup>32</sup> to request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.
24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.
25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have

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<sup>30</sup> Pages 191-192 of SUP006a

<sup>31</sup> Page 194 of SUP006a

<sup>32</sup> Letters were sent to neighbouring authorities requesting that they assist with Sevenoaks' unmet housing need in April 2019.

not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>33</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.
27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.
28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.
29. I appreciate that these neighbouring authorities say<sup>34</sup> that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does

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<sup>33</sup> Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council

<sup>34</sup> Letters dated 21 and 27 November 2019 set out in 3a and 3b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]

not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.

### *Statements of Common Ground*

30. In order to demonstrate effective and ongoing joint working, paragraph 27 of the NPPF says that strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground (SoCGs), documenting the cross-boundary matters being addressed and progress in co-operating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.
31. The Council has submitted a number of SoCGs<sup>35</sup> as supporting documents, some of which were provided following the submission of the Plan for Examination, on 30 April 2019. These include several SoCGs with neighbouring authorities, including Tunbridge Wells Borough Council<sup>36</sup> and Tonbridge and Malling Borough Council<sup>37</sup>, which were signed on 21 and 30 May 2019 respectively. The agreed actions within these documents in respect of housing are to 'engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need' and to 'undertake a 5 year review of the Local Plan'; and, 'to engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to strategic housing matters' respectively.
32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email<sup>38</sup> to MHCLG, dated 15 March 2019, the Council says that it 'is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.' However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.
33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.
34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders'

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<sup>35</sup> SUP007a – SUP007i

<sup>36</sup> SUP007h

<sup>37</sup> ED6

<sup>38</sup> Email from James Gleave, dated 15 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan.

*The timing of engagement*

35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter<sup>39</sup> dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.
36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.' However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.
37. The full extent of unmet need only became apparent to the Council following the consideration of the responses to the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have

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<sup>39</sup> ED42

been able to accommodate some of Sevenoaks' unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.
39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks' housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need.

#### *Peer Review*

40. The peer review process undertaken by the Council consisted of advice<sup>40</sup> from Intelligent Plans and Examinations (IPe) in November 2018; a PINS' Advisory Visit<sup>41</sup> in February 2019; MHCLG advice<sup>42</sup>; and, a review of the Plan and PAS Workshop<sup>43</sup> on 24 April 2019.
41. The advice from IPe following its meeting with the Council on 1 November 2018, considered several matters, including housing need and delivery, however, it made no mention of the extent of unmet housing need in the District, or how this could be addressed. The purpose of the PAS Workshop, which was held six days before the Plan was submitted for Examination and led by IPe, was 'to provide advice on the implications of the DtC for the soundness assessment of the Plan' and 'to meet with neighbouring authorities,

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<sup>40</sup> Revised Note in respect of the preparation of the Sevenoaks Local Plan, prepared by Laura Graham of IPe, dated 4 December 2018, set out in 1a of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>41</sup> PINS Advisory Visit Note, prepared by Inspector Jonathan Bore, dated 6 February 2019, set out in 1b of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>42</sup> MHCLG correspondence, meeting 6 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>43</sup> Note on the Duty to Co-operate and the Local Plan, prepared by IPe, dated 7 May 2019, set out in 1d of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

so they could outline their respective positions regarding meeting development needs in West Kent.'

42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings<sup>44</sup> in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan<sup>45</sup>, prepared by IPe, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement<sup>46</sup>. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.
43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.
44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, several points were raised in relation to the DtC at the Advisory Visit<sup>47</sup> carried out by the Planning Inspectorate in February 2019, as set out in the note<sup>48</sup> of this meeting.
45. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

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<sup>44</sup> This revised figure took account of proposed changes to the Plan period being put forward by the Council for consideration during the Examination.

<sup>45</sup> ED42B

<sup>46</sup> SUP006, SUP006a, SUP006b, SUP006c and SUP006d

<sup>47</sup> The Planning Inspectorate carries out Advisory Visits to local planning authorities ahead of submission to provide advice on procedures and to help them achieve a sound plan.

<sup>48</sup> The PINS Advisory Visit Meeting Note is set out in 1b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C].



46. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.
47. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement<sup>49</sup> in May 2019, in which it states that 'KH<sup>50</sup> advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPe<sup>51</sup>, submitted in November 2019, does not state that the DtC has been met or that KH advised that this was the case.
48. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective.

*If a Plan is found to have failed the Duty to Co-operate, is it possible to proceed with the Examination?*

49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.
50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.
51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to

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<sup>49</sup> SUP006d

<sup>50</sup> KH was Keith Holland of IPe, working on behalf of PAS.

<sup>51</sup> ED42B

proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.
53. For the reasons set out above the DtC set out in Section 33A has not been complied with.

## **Overall Conclusion and Recommendation**

54. The DtC in Section 33A of the 2004 Act has not been complied with for the reasons set out above and I, therefore, recommend that the Local Plan is not adopted.

*Karen L Baker*

Inspector



Neutral Citation Number: [2020] EWHC 3054 (Admin)

Case No: CO/1417/2020

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 13/11/2020

**Before :**

**MR JUSTICE DOVE**

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**Between :**

**Sevenoaks District Court**  
**- and -**  
**Secretary of State for Housing Communities and**  
**Local Government**

**Claimant**

**Defendant**

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**Ms Saira Kabir Sheikh QC and Charles Merrett** (instructed by **Sharpe Pritchard**) for the  
**Claimant**  
**Richard Moules** (instructed by **GLD**) for the **Defendant**

Hearing dates: Thursday 3rd September 2020  
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**Approved Judgment**

**Mr Justice Dove :**

**Introduction**

1. The claimant is a local planning authority who prepared the Sevenoaks District Local Plan (“the SDLP”) for its administrative area. The claimant challenges the decision of the Inspector appointed by the defendant to undertake the examination of the SDLP who concluded that the claimant had failed to comply with the duty to cooperate set out in section 33A of the Planning and Compulsory Purchase Act 2004. The claim is advanced by the claimant on four grounds. The first ground is that the Inspector erred in law in failing to apply a margin of appreciation when considering the test under section 33A of the 2004 Act. Ground 2 is the contention that the Inspector failed to correctly interpret and apply the duty to cooperate, and in reality conflated that duty with the requirement that a plan be sound. Ground 3 is that the Inspector failed to have regard to material considerations and in particular to consider the material evidence that was placed before her. Finally, Ground 4 is a challenge based on the contention that the Inspector’s reasons were inadequate.
2. This judgment will firstly set out the facts in relation to the case, secondly, rehearse the relevant legal framework and, thirdly, deal with the submissions advanced and the conclusions reached in relation to the four grounds on which this application is advanced.

**The facts**

3. The claimant’s administrative area contains a significant element of Green Belt as well as areas which are designated as an Area of Outstanding Natural Beauty. Its district forms part of the West Kent Housing Market Area (the “HMA”) and has further functional and economic relationships with London boroughs to the north of its administrative area.
4. The claimant began the preparation of its proposed SDLP in 2015 and at that time the evidence for it started to be collected. In September 2015 a Joint Strategic Housing Market Assessment (“SHMA”) was published, having been prepared jointly for the HMA by the claimant together with the other local planning authorities in the HMA: Tunbridge Wells and Tonbridge and Malling Borough Councils. Other technical work in relation to the assessment of the Green Belt and provision for gypsies and travellers was prepared by the claimant. The claimant undertook two rounds of consultation under the provisions of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the first in relation to issues and options in August 2017, and then a further consultation on the draft SDLP from July through to September 2018. In a witness statement before the court to explain the factual background to the preparation of the SDLP, James Gleave, who is the Strategic Planning Manager for the claimant, explains that at the Regulation 18 stage of plan preparation the extent of any unmet housing need as a result of the SDLP’s proposals was unknown “because views were still being gathered on what the Plan ought to contain and the council’s ‘call for sites’ process remained open until October 2018”. Thus, Mr Gleave observes, that it was not clear what proportion of unmet housing need might arise in the claimant’s district.

5. Between 8 December 2018 and 3 February 2019 the claimant undertook the consultation required by Regulation 19 of the 2012 Regulations on the SDLP in its proposed submission version. The proposed submission version identified that based upon the defendant's standard methodology the annualised housing need for the claimant's district was 698 dwellings, giving rise to a total of 13,960 dwellings over the 20-year plan period from 2015 to 2035. The housing land supply which was proposed in the SDLP was 10,568 dwellings or approximately 75% of the total housing need derived pursuant to the standard methodology. The plan was submitted for examination on the 30 April 2019.
6. For the purposes of the examination the claimant prepared a Duty to Cooperate Statement ("the Statement") setting out its case and the evidence in support of the conclusion that the duty to cooperate had been satisfied in the preparation of the SDLP. The Statement presents the evidence in a number of themes. Firstly, it alludes to the preparation of a joint evidence base, referring to the SHMA set out above and other studies and plans which were jointly prepared with relevant authorities. Secondly, the Statement refers to discussions which had occurred with a wide variety of statutory bodies ranging from Natural England and the Environment Agency to Highways England and Network Rail. The Statement then turns to discussions with neighbouring authorities. Reference is made to the Kent Planning Officer's Group as a forum (complemented by the Kent Planning Policy Forum) which meet regularly to discuss common issues in relation to plan making and allied concerns. Annexed to the statement are the notes of meetings with other public bodies, and in particular neighbouring authorities, which had occurred since the outset of preparation of the SDLP in 2015. The statement then records the statements of common ground which had been signed with a wide variety of local authorities and public bodies in respect of the various cross-boundary strategic issues which were engaged with the SDLP process. Alongside this documentation the Statement also set out discussions which had taken place at an elected member level with adjoining local authorities and briefings which had occurred with local MPs. Finally, the Statement also sets out the elements of peer review to which the SDLP process had been subject since the Regulation 18 draft consultation.
7. Whilst it is clear that the duty to cooperate, so far as it was relevant to the SDLP process, engaged a number of strategic issues, for the purposes of this judgment it is necessary to focus upon the strategic issue of housing need since, as will be seen, that was the issue which was principally of concern to the Inspector. In that connection it is necessary to set out the contents of the statements of common ground with, in particular, the neighbouring authorities of Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council, along with the conclusions of the peer review which was undertaken and relied upon in relation to the housing issue.
8. A statement of common ground was agreed between the claimant and Tonbridge Wells Borough Council on the 21 May 2019. Having set out the issue in relation to unmet housing need within the SDLP the statement of common ground records as follows:

"2.1.5 Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority has been in a position to assist SDC with its unmet need.

2.1.6 TWBC is currently preparing its second Regulation 18 version of the Draft Local Plan for consultation, which includes the vision, objectives and growth strategy, overarching strategic policies, place shaping policies and detailed Development Management Policies.

2.1.7 TWBC is also constrained by the Green Belt (22%) and the Area of Outstanding Natural Beauty (70%) as well as areas of flood risk and traffic congestion. The Regulation 18 Draft Local Plan identifies the need for 13,560 dwellings in accordance with the Standard Methodology. Taking into account homes already built since 2013 and sites benefiting from planning permission and allocations within the existing Site Allocations Local Plan, TWBC is aiming to allocate land to meet the remaining balance of 8,914 (Note: this is still subject to change following ongoing work) dwellings. TWBC is seeking to meet its full objectively assessed need across the borough through development at a number of settlements, strategic release of Green Belt at Paddock Wood/Capel to allow expansion of the settlement and a new garden settlement within the Green Belt at Tudeley also within Capel Parish.

2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.

2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

#### Actions

TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London growth, large scale developments and opportunities for meeting any unmet need.

TWBC and SDC to each undertake a 5 year review of their respective Local Plans.”

9. The position in the statement of common ground is supported by the material contained within Tunbridge Wells Borough Council’s Hearing Position Statement for the purposes of the examination. The Hearing Position Statement observes that up until 11 April 2019 there had been discussions in relation to matters, including the meeting of housing need, and that those discussions were reflected in the observations made by Tunbridge Wells Borough Council during the Regulation 19 consultation, where they stated that there should be no presumption that there was any capacity within the Tunbridge Wells Borough Council area to accommodate unmet need from another



authority area. The Hearing Position Statement records that on the 11 April 2019 Tunbridge Wells Borough Council received a communication from the claimant formally asking whether or not they were in a position to meet any of the claimant's unmet housing need. At the duty to cooperate workshop on the 24 April 2019 (which is addressed further below) Tunbridge Wells Borough Council made clear that they would not be able to meet any of the claimant's unmet housing need. The Hearing Position Statement does however record as follows:

“1.06 It is considered pertinent to note that if the request from SDC to meet its unmet need had been made at any point prior to the submission of TWBC's comments on Sevenoaks regulation 19 representations then those representations would have addressed this issue more fully.”

The Hearing Position Statement goes on to record the observations made within the Statement of Common Ground and set out above and to indicate that the position from their perspective remained the same.

10. Tonbridge and Malling Borough Council also provided a hearing statement for the purposes of the examination. In their hearing statement they explain that during the consultations on both the Regulation 18 and Regulation 19 versions of their own Local Plan they had not received any request from the claimant to address unmet housing need. In the hearing statement they set out that there had been regular meetings between Tonbridge and Malling Borough Council and the claimant to address cross-boundaries strategic matters engaging the duty to cooperate. The essence of the position which they placed before the Inspector is set out in the following paragraphs of their hearing statement:

“13.5. It is evident that TMCB faces similar constraints and challenges to Sevenoaks District Council for that part of the Borough covered by the West Kent HMA. However, TMBC's response during plan-making has and continues to be significantly different to that of Sevenoaks District Council.

13.6. TMCB has responded positively to the Government's policy for plan-making by addressing in full its assessed need for housing plus some flexibility to adapt to rapid change. This is summarised in the TMBC Spatial Topic Paper. This has been challenging but TMBC understands that if suitable patterns of development are to be delivered and if the Local Plan is to positively address the acute need for housing, as demonstrated by the median housing affordability ratio, then sufficient sites need to be allocated for development to ensure there is no unmet need. This includes the removal of approximately 160 hectares of land from the Green Belt in the West Kent HMA to provide for residential development, as explained in the TMBC Green Belt Exceptional Circumstance Topic Paper.

13.7 Before addressing the matter of whether or not the unmet housing need could be accommodated in Tonbridge & Malling Borough it is important to first question whether it is reasonable

for Sevenoaks District Council to expect TMBC to address it. Given the similarities between the two authorities (see above), TMBC considers that it is entirely inappropriate to ask the Borough Council to accommodate unmet housing need in an area with the same constraints that have been dismissed by Sevenoaks District Council. It is important to bear in mind that the part of Tonbridge & Malling Borough falling within the West Kent HMA is wholly within the Green Belt (with the exception of the settlements not washed over by the designation).

13.8 If Sevenoaks District Council had adopted a similar positive approach to meeting the housing development needs of their area in full, it is possible that there would be significantly less or no unmet need to consider. It is unreasonable to expect TMBC to not only meet their assessed need for housing in full but to accommodate unmet housing need from Sevenoaks District Council who are facing similar constraints.

...

13.19 To conclude, it would be unreasonable to expect Tonbridge & Malling Borough Council to accommodate unmet housing need from Sevenoaks District Council given that TMBC is facing very similar constraints and challenges and is planning to address in full its own assessed housing need. Not only would it be unreasonable but factors including Housing Market Areas, market capacity and infrastructure mean that TMBC could not accommodate the identified unmet housing need.”

11. In addition to the contributions made by the local authorities directly concerned in the duty to cooperate, representations were also made, in particular to the examination process, by other parties who were interested in the issue. Representations were made both for and against the conclusion that the duty to cooperate had been satisfied in the present case. Whilst some reliance was placed upon this material by both parties at the hearing of this case, it suffices to record that there were a number of participants in the examination who maintained that the claimant had not complied with the duty to cooperate and that this was a fundamental flaw in the preparation of the SDLP.
12. As set out above the claimant placed reliance in support of its contention that the duty to cooperate had been satisfied upon the peer review of the plan process which had been commissioned as a cross-check in relation to the process. The first element of this work was the invitation extended by the Planning Advisory Service (“PAS”) to the claimant to participate in a pilot project in relation to the preparation of statements of common ground. This invitation was extended to and accepted by both the claimant and also Tonbridge Wells Borough Council and Tonbridge and Malling Borough Council. The programme led to a sequence of meetings, culminating in the preparation of notes reflecting the outcome of the project, dated the 3 April 2018. Paragraph 5.2 of the note of the discussions indicates that the need to address the matter of unmet housing need was acknowledged on all sides as the most significant issue that needed to be addressed in any statement of common ground between the parties. The note then considers the question of housing need in the three districts in the HMA, and from paragraph 6.1

onwards sets out the position in each of the authorities, and thereafter at paragraphs 8.4-8.5 notes the risks in the current position. The note provides as follows:

“6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government’s standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government’s indicative figure of 692 dpa using the proposed standard methodology.

6.2 The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council’s concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

6.3 The emerging Tonbridge and Malling Local Plan, if it continues to propose a housing supply which is lower than the standardised OAN, clearly presents a risk to finalising an agreed SoCG. Whilst at present neither Sevenoaks or Tunbridge Wells will require Tonbridge and Malling to accept unmet need, it is possible that the reverse may apply. Even if all three Councils sign up to a SoCG which includes a lower housing figure for Tonbridge and Malling than the standard methodology indicates, this could be undermined when its Local Plan is examined.

...

8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government’s standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from states that capacity and delivery issues prevent it from meeting the higher OAN.

8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily

constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose”

13. At a later stage it emerged that the note of the 3 April 2018 (which the claimant had included within the appendixes to the statement) had in fact been superseded in a subsequent note dated 10 April 2018. It seems that the representative of Tonbridge and Malling Borough Council had, in response to receipt of the 3 April 2018 draft, made suggestions in relation to amendments to the draft, including the observation that the claimant would have elements of unmet housing need. Thus, paragraphs 6.1 and following of the note were redrafted as follows:

“6.1 During the short lifespan of this pilot project there have been several changes to both the policy background, for example the revised draft of the NPPF issued for consultation on 5 March 2018 and to the emerging evidence base which will support the three Local Plans. Consequently the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue. The current situation, at the end of the pilot project, is as follows.

#### Sevenoaks DC

6.2 In Sevenoaks the OAN of 12,400 compares with an indicative figure of 13,960 based on the government’s standardised methodology. With Regulation 19 submission planned to take place in early 2019 it likely to fall outside the NPPF transition period, therefore the higher figure will apply. However the district is highly constrained, with 93% of the district lying within the Green Belt and 60% within AONBs.

6.3 The Council is currently examining the potential of releasing some Green Belt land where a convincing exceptional circumstances case is made. This would mean that any proposed development would need to deliver evidenced social and community benefits as well as housing. Sites where this might be the case will be the subject of Regulation 18 consultation. This may increase the housing land supply but it remains unlikely that Sevenoaks DC Tonbridge and Malling DC will be able to meet its housing need in full.

#### Tonbridge and Malling BC

6.4 The evidence base for the Tonbridge and Malling Local Plan, which includes an up to date SHMA covering two housing

market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. However the position has changed since the pilot project began with the revised NPPF draft proposing a transitional period for introducing the standardised methodology of assessing housing need. Provided the Regulation 19 submission can be made within the transition period, as proposed by the Council, then the lower locally derived OAN can be used. This level of housing growth is considered deliverable.

#### Tunbridge Wells BC

6.5 When the pilot project commenced Tunbridge Wells BC was planning to meet its locally derived OAN as determined by the joint SHMA which was updated in 2017. The SHMA sets an OAN of 696 dpa for Tunbridge Wells, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. Recently updated evidence on strategic flood risk suggests that some re appraisal may be necessary, but the Council is still endeavouring to ensure that it can meet its own housing need.

#### Summary

6.6 Each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on their housing needs. The councils are not yet in a position to reach agreement on the matter of housing supply.”

14. In autumn 2018 the claimant commissioned Intelligent Plans and Examinations (IPe) to undertake a review of the Regulation 18 draft of the SDLP, with a particular focus on the Green Belt and the question of exceptional circumstances. A meeting was held on 1 November 2018, and on the 4 December 2018 Ms Laura Graham, who had undertaken the review, produced a report of her advice. Within that advice she noted that there was “no absolute requirement in the NPPF to meet housing need”, but that if development needs could not be met outside the Green Belt it would be necessary to demonstrate through the sustainability appraisal process that the consequences of not meeting that need had been fully and properly addressed.
15. On the 17 December 2018 the claimant contacted the Planning Inspectorate (“PINS”) with a view to arranging an advisory visit in order to assess the plan which was at that stage in the midst of the Regulation 19 consultation (the Regulation 19 consultation closed on the 4 February 2019). On the 6 February 2019 the advisory visit from PINS was undertaken by an experienced Inspector, Mr Jonathan Bore. One of the important topics for discussion at that meeting was the change that the claimant was considering to altering the base date of the SDLP to 2019-35. The note of the advisory visit identifies

that the plan fell seriously short of meeting its housing need in full, based upon the standard method. In relation to the duty to cooperate the note of the meeting records as follows:

“The Duty to Cooperate

Sevenoaks haven’t sent formal letters asking other authorities to accommodate unmet need. They say they don’t want to, because no authorities are willing to help with unmet need and asking the question would sour relations with them. Some neighbouring authorities such as Tandridge may also have unmet need. There is a SoCG with other authorities and a MOU with Maidstone, but the Council did not say that there is constructive engagement among the neighbouring authorities to resolve the issue, nor could they point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated.”

16. The note goes on to record the comments on the issues made by Mr Bore at the meeting. In particular, within the comments on the issues he noted as follows:

“If the OAN really could not be accommodated within the District, I said that there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis. Currently, despite the MoU and SoCGs, this did not appear to exist in a positive form. I said that any Inspector would look closely at this in regard to whether the Duty to Cooperate had been fulfilled.”

17. The advisory visit by Mr Bore on behalf of PINS was followed by correspondence from the defendant seeking to understand how the visit had gone, and offering assistance from PAS in relation to guiding the future progress of the plan. This correspondence led to a meeting on the 6 March 2019 between Mr Gleave and a colleague from the claimant and representatives of the defendants. The notice of the meeting of the 6 March observes as follows:

“Sevenoaks asked whether MHCLG meets with LPAs on a regular basis following an Advisory Visit or whether there were particular concerns with the emerging Sevenoaks plan. MHCLG explained that following the AV the Department had been made aware that there were some potentially significant issues with housing numbers and Duty to Co-operate, and constraints including Green Belt. Given these could be potential ‘showstoppers’ MHCLG wanted to talk through the issues, find out what further work Sevenoaks may be doing in respect of these and to discuss whether there is any assistance MHCLG could provide as the authority prepares its plan for submission.

In terms of the Duty to Co-operate, Sevenoaks explained they had met regularly with neighbouring authorities at Officer and Member level to discuss x-boundary issues, of which housing



need was a standing item on the agenda. In addition, a regular Kent-Planning Officers Group was held at Kent County Council. This operates along similar lines to the ALBPO forum in London and serves to update colleagues on Local Plan preparation. Statements of Common Ground are currently being prepared with neighbours on strategic cross-boundary matters, including housing need.

...

DR advised that the balance between protecting the environment and meeting housing needs was a planning judgement that had to be made locally. SH set out that the approach the LPA took would need to be justified, both in terms of why the authority was unable to meet its own needs and the reasons behind neighbouring authorities not being asked to accommodate some of Sevenoaks needs."

18. On the 11 April 2019 Mr Gleave, on behalf of the claimant, wrote to neighbouring planning authorities in relation to the progress that was being made in respect of the plan. They were also invited to an event which was being facilitated by PAS to be held later in the month. The correspondence contains the following in relation to the duty to cooperate:

"The Council is of the view that all authorities bordering Sevenoaks, and Kent County Council, have engaged actively and on an on-going basis to meet the provisions of the Duty to Co-operate. In particular, Statements of Common Ground (SoCGs) are in the process of being agreed to formally clarify if it is possible to meet unmet housing needs from adjoining areas. Notwithstanding the provisions of the SoCG and for the sake of completeness, I write to formally ask if is in a position to meet any of Sevenoaks' unmet housing need as outlined above. In the event that this is not possible, I would also be grateful for your views on the preparation of a joint sub-regional strategy to address future housing requirements."

19. The duty to cooperate workshop took place on the 14 April 2019 and a note was prepared minuting the meeting. An experienced former Inspector, Mr Keith Holland, facilitated the workshop. Updates were provided by the local planning authorities who attended and, in particular, the update from the claimant identified that the SDLP housing supply left a shortfall measured against the standard methodology requirement of approximately 1,900 dwellings across the plan period, equating to about 17%. The claimant provided a summary of the activities which they had undertaken in order to address the duty to cooperate. Following discussion of the issues a note records Mr Holland advising that in his view "SDC has done all it can and is able to demonstrate that it has satisfied the duty to cooperate requirement". This note of the workshop then records further discussions in relation to the potential to a sub-regional strategy to address unmet housing needs across the area.

20. A note of these meetings held with PAS was also provided by IPe who undertook the work for PAS. Their note covers both the meeting which was held on the 17 April 2019 and a first meeting between Mr Gleave and his colleagues on behalf of the claimant and Mr Holland. The claimant's position as expressed in the SDLP was explained to Mr Holland in the meeting on the 17 April 2019 and noted as follows:

“2.2 The discussion focussed on the implications of the DtC for the soundness assessment of the SLP. At the time of the meeting, the Council's intention was to submit the SLP for examination at the end of the month (it was subsequently submitted on 30 April 2019). The discussion included a review of advice provided by Laura Graham of IPe and Jonathan Bore from the Planning Inspectorate (PINS). SDC feels that there is a degree of inconsistency between the PINS advice and that provided by IPe. SDC believe that the advice from PINS is based on a misunderstanding of the approach being adopted by the SDC. In the view of the SDC, PINS failed to fully appreciate that the council attempts unmet housing need as an exceptional circumstance justifying consideration of Green Belt (GB) land release. What PINS calls a “Council imposed impediment” (the provision of infrastructure for the existing community) is not the defining exceptional circumstance consideration – it is simply the logical requirement that any development in the GB needs to be accompanied by adequate infrastructure. In other words, SDC believes that PINS has placed too much emphasis on the infrastructure point and not enough on the unmet need consideration.”

21. The note prepared by IPe in relation to the workshop on the 14 of April 2019 provides as follows in relation to the views expressed in respect of the duty to cooperate:

“3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the local duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

3.4 The importance of continuing to seek to meet development needs in West Kent through cooperative strategic working was discussed. In this regard, the need for a strategic approach to infrastructure was emphasised. KH explained the importance of

getting member involvement and buy-in to any strategic work and that the more formal the process, the more likely it was to convince a local plan examiner that the councils are doing all they can to use the DtC effectively. Cllr Piper expressed severe reservations about the likelihood of effective strategic planning because of what he described as an inconsistency between the political message provided by the government regarding the GB and the guidance in the NPPF. KH pointed out that under the DtC there is nothing to stop local authorities undertaking joint strategic planning of the sort that previously happened in the South East through SERPLAN (London and South East Regional Planning Conference). KH also explained that the policy in the NPPF makes it clear that where there are exceptional circumstances local authorities can revise GB boundaries, but that this must be done through their local plans and not through the development management process.”

22. On the 30 April 2019 the plan was submitted for examination. As set out above Statements of Common Ground with neighbouring authorities were produced as part of the examination process. The examination hearing sessions commenced on the 24 September 2019, and issues in relation to the duty to cooperate were canvassed on the first day of the hearing. On the 14 October 2019 correspondence was received by the claimant from the Inspector raising concerns that she had in relation to whether or not the claimant’s approach to the SDLP had met the requirements of the duty to cooperate. There then followed further correspondence between the claimant and the Inspector which it is unnecessary to rehearse in detail for the purposes of this judgment. Suffice to say, that during the course of that exchange of correspondence the claimant provided detailed responses and further documentation including, for instance, the corrected note of the 10 April 2018. By the 13 December 2019 the Inspector had confirmed her view that the claimant had not discharged the duty to cooperate and therefore indicated that unless the claimant intended to withdraw the plan from examination the only course available was for her to produce a report concluding that the plan was not legally compliant. On the 3 January 2020 the claimant requested that the Inspector issue her report as soon as possible. This led to the production of the Inspector’s final report issued to the claimant on the 2 March 2020 and comprising the decision which is the subject of this challenge.
23. The Inspector’s final conclusions in relation to the issues with respect to the duty to cooperate are set out in the decision which is under challenge. In order to provide the full context for the Inspector’s decision it is necessary to set out her conclusions at some length. At the outset of her decision the Inspector set out that the starting point for the examination was the assumption that the local authority had submitted what it considered to be a legally compliant and sound plan. She confirmed that this was the basis for her examination. She further set out by way of introduction that having reached conclusions in relation to the duty to cooperate she did not go on to consider whether the plan was sound or was compliant with other legal requirements. She points out that if the local planning authority cannot demonstrate that the duty to cooperate has been complied with then, under section 20(7A) of the 2004 Act, the examiner is bound to recommend non-adoption of the local plan. In her decision the Inspector addresses the evidence in relation to the duty to cooperate in the following paragraphs:

“17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.

18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement and Appendices and in Appendix 1: Schedule A attached to its letter, dated 18 November 2019, with the minutes of most of these meetings provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group and the West Kent Statement of Common Ground (SoCG) Pilot Programme group.

19. The minutes of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (IPE), held on 22 January 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks ‘is testing options to assess the way forward’. The summary of the meeting, held on 14 March 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

The Facilitator's Note does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.

21. The Council has since stated, in Appendix 1: Schedule A to its letter, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.

23. The minutes of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted that 'officers discussed the potential requirement for a follow up letter to

request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.

24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.

25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>1</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.

27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need

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following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.

28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.

29. I appreciate that these neighbouring authorities say that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.”

24. The Inspector went on to address the statements of common ground which had been prepared in order to deal with cross-boundary issues. Her conclusion in relation to those statements of common ground is set out as follows:

“32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email to MHCLG, dated 15 March 2019, the Council says that it ‘is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.’ However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.

33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.

34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders' meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan."

25. The Inspector then proceeded to consider the question of the timing of the engagement in relation to, in particular, the extent of unmet housing need which was the strategic issue at the heart of her concerns in relation to the duty to cooperate. She sets out her conclusions in relation to this issue in the following paragraphs:

"35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.

36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The

best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.’ However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.

37, The full extent of unmet need only became apparent to the Council following the consideration to the responses of the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have been able to accommodate some of Sevenoaks’ unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.

39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks’ housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been

significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need."

26. The Inspector then proceeded to consider the peer review processes which had been undertaken by the claimant, in terms of external advice from IPE in November 2018, the PINS advisory visit in February 2019, the advice which had been received from the defendant and the review of the plan and the PAS workshop which had occurred on the 24 April 2019. Dwelling initially on the PAS workshop, and subsequently focusing on the other elements of peer review, the Inspector's conclusions are set out as follows:

"42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan, prepared by IPE, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.

43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.

44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, significant concerns were raised in relation to the DtC at the Advisory Visit carried out by the Planning Inspectorate in February 2019, as set out in the note of this meeting.

44. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet

need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

45. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.

46. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement in which it states that 'KH advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPE, does not state that the DtC has been met or that KH advised that this was the case.

47. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective."

27. The final point addressed by the Inspector was whether it would be possible to proceed with the examination, applying the defendant's indication in correspondence with PINS that Inspectors should be pragmatic in getting plans into place. Her conclusions in relation to this point, and indeed the position overall, are set out in the following paragraphs of her decision.

"49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.

50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also

stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.

51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.

53. For the reasons set out above the DtC set out in Section 33A has not been complied with.”

28. In the light of these conclusions the Inspector reached the overall decision that the duty to cooperate had not been complied with and therefore she was bound to recommend that the plan not be adopted.

#### The law

29. The SDLP, as a development plan document, has to be prepared in accordance with the provisions contained within Part 2 of the Planning and Compulsory Purchase Act 2004. Section 19 of the 2004 Act sets out certain requirements in relation to the contents of a development plan document. The relevant provisions of section 20 of the 2004 Act in relation to independent examination are as follows:

“20. Independent examination



(1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.

(2) But the authority must not submit such a document unless-

(a) they have complied with any relevant requirements contained in the regulations under this Part, and

(b) they think the document is ready for independent examination.

...

(4) The examination must be carried out by a person appointed by the Secretary of State.

(5) The purpose of an independent examination is to determine in respect of the development plan document-

(a) whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;

(b) whether it is sound and

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.

...

(7) Where the person appointed to carry out the examination-

(a) has carried it out, and

(b) considers that, in all circumstances, it would be reasonable to conclude-

(i) that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, and

(ii) that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation, the person must recommend that the document is adopted and given reasons for the recommendation.

(7A) Where the person appointed to carry out the examination –

(a) has carried it out, and

(b) is not required by subsection (7) to recommend that the document is adopted, the person must recommend non-adoption of the document and give reasons for the recommendation.

(7B) Subsection (7C) applies where the person appointed to carry out the examination-

(a) does not consider that, in all circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but

(b) does consider that, in all circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation.

(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that-

(a) satisfies the requirements mentioned in subsection (5)(a), and

(b) is sound.”

30. As can be seen from the provisions of section 20, of particular note for present purposes is the provision contained in section 20(5) that the purpose of the independent examination includes an examination of whether the plan is sound, and also whether the local planning authority has submitted a document that has been prepared in compliance with the duty under section 33A of the 2004 Act in relation to its preparation. By virtue of the provisions contained within section 20(7), (7B) and (7C), where the Inspector determines that it would not be reasonable to conclude that the local planning authority had complied with the section 33A duty then the Inspector can neither recommend modifications nor adoption of the document. This is in effect what happened in the present case.

31. It is not disputed that the duty under section 33A of the 2004 Act applied to the preparation of the local plan by virtue of section 33A(3) of the 2004 Act. The nature and content of the duty is described in the following provisions of section 33A:

“33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(b) a county council in England that is not a local planning authority, or

(c) a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising

the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—

(a) the preparation of development plan documents,

(b) the preparation of other local development documents,

(c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,

(d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs

(a) to (c) that are, or could be, contemplated, and

(e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

(b) sustainable development or use of land in a two-tier area if the development or use—

(i) is a county matter, or

(ii) has or would have a significant impact on a county matter.”

32. It will be noted from section 33A(7) that a person who is seeking to comply with the duty to cooperate must have regard to guidance issued by the defendant on how that duty is to be complied with. Material in that regard is contained both within the National Planning Policy Framework (“the Framework”) and in the Planning Practice Guidance

(“the PPG”). The relevant provisions of the Framework dealing with the duty to cooperate are set out in paragraphs 24-27 of the Framework as follows:

“Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

26. 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 to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”

33. Whilst addressing the provisions of the Framework it is worthwhile at this stage to note that the claimant’s argument includes the contention that the Inspector confused the requirements of the duty to cooperate with the examination of soundness required pursuant to the provisions of section 20(5). The policy in relation to whether or not a plan is sound is to be found in paragraph 35 of the framework in the following terms:

“35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

a) Positively prepared – providing 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 it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

34. Turning to the PPG, it contains a considerable amount of guidance relating to the preparation of statements of common ground including their contents, subject matter and format. Of particular relevance to the issues in the present case are the provisions of the PPG dealing with the question of whether or not local planning authorities are required to reach agreement on strategic matters, and what should be done if they are unable to secure such agreements. The parts of the PPG dealing with this point are as follows:

“Are strategic policy-making authorities required to reach agreement on strategic matters, and what should an authority do if they are unable to secure these agreements?

Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework. If there they are unable to do so they should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework.

Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the 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.”

35. In *Zurich Assurance Limited v Winchester City Council* [2014] EWHC 758 Sales J (as he then was) explained both the substance of the obligation imposed by section 33A and the role of the court in a challenge of the kind presently under consideration in the following terms:

“109. The duty to co-operate imposed by section 33A applies (so far as relevant in this case) in respect of the preparation of development plan documents “so far as relating to a strategic matter” (subsection (3)), as defined in subsection (4) (“sustainable development or use of land that has or would have a significant impact on at least two planning areas, [etc]”). The question of whether development or use of land would have a significant impact on two planning areas is a matter of planning judgment.

110. The obligation (see subsection (1)) is to co-operate in “maximising the effectiveness” with which plan documents can be prepared, including an obligation “to engage constructively [etc]” (subsection (2)). Deciding what ought to be done to maximise effectiveness and what measures of constructive engagement should be taken requires evaluative judgments to be made by the person subject to the duty regarding planning issues and use of limited resources available to them. The nature of the decisions to be taken indicates that a substantial margin of appreciation or discretion should be allowed by a court when reviewing those decisions.

111. The engagement required under subsection (2) includes, in particular, “considering” adoption of joint planning approaches (subsection (6)). Again, the nature of the issue and the statutory language indicate that this is a matter for the judgment of the relevant planning authority, with a substantial margin of appreciation or discretion for the authority.

112. WCC was required to have regard to the guidance about co-operative working given in the NPPF: subsection (7).

113. The limited nature of the role for the court in a case like the present is reinforced by the structure of the legislation in relation to review of compliance with the duty to co-operate under section 33A. The Inspector is charged with responsibility for making a judgment whether there has been compliance with the duty: section 20(5)(c) of the 2004 Act. His task is to consider whether “it would be reasonable to conclude” that there has been compliance with the duty: section 20(7)(b)(ii) and (7B)(b). A court dealing with a challenge under section 113 of the Act to the judgment of an inspector that there has been such compliance is therefore limited to review of whether the inspector could



rationality make the assessment that it would be reasonable to conclude that there had been compliance by a planning authority with this duty. It would undermine the review procedures in the Act, and the important function of an inspector on an independent examination, if on a challenge to a plan brought under section 113 the court sought to circumvent this structure by applying any more intrusive form of review in its own assessment of the underlying lawfulness of the conduct of the planning authority itself. A rationality standard is to be applied in relation to the decision made by the Inspector and in relation to the underlying decision made by WCC.”

36. In the subsequent case of *Trustees of the Barker Mill Estates v Test Valley Borough Council* [2017] PTSR 408 Holgate J endorsed and adopted the analysis of Sales J in *Zurich Assurance* (see paragraphs 55-57). Since the claimant places some reliance upon the conclusions of Holgate J in relation to the particular facts of that case it is necessary to set out Holgate J’s agreement in summary with Sales J, and then his analysis of the issues which arose in that case and how he resolved them. These points are dealt with in the following paragraphs of his judgment:

“58. In agreement with Sales J I consider that:—

(i) The question posed by section 20(7B)(b) of PCPA 2004 is a matter for the judgment of the Inspector;

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that it would be “reasonable to conclude” that the LPA had complied with section 33A ;

(iii) It would undermine the structure of PCPA 2004 and the procedure it provides for review by an independent Inspector if, on a challenge made under section 113 , the Court sought to apply a more intrusive form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance; form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance;

59. The challenge under ground 2 is therefore directed to the Inspector's report, in particular paragraphs 10 to 14 where he stated:—

“10. On the first day of the Hearing a submission was made by a representor to the effect that the Council had failed in relation to the DtC [the duty to co-operate]. This was discussed in some detail at the Hearing, and in public correspondence between the representor, the Council and myself. The most important element of this submission was that the Council's identified affordable

housing need figure is 292 dwellings per annum (d.p.a.) (clarified by MM/5/1 ), with certain caveats, whereas the expected provision is 206 d.p.a. The Council put forward reasons for this position, but the DtC issue relates to the fact that the Council had not asked neighbouring authorities whether they could accommodate some or all of the identified shortfall.

11. There is nothing to suggest the extent to which any shortfall in affordable housing provision within Test Valley would lead to displaced demand affecting some or all of the eight adjoining authorities.

12. The objective of the DtC is to maximise the effectiveness of the plan making process. In this case the overall manner in which the Council has worked with other authorities, particularly but not exclusively in the southern part of the Borough, is impressive. In the light of their considerable experience, Council officers presented me with a very clear picture of the position of adjoining authorities in relation to affordable housing. To have made a formal request to adjoining authorities for assistance with affordable housing, when the Council knew full well what the answer would be, would not have been effective or productive.

13. In subsequent correspondence the representor also stated that there would be a shortfall in market housing, and that the DtC would additionally be triggered in this respect. However, as I conclude (below) that the RLP will meet the full OAN for market housing, this matter does not trigger the DtC.

14. The Council has clearly taken into account the wider strategic context and the interrelationships with neighbouring areas, particularly in terms of housing markets and employment patterns. I am satisfied that the Council has engaged constructively, actively and on an ongoing basis with relevant local authorities and organisations, and I conclude that the DtC has been met.

...

60. The Claimants submit that where an LPA cannot meet its own FOAN for affordable housing then it must “explore under the ambit of the duty to co-operate whether any unmet needs can be met within adjacent LPAs” (paragraph 68 of skeleton). The proposition is said to be based upon paragraphs 104 and 106 of the judgment of Hickinbottom J in *Gallagher* . But in fact the Judge did not determine any issue in relation to section 33A nor did he lay down the proposition for which the Claimants contend.

61. It is to be noted that the Claimants' proposition is limited in scope. This is not a case where non-compliance with section 33A is said to have occurred because the Defendant failed to address

the inclusion of a policy in its plan for meeting needs arising outside its area. The Claimants simply argue that TVBC should have “explored” with other LPAs the issue of whether the shortfall in meeting the FOAN for affordable housing in its area could be dealt with in their areas. In essence, this is the same complaint as that raised at the Examination, namely that TVBC failed to put this question to the other authorities.

62. The Claimants were not at all precise as to what the use of the term “explore” should be taken to mean, although it lies at the heart of the ground of complaint. By implication the Claimants recognise that TVBC was not in a position to complete other authorities to provide for TVBC's shortfall and that they might legitimately say that they were unable to assist. Here the word “explore” suggests obtaining sufficient information about affordable housing needs in the areas of other LPAs and their ability to satisfy their own needs and any additional needs from other areas. In the light of that information a plan-making authority could decide, as a matter of judgment, whether it would be worthwhile to pursue negotiations with one or more other authorities to assist with its shortfall.

63. In this case the Claimants made no attempt to show the Court that TVBC either lacked this information or that, in the light of the information it had, TVBC's judgment that there was no point in pursuing negotiations with other authorities on this point was irrational. In his reply, Mr Cahill QC confirmed that the only criticism of the Inspector's report is one of irrationality and is limited to the last sentence of paragraph 12, in which he had said that there had been no need for TVBC to make a “ formal request” to adjoining authorities when it knew full well what the answer would be. He also stated that no legal criticism is made of the penultimate sentence of paragraph 12 in which the Inspector said that TVBC's officers had given him a very clear picture of the position of adjoining authorities in relation to affordable housing.

64. In fact, paragraph 12 is a summary of what the Inspector had been told during the Examination. In inquiry document IN009 (dated 19 December 2014) the Inspector explained that the extent of cross-boundary working had been explained by TVBC not only in its “Duty to Co-operate Statement” but also in the Hearing sessions, including one devoted to affordable housing. TVBC had been actively engaged in the production of a number of informal strategies and evidence based studies with other authorities and stakeholders. The extent of the working with other authorities was described by the Inspector as “impressive”. It was from this information that he reached the judgment that TVBC's officers were “fully aware that other authorities would not be in a position to assist with any shortfall”. Plainly the

Inspector relied upon this information when writing paragraph 12 of his Report on the Examination.

65. When paragraph 12 of the Report is read properly in the context of the material which was before the Examination, the Inspector, in his review of TVBC's performance, was entitled to reach the conclusions that (i) they had obtained sufficient information from the cross-boundary work which had in fact taken place on whether adjoining authorities would be able to provide affordable housing to meet any part of needs arising within TVBC's area and that (ii) it would have been pointless to make a "formal request" for assistance in meeting TVBC's shortfall. It is impossible for the Court to treat to Inspector's conclusions as irrational and so ground 2 must be rejected."

37. In *R(on the application of St Albans City and District Council) v SSCLG and others* [2017] EWHC 1751 Sir Ross Cranston dealt with an application for judicial review in which it was contended that an Inspector's conclusion that the duty to cooperate had not been satisfied was unlawful. The factual circumstances of that case involved the claimant's argument that the Inspector had failed to properly take into account the polarised position or impasse which had emerged in relation to contentions between the claimant and the adjoining local planning authorities with respect to the housing market. Having accepted and endorsed the approach taken in *Zurich Assurance* and *Trustees of Barker Mills*, Sir Ross Cranston concluded that the reasons provided by the Inspector demonstrated that he was fully aware of the disagreement between the council and adjoining local planning authorities in relation to the definition of the housing market area and appreciated the issue. The judge was satisfied that the decision adequately reasoned the conclusions that the Inspector had reached. In paragraph 51 of the judgment Sir Ross Cranston went on to accept the defendant's submission "that once there is disagreement, I would add even fundamental disagreement, that is not an end of the duty to cooperate". He concluded that the duty to cooperate remained active and ongoing "even when discussions seemed to have hit the buffers". Whilst in reaching this conclusion he placed some reliance on a decision of Patterson J in *R(on the application of Central Bedfordshire Council) v SSCLG* [2015] EWHC 2167 (Admin), which the parties in the present case accepted could not be authoritative as it was a permission decision which did not contain a statement that it could be cited in accordance with the Practice Direction on the Citation of Authorities, 9 April 2001 and, furthermore, was overturned by the Court of Appeal in granting permission to appeal.. Nonetheless the observations of Sir Ross Cranston are in my judgment properly capable of being considered as free standing, relevant and reliable, bearing in mind the fact-sensitive nature of the judgment which has to be reached in each individual case in which the duty to cooperate is being examined, and taken in the context of the particular facts of the case he was considering.

#### Submissions and conclusions

38. On behalf of the claimant Ms Saira Kabir Sheikh QC advances the case on four grounds. The first ground is that the Inspector failed when reaching her conclusions to apply the margin of appreciation which ought to be afforded to the claimant pursuant to section 33A of the 2004 Act. It is Ms Sheikh's submission, based upon both the wording of the statute and also the decisions in *Zurich Insurance* and *Barker Mills*, that when

considering whether or not the claimant had discharged the duty to cooperate in preparing the plan the Inspector was required to afford a margin of appreciation to the claimant and she failed to do so. In particular Ms Sheikh relies upon the contention that the Inspector sought to substitute her own judgment for that of the claimant and adjoining authorities where, for instance, in paragraph 29 of her report she concludes that, notwithstanding the fact that the adjoining authorities indicated that there had been regular constructive and cooperative liaison, she was not satisfied that that had in fact taken place. The discarding of the opinions of adjoining authorities demonstrated that the Inspector had failed to afford the claimant the margin of appreciation to which it was entitled.

39. Moreover, Ms Sheikh disputes the contention that the Inspector applied the correct test in reaching her conclusions: whilst the Inspector made assertions about unmet housing need being met elsewhere outside the claimant's administrative area, in reality the claimant was fully aware from its engagement with neighbouring authorities that there was no possibility of unmet housing need being met elsewhere. The Inspector's approach, for instance in paragraph 37 of her report, demonstrates that the Inspector's focus was upon what a local planning authority might do in the event of unmet housing need arising and was not focused on the particular circumstances of the claimant and its own knowledge and judgment as to what might be expected from any dialogue with adjoining authorities. Effectively, the whole tenor of the Inspector's report reflects the substitution of her own judgment for that of the claimant, without affording the claimant the margin of appreciation to which they were entitled.
40. Ms Sheikh also contends that her approach to the statements of common ground illustrated a similar error. The statements of common ground illustrated the depth and extent of the claimant's engagement with adjoining authorities, and her assertion that these had been drafted too late to influence the plan misunderstood both her role and the proper approach to be taken to the duty to cooperate.
41. In response to these submissions Mr Richard Moules, on behalf of the defendant, submits that when the Inspector's report is read as a whole it is clear that she has applied the correct approach. She started from the proposition that the plan had been submitted by the claimant in what it considered to be a legally compliant and sound form. In paragraph 37 of her report she clearly applied the test of what it was "reasonable to expect" the claimant to have done in the circumstances which arose. Fundamentally, Mr Moules submits that the present case had little to do with the margin of appreciation, on the basis that the Inspector's judgment as to what the claimant had done demonstrated that in fact they had done nothing constructive to explore addressing unmet housing need at the appropriate time during the plan's preparation. The Inspector concluded that the claimant could reasonably have been expected to do something in the circumstances which arose when the extent of unmet need emerged, but in fact did nothing.
42. Moreover, Mr Moules maintains that the Inspector was entitled to scrutinise the assertions of the adjoining authorities and if she concluded that, having evaluated all of the available evidence, it was not "reasonable to conclude" that the duty to cooperate had been satisfied then she was entitled to reach the conclusion which she did. Further, in applying the statutory tests at paragraph 26 of the Framework, the Inspector needed to examine whether the claimant had taken reasonable steps to explore meeting its unmet housing need. In doing so the Inspector was not effectively adopting the

approach of asking what a hypothetical authority would have done but was rather discharging the statutory tests on the facts of this particular case. The undoubted existence of the margin of appreciation should not stand in the way or act as a disincentive to local planning authorities working together to help to solve difficult and controversial problems of, for instance, unmet housing needs where the authority areas are the subject of environmental constraints.

43. Turning to Ground 2, Ms Sheikh contends that in reaching her conclusions the Inspector failed to correctly interpret and apply the duty to cooperate and conflated it with the statutory requirement that the plan should be sound. Central to her submission is that the Inspector misdirected herself by working backwards from evidence which might go to the soundness of the plan to reach conclusions on whether or not the duty to cooperate had been discharged. She worked backwards from the existence of unmet need to reach a conclusion that there had been a failure to comply with the duty to cooperate. This confused and conflated the two issues of the duty to cooperate and soundness. The evidence of this error exists, for instance, in paragraphs 17 and 24 of the Inspector's report in which she focusses on the existence of unmet need and the failure to resolve that issue. Ms Sheikh submits that the reality was that at the stage that unmet need was clearly identified it was well known that it could not realistically be met elsewhere. In effect, the Inspector erroneously considered the duty to cooperate in the light of the unmet housing need, rather than examining the requirements of the duty to cooperate itself in order to understand whether it had been discharged. The issue of unmet need and whether the housing figures and delivery proposed by the SDLP were justified was an issue connected with soundness and not the duty to cooperate.
44. In response to these submissions Mr Moules contends, firstly, that the Inspector was careful to distinguish between the duty to cooperate and the requirements of soundness in the substance of her report. Secondly, Mr Moules submits that when the Inspector's decision is properly understood, it correctly distinguished between the duty to cooperate and soundness. The problem, as identified by the Inspector, did not lie in the existence of unmet housing need in and of itself but rather in the claimant's failure to engage with adjoining authorities constructively, actively and on an ongoing basis in order to consider an attempt to find a solution that that unmet housing need at the time when it emerged. The Inspector recognised, in particular in paragraph 39 of her report, that it may not be possible for the claimant's housing need to be met in full, but concluded that earlier and fuller proactive engagement might have made it "significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need". In truth, Mr Moules contends that the claimant highlights two paragraphs (paragraphs 17 and 24) which in fact exemplify the Inspector addressing and setting out the essence of the claimant's failure to engage in ongoing active and constructive engagement with the neighbouring authorities in relation to the strategic issue of unmet housing need, rather than confusing the questions arising under the duty to cooperate with those which arose in respect of soundness.
45. Turning to Ground 3, Ms Sheikh on behalf of the claimant submits that the Inspector failed to have regard to the available material evidence furnished by the claimant. The evidence demonstrated that the claimant was both aware that there would be an unmet need, but also as a result of its duty to cooperate discussions with adjoining authorities was aware that regardless of the scope of the unmet need neighbouring authorities would not be able to assist. This point is not grappled with, she submits, by the



Inspector, and, in particular, the Inspector fails to grapple with the extensive environmental constraints that each of the authorities have to work with. In addition, Ms Sheikh submits that the statements of common ground ought not to have been disregarded in the way the Inspector did by treating them as too late to influence the SDLP. In fact, that documentation reflected years of discussions between the authorities and was highly relevant to demonstrate that the duty to cooperate had been discharged. Further, the lack of a formal request for assistance from the claimant did not demonstrate non-compliance with the duty to cooperate: the reason that no formal request was made was because as a result of the exercise of the duty to cooperate the claimant was well aware that unmet need could not be met elsewhere.

46. In response to these submissions Mr Moules submits that, firstly, the Inspector addressed whether or not there had been discussion of meeting unmet need for a considerable time and concluded on the evidence, as she was entitled to, that there was no evidence to support the claimant's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities (see paragraph 35). Secondly, Mr Moules submits that the Inspector was clearly aware of the constraints under which both the claimant and the adjoining authorities operated: these were referred to at several points during the course of her report. Thirdly, the Inspector explained clearly her conclusion that the claimant had neither demonstrated that it had constructively and actively pursued solutions to the unmet housing need it had identified with its neighbours at the appropriate time during preparation of the plan, nor that cooperation with its neighbours was an impossibility in respect of meeting any of the unmet housing need arising. Fourthly, Mr Moules submits that, again, the Inspector clearly explained for good reason that the statements of common ground had arrived too late in the process to support the conclusion that the duty to cooperate had been complied with. Fifthly, the claimant's complaint in relation to the Inspector's view on the lack of the formal request to neighbouring authorities is submitted by Mr Moules to be simply another disagreement on behalf of the claimant with the Inspector's planning judgment that it was unreasonable for the claimant to do nothing by way of meaningful exploration of solutions to meet the identified housing need shortfall.
47. Finally, by way of Ground 4, Ms Sheikh submits that the Inspector failed to give adequate reasons for the claimant's failure to comply with the duty to cooperate or, alternatively, the Inspector's conclusion was irrational. In particular it is submitted that the Inspector failed to provide adequate reasons as to why weight was placed upon the claimant's failure to make a formal request for assistance earlier and further failed to adequately reason why she disregarded the evidence of neighbouring authorities in relation to the duty to cooperate, or why she suggested that the statements of common ground did not provide evidence of compliance to cooperate. In the light of the evidence the Inspector's conclusions were irrational.
48. In response to these submissions Mr Moules submits that the Inspector's conclusions on each of the issues relied upon were clear and entirely rational. As the Inspector explained, had formal requests for the adjoining authorities been made as soon as the full extent of the claimant's unmet housing need became apparent then it may have been possible through constructive engagement to achieve a more positive outcome and maximise the effectiveness of the plan (see paragraphs 37-39 of the Inspector's report). The Inspector's reasoning showed that the neighbouring authorities' views were taken

into account, but as the Inspector explains they could not allay the concerns that she had clearly identified. The statements of common ground were, for the reasons the Inspector gave, provided too late to furnish evidence of compliance with the duty to cooperate in relation to the unmet housing need identified. Finally, Mr Moules submits that it is unarguable that the Inspector's conclusion was irrational.

49. In forming conclusions in relation to these competing submissions it is necessary, in my view, firstly to analyse the substance of the legal issues which arise in relation to the duty to cooperate under section 33A of the 2004 Act. Thereafter, secondly, it is important in my view to be clear as to the nature of the decision which the Inspector reached and the specific basis for her conclusions.
50. As described in paragraph 33A(2)(a) the duty to cooperate, when it arises, requires the person who is under the duty "to engage constructively, actively and on an ongoing basis" in relation to the preparation of a development plan document (see paragraph 33A(3)(a)) "so far as relating to a strategic matter" (see paragraph 33A(3)(e)) to "maximise the effectiveness" of the activity of plan preparation. Whilst during the course of her submissions Ms Sheikh points out that activities were undertaken by the claimant in relation to a broad range of strategic issues concerned with infrastructure and wider environmental designations, and she relied upon the numerous strategic matters with which the claimants were concerned in preparing the SDLP, it is in my view clear that the duty to cooperate arises in relation to each and every strategic matter individually. There was, therefore, no error involved by the Inspector in the present case focussing upon one of those strategic matters in reaching her conclusions in respect of the duty to cooperate.
51. I accept the submission made by Ms Sheikh that discharging the duty to cooperate is not contingent upon securing a particular substantive outcome from the cooperation. That was a proposition which was not disputed by Mr Moules. I accept, however, his submission that the duty to cooperate is not simply a duty to have a dialogue or discussion. In order to be satisfied it requires the statutory qualities set out in section 33A(2)(a) to be demonstrated by the activities comprising the cooperation. As Sales J observed in paragraph 110 of *Zurich Assurance*, deciding what ought to be done to meet the qualities required by section 33a(1)(c)(2)(a) "requires evaluative judgments to be made by the person subject to the duty regarding the planning issues and use of limited resources available to them." As Sales J also observed, bearing in mind the nature of the decisions being taken a court reviewing the decision of an Inspector making a judgment in respect of whether there has been compliance with the duty will be limited to examining whether or not the Inspector reached a rational decision, and will afford the decision of the Inspector a substantial margin of appreciation or discretion. It is against the background of these principles that the submissions of the claimant fall to be evaluated.
52. The second issue is, as set out above, to be clear as to the nature of the decision which the Inspector reached. In that connection, in my judgment the submissions made by Mr Moules in relation to Ground 4 are plainly to be preferred. Having carefully examined the Inspector's conclusions they were, in my judgment, clearly expressed and set out in detail the reasons for the conclusions that she reached. I am unable to identify any defect in the reasoning of her report which sets out clearly and in full detail her conclusions and the reasons for them.

53. It is clear from the report that the conclusions of the Inspector were that the claimant became aware of the detailed extent of its unmet housing need after the Regulation 18 consultation which ceased on the 10 September 2018 (see paragraph 27 and paragraph 35). The first minutes of a duty to cooperate meeting referring to addressing unmet housing need in the claimant's area was on 13 March 2019, after the Regulation 19 consultation on the SDLP, and seven weeks prior to submission of the SDLP for examination (see paragraph 23). The minutes of the duty to cooperate meetings provided "no substantial evidence that the council sought assistance from its neighbours in meeting its unmet housing need" prior to the publication of the Regulation 19 version of the SDLP (see paragraph 24). The claimant did not request assistance from Tunbridge and Malling Borough Council during the course of Regulation 19 consultation on the Tonbridge and Malling Local Plan between 1 October and 19 November 2018 to assist with unmet housing need in the claimant's area (see paragraph 27), and only made formal request to ask whether or not Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council would assist in meeting the claimant's unmet housing need after the Regulation 19 consultation had been completed and just prior to submitting the plan for examination (see paragraphs 27 and 28). The statements of common ground were completed after the submission of the plan for examination and prepared too late to influence the content of the plans preparation (see paragraphs 32 and 33). Whilst the claimant contended that discussions had already indicated prior to the extent of unmet housing need emerging following the Regulation 18 consultation and further engagement was not undertaken because it had already been indicated that an unmet need of 600 dwellings could not be accommodated, the Inspector concluded that there was no evidence to support the assertion that discussions had already indicated an unmet need of 600 dwellings could not be accommodated (see paragraph 35).
54. Thus, the Inspector concluded in paragraph 37 of her report that it was reasonable to expect that the claimant would, after the extent of the unmet housing need emerging following the Regulation 18 consultation, have undertaken constructive engagement in an attempt to resolve the issue prior to the publication of the Regulation 19 version of the plan. Whilst that process may or may not have been fruitful, the Inspector observed that "it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place". The peer review process did not assist: the PAS workshop was undertaken at a very late stage the plan process and "if the engagement had occurred as soon as the council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome" (see paragraph 43). The visiting Inspector raised issues which were not adequately resolved before the plan was submitted (see paragraph 44).
55. From this distillation of the Inspector's conclusions and reasoning it is clear to see that there is no substance in the claimant's grounds. In my view it perhaps makes most sense to start with the claimant's Ground 2, the contention that the Inspector failed to properly interpret and apply the duty to cooperate and conflated it with the requirement for soundness. In my view there is no basis for this contention when the Inspector's conclusions and reasons are properly understood. Firstly, as to the application of the test it is clear from paragraph 37 that the Inspector directed herself to whether, in accordance with the requirements of section 20(7)(a)(ii), it was reasonable for her to conclude that the duty to cooperate had been complied with. She found that once the

extent of the unmet need emerged after completion of the Regulation 18 consultation on the SDLP, the claimant should have contacted its neighbouring authorities and engaged constructively in an attempt to resolve the issues arising from its unmet housing needs. Her conclusion that there was no communication, let alone engagement, in between the emergence of this issue and embarking upon a Regulation 19 consultation underpinned her conclusion that there had not been constructive, active and ongoing engagement in relation to that issue. It is clear from paragraphs 37 and 43, and indeed from the totality of her reasoning, that what she was scrutinising and assessing was not the identification of a particular solution for the strategic issue of unmet housing need, but rather the quality of the manner in which it had been addressed. Her conclusions were, based on her factual findings as to what in fact happened after the Regulation 18 consultation disclosed the extent of the unmet housing need, that no constructive and active engagement was undertaken at the time when it was required in advance of the Regulation 19 version of the SDLP being settled. These conclusions properly reflected the statutory requirements and the evidence which was before the Inspector and do not disclose any misdirection on her part, or confusion between the requirements of the duty to cooperate and the requirements of the soundness with respect to this strategic issue.

56. Turning to Ground 1 there is force in the submission made by Mr Moules that, in truth, this is a clear-cut case based on the findings that the Inspector reached. As set out above, the Inspector concluded (as she was entitled to on the evidence before her) that at the time when the strategic issue in relation to unmet housing need crystallised, there was no constructive, active or ongoing engagement and, indeed, the matter was not raised with neighbouring authorities until after the Regulation 19 consultation on the SDLP and at a very late stage in plan preparation. Requests made of neighbouring authorities on the 11 April 2019 post-dated the Regulation 19 consultation and were shortly prior to the plan being submitted. In those circumstances the Inspector was entitled to conclude that these discussions were not taking place at a time when they could properly inform and influence plan preparation and maximise the effectiveness of that activity. As the Inspector recorded in paragraph 37, she found, as she was entitled to, that had engagement occurred after the Regulation 18 consultation and prior to the Regulation 19 consultation “it might have resulted in a more positive outcome”. Further, as the Inspector recorded, the possibility that it may have led to the same outcome was nothing to the point. Effective, constructive and active engagement had not taken place at the time when it was required. By the time there was communication in respect of the issue it was too late.
57. Although the claimant stressed its belief that whenever called upon to do so neighbouring authorities would have refused to provide assistance, I am not satisfied that this provides any basis for concluding that the Inspector’s conclusions were irrational. Indeed, as she notes, Tunbridge Wells Borough Council noted in its written material that if the request to address the claimant’s unmet housing need had been made at any point prior to the submission of its comments on the Regulation 19 version of the plan then their response would have addressed the issue more fully. There was, therefore, evidence before the Inspector to support her judgment in this respect. In the light of these matters I am unable to accept that there is any substance in the claimant’s Ground 1. There is no justification for the suggestion that the Inspector failed to afford a margin of appreciation to the claimant in reaching her conclusions; the clear-cut nature of the conclusions which the Inspector reached were fully set out and ultimately

the Inspector was required by section 20 of the 2004 Act to reach conclusions in relation to the statutory test which she did.

58. Turning to the submissions in relation to Ground 3, I am unable to accept that the Inspector failed to have regard to the material which was available to her in reaching her conclusions. It is clear to me from the detail of the report that the Inspector had regard to all of the evidence that had been placed before her. The Inspector clearly addressed the detailed material in relation to the duty to cooperate meetings and the preparation of joint evidence. She also engaged with the existence of statements of common ground and the views of the neighbouring local authorities. She gave careful consideration to the peer review which had been undertaken and reflected on the responses from adjoining authorities to request they meet unmet housing need from the claimant and the environmental constraints under which the claimant had to operate. In my view the submissions advanced in respect of Ground 3 effectively amount to a disagreement with the Inspector on the conclusions which she ought to have forged based upon the material which was before her. Ultimately, the availability of this evidence did not dissuade the Inspector from reaching the conclusions which she did in respect of quality and timing of the engagement in the present case: the generality of the position presented by the claimant does not gainsay the detailed conclusions reached by the Inspector as to the nature of the duty to cooperate activities, or lack of them, at the critical point of time when the extent of nature of the unmet housing need emerged at the conclusion of the Regulation 18 consultation. In my view it is clear that the Inspector had careful regard to all of the material which was placed before her and reached conclusions which, I have already set out in respect of my views on Grounds 1 and 2, were lawful and appropriate.
59. I have already expressed my view as to the quality and nature of the reasons provided by the Inspector in respect of the examination. In my view her reasons were clear, full, detailed and justified. In addition, under Ground 4 it is contended that the conclusion which she reached was irrational. In my judgment there is no substance whatever in that contention. For the reasons which I have already given the Inspector's conclusions were clearly open to her and based upon a proper appreciation and application of the relevant statutory tests.
60. It follows that for all of the reasons set out above I am satisfied that there is no substance in any of the grounds upon which this claim is advanced and the claimant's case must be dismissed.

## 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**

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**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*".
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### 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 dealt 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 authorities<sup>1</sup>.
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 boundaries<sup>2</sup>. 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.

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<sup>1</sup> The SHS later became informally adopted by the partnership authorities in October 2012

<sup>2</sup> 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."*<sup>3</sup>

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 decisions<sup>4</sup>. 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.

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<sup>3</sup> PPG 3-030 (emphasis added)

<sup>4</sup> 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'<sup>5</sup>. This is

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<sup>5</sup> 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 units<sup>6</sup>.

*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 dwellings<sup>7</sup>. 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.

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<sup>6</sup> 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

<sup>7</sup> 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 here<sup>8</sup>. 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

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<sup>8</sup> 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)<sup>9</sup>. 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 LCA<sup>10</sup>; 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

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<sup>9</sup> Fareham Borough Landscape Assessment : Scott Wilson Resource Consultants, May 1996

<sup>10</sup> 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 tests<sup>11</sup>.
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.

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<sup>11</sup> 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,      Planning consultant  
BA(Hons) LLM MRTPI

Mr Peter Home,      Adams Hendry  
MA(Oxf) MRTPI

### FOR THE APPELLANT:

Mr Christopher Boyle, QC      Instructed by WYG Planning

He called:

Mr Stephen Brown,      Woolf Bond Planning  
BSc(Hons) DipTP MRTPI

Mr Duncan McInerney,      The Environmental Dimension Partnership  
BSc(Hons) MLD CMLI

Mr Martin Hawthorne,      WYG Planning  
BSc(Hons) MRTPI

### 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**

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**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.
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### 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.
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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 judgement<sup>1</sup> 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

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<sup>1</sup> 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 decision<sup>2</sup>, 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 PUSH<sup>3</sup> 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. PPG<sup>4</sup> 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

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<sup>2</sup> APP/A1720/A/14/2220031.

<sup>3</sup> Partnership for Urban South Hampshire.

<sup>4</sup> 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 law<sup>5</sup> 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. PPG<sup>6</sup> 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

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<sup>5</sup> 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).

<sup>6</sup> 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 land<sup>7</sup>. 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 viable<sup>8</sup>. PPG<sup>9</sup> 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

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<sup>7</sup> Table AB 1 submitted by the lpa at the inquiry.

<sup>8</sup> Footnote 11, National Planning Policy Framework.

<sup>9</sup> 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 land<sup>10</sup> (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.

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<sup>10</sup> Annex 2, National Planning Policy Framework.



29. CS Policy CS16 was predicated on guidance contained in PPS7<sup>11</sup>, which the Secretary of State in his 2006 decision<sup>12</sup> 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

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<sup>11</sup> Planning Policy Statement 7: Sustainable Development in Rural Areas.

<sup>12</sup> 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 law<sup>13</sup> 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

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<sup>13</sup> 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 lpa, 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 lpa 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 regulations<sup>14</sup> 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.

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<sup>14</sup> 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 legislation<sup>15</sup>. 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

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<sup>15</sup> 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 evidence<sup>16</sup> 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 Court<sup>17</sup> 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.

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<sup>16</sup> Planning Policy Guidance, Paragraph: 004 Reference ID: 23b-004-20150326.

<sup>17</sup> 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)<sup>18</sup>. 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

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<sup>18</sup> 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 Jezeph 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 Jezeph 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).



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## 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: 12<sup>th</sup> April 2019**

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**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 Judgement<sup>1</sup>. 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 I 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:

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<sup>1</sup> 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



**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 Hutchinson

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



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## 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: 12<sup>th</sup> April 2019**

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**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 Judgement<sup>1</sup>. 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 I 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:

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<sup>1</sup> 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

### FOR THE APPELLANT:

Christopher Boyle QC	Instructed by Woolf Bond Planning LLP
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He called:

Jeremy Smith BSc	SLR Consulting Limited
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(Hons), DipLA, CMLI

Ignus Froneman	Heritage Collective UK Limited
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B.Arch.Stud, ACIfA,  
IHBC

Stephen Brown BSc	Woolf Bond Planning LLP
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(Hons) DipTP MRTPI

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Stinchcombe QC & Richard Wald	Instructed by Southampton and Fareham Legal Partnership
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He called:

Andy Blaxland BA	Adams Hendry Consulting
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(Hons), DipTP, Dip Mgt,  
MRTPI

Lucy Markham MRTPI	Montagu Evans
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IHBC

Philip Brashaw BSc	LDA Design
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(Hons) BLD, CMLI

### FOR THE TITCHFIELD NEIGHBOURHOOD FORUM :

David Phelan	Titchfield Neighbourhood Forum
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### INTERESTED PERSONS:

Nick Girdler	Chairman Titchfield Village Trust
Robert Marshall	Member of Fareham Society
William Hutchison	Chairman Hillhead Residents Association
Linda Davies	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 Hutchinson

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





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## 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: 8<sup>th</sup> June 2021**

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### **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.
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## **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 withdrew<sup>1</sup> that aspect of its case before the appellants presented their evidence on the matter<sup>2</sup>. 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

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<sup>1</sup> Including the evidence given by Mr Whitehead.

<sup>2</sup> 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 Bridgemary, 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 Bridgemary. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemary 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 aesthetic<sup>3</sup>, 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

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<sup>3</sup> 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 Farm<sup>4</sup>), 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

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<sup>4</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 accidents<sup>5</sup>. 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.

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<sup>5</sup> 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 Bridgemary 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 possible<sup>6</sup>. 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

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<sup>6</sup> 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 optimistic<sup>7</sup>.
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 attention<sup>8</sup>, 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

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<sup>7</sup> Statements of Common Ground, January 2021 (paragraphs 7.14).

<sup>8</sup> 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 requirements<sup>9</sup>.

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;

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<sup>9</sup> 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 colleagues<sup>10</sup>, 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

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<sup>10</sup> 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:

**Mr D Lintott**

Of Counsel

He called

**Mr I Dudley**

BSc(Hons) MICFor CEnv CMLI

**Mr C Whitehead**

BEng CEng

**Mr J Mundy**

MSc IMICE

**Mr N Sibbett**

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:

**Mr C Boyle**

QC

He called

**Mr J Atkin**

BSc(Hons) DIP LM CMLI

**Mr N Tiley**

ARTPI

**Miss M Hoskins**

BA(Hons) MCIHT

**Mr A Jones**

BSc(Hons) MCIHT

**Mr D West**

MEnv Sci(Hons) CEnv MCIEEM

**Mr D Weaver**

BA(Hons) MA MRTPI

**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 Bridgemark 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



## **UPDATES**

**for Committee Meeting to be held on 17/03/2021**

### **ZONE 1 – WESTERN WARDS**

**(1) P/18/0756/OA [Warsash Ward]**

Land between and to the rear of 56-66 Greenaway Lane, Warsash

1. Since the publication of the Committee Report, a response from Natural England was received regarding the Council's Appropriate Assessment. The response requested additional information regarding the nitrogen budget calculation and clarification on the surface water drainage disposal.

Following a review of the comments, an additional 0.75kg worth of mitigation credits has been agreed to be purchased by the applicant from the HIWWT scheme at Little Duxmore Farm to address the minor shortfall in mitigation based on proposed land uses.

Additionally, further details regarding concerns that surface water drainage (SuDS) could impact on local watercourses that feed into The Solent were provided to Natural England.

Natural England has subsequently responded raising no concerns with the additional information provided, subject to the drainage details being secured by the Council.

2. Additional Condition regarding securing the nitrate credits:

The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

3. Nine additional third party letters have been received since the neighbour notifications that the application was going to committee were issued. No new substantive issues were raised that had not already been addressed in the main Committee Report.

**(2) P/20/1137/FP [Titchfield Ward]**

68 Titchfield Park Road, Titchfield

An amended site plan has been received (drwg No. 2021/101 Rev G). The Council's refuse team has attended site with the refuse lorry and met with the planning agent. Consequently the proposed bin store has been relocated to the southern side of the existing access to ease collection for the operators.

Amend condition 2 (schedule of approved plans/documents) and 13 (cycle store provision) accordingly with updated plan number.

## **ZONE 2 – FAREHAM**

(no.) [Reference] [Ward]

[Location]

[Update Notes]

## **ZONE 3 – EASTERN WARDS**

(no.) [Reference] [Ward]

[Location]

[Update Notes]

# FAREHAM

## BOROUGH COUNCIL

### TOWN AND COUNTRY PLANNING ACT 1990

### TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

## **Planning Decision Notice**

**Planning Application Reference: P/18/0756/OA**

**Decision Date: 18 March 2021**

Fareham Borough Council, as the Local Planning Authority, hereby **REFUSES** the **Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane at 56 GREENAWAY LANE, WARSASH, SOUTHAMPTON, SO31 9HS as proposed by application P/18/0756/OA** for the following reasons:

The development would be contrary to Policies CS5, CS17, CS18 and CS20 of the adopted Fareham Borough Core Strategy 2011 and Policies DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and limited street lighting, and is well used by pedestrians. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route;
- ii) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- iii) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision;
- iv) in the absence of a legal agreement to secure such, the development proposal would fail to secure a provision of affordable housing at a level in accordance with the requirements of the Local Plan;

- v) in the absence of a legal agreement to secure such, the proposal would fail to secure the provision of highway improvements required to meet the needs of existing and future occupiers of Greenaway Lane; and,
- vi) in the absence of a legal agreement to secure such, the proposal would fail to secure appropriate pedestrian and cycle links to the adjoining residential developments.

#### INFORMATIVES:

1. This decision relates to the following plans:
  - a) Location Plan (Drawing: LP01 Rev P1); and,
  - b) Sketch Layout (Drawing: SKL-01 Rev L).

# **Notes to Accompany Planning Decision Notice**

**Planning Application Ref: P/18/0756/OA**

**Decision Date: 18 March 2021**

## **General Notes for Your Information:**

- The documents can be obtained by viewing the submitted application online at [www.fareham.gov.uk/planning](http://www.fareham.gov.uk/planning)
- The Council worked positively and proactively with the applicant and their agent to address any issues which came up during the course of the application being considered.
- Please contact the officer who handled this application Peter Kneen on 01329 824363 or at [pkneen@fareham.gov.uk](mailto:pkneen@fareham.gov.uk) if:
  - You would like clarification about this notice
  - You are unhappy with this decision or the way it has been reached

## **Right of appeal:**

- The person who made this application has the right to appeal to the Secretary of State.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
  - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
  - Or submit online at The Planning Inspectorate website at [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)
- There is no third party right of appeal for neighbours or objectors.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

**Purchase Notices:**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.





Land to the rear of 56-66  
Greenaway Lane, Warsash  
Appeal Statement | Transport

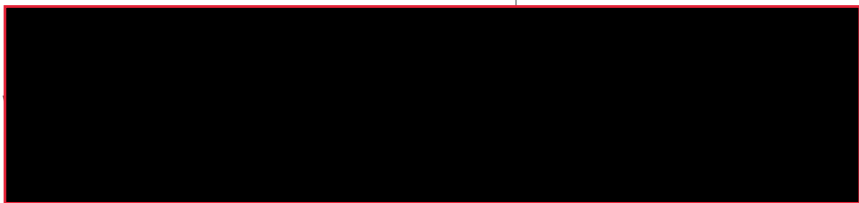
*For G R Dimmick, C D Dimmick, A W  
Williams*

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Date: 18 May 2021

Doc ref: 04959-HYD-XX-XX-RP-TP-0001-P01

# DOCUMENT CONTROL SHEET

Issued by	 m
Client	G R Dimmick, C D Dimmick, A W Williams
Project name	Land to the rear of 56-66 Greenaway Lane, Warsash
Title	Appeal Statement   Transport
Doc ref	04959-HYD-XX-XX-RP-TP-0001-P01
Project no.	04959
Status	S4 - for submission
Date	18/05/2021

Document Production Record		
Issue Number	P01	Name
Prepared by	Rory McHugh (Technical Director)	
Checked by	Luke Hutcheson (Principal Consultant)	
Approved by	Rory McHugh (Technical Director)	

Document Revision Record			
Issue Number	Status	Date	Revision Details
P01	S4	18/05/2021	For submission

Hydrock Consultants Limited has prepared this report in accordance with the instructions of the above named client for their sole and specific use. Any third parties who may use the information contained herein do so at their own risk.

# CONTENTS

1.	INTRODUCTION.....	1
1.1	Background.....	1
1.2	Relevant planning context .....	2
1.3	Wider context .....	3
1.4	Background and experience.....	3
2.	ACCESS STRATEGY SUMMARY .....	5
2.1	Introduction .....	5
2.2	Primary site access.....	5
2.3	Pedestrian access.....	5
3.	INCREASED VEHICLE MOVEMENTS .....	6
3.1	Introduction .....	6
3.2	Existing traffic flows .....	6
3.3	Effects of Covid-19.....	7
3.4	Development traffic flows.....	7
4.	STREET LIGHTING.....	9
4.1	Introduction .....	9
5.	ANALYSIS OF GREENAWAY LANE FOR SHARED USE BY PEDESTRIANS AND VEHICLES .....	13
5.1	Introduction .....	13
5.2	Manual for Streets .....	13
5.3	Manual for Streets 2 .....	13
5.4	Shared space traffic volume thresholds.....	13
5.5	Width of Greenaway Lane .....	14
6.	HIGHWAY SAFETY .....	18
6.1	Introduction .....	18
6.2	Personal Injury Accident Analysis.....	18
6.3	Road Safety Review undertaken by The Safety Forum .....	19
7.	MITIGATION .....	21
8.	SUMMARY AND CONCLUSIONS .....	23

## Tables

Table 3.1: 2018 Traffic Flow and Speed Survey Results - Greenaway Lane .....	6
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Table 3.2: 10 May 2021 11:20-12:30 observed traffic movements – Greenaway Lane .....	6
Table 3.3: Proposed Trip Generation .....	8
Table 3.4: Change in Vehicle Flows along Greenaway Lane .....	8
Table 4.1: Street lighting column inventory .....	10

## Figures

Figure 1.1: Location of Greenaway Lane in Local Context .....	1
Figure 1.2: Greenaway Lane in Wider Development Context .....	3
Figure 2.1: Site access (extract of plan reference: 04959-HYD-XX-XX-DR-TP-0101 included in the Transport Statement) .....	5
Figure 3.1: Direction of travel of traffic generated by proposed development .....	7
Figure 4.1: Greenaway Lane indicative lighting column locations .....	9
Figure 4.2: Lighting column comparison: Google streetview image capture 2012 (left image) vs. Site visit 2021 (right image). LC8 in foreground, LC9 in background .....	12
Figure 5.1: Greenaway Lane indicative carriageway width .....	15
Figure 5.2: Manual for Streets recommended pedestrian width requirements (page 68) .....	15
Figure 5.3: Manual for Streets recommended vehicle carriageway width requirements (page 79 figure 7.1) .....	15
Figure 5.4: Typical character: Greenway Lane east (looking west) .....	16
Figure 5.5: Typical character: Greenway Lane west (looking east) .....	17
Figure 6.1: PIA Records Within Vicinity of Site .....	18
Figure 7.1: TSRGD diagram no. 544.1 'pedestrians in road ahead' .....	21
Figure 7.2: TSRGD extract: diagram no. 544.1 'pedestrians in road ahead' .....	21
Figure 7.3: Greenaway Lane extents of adopted highway .....	22

## Appendices

Appendix A	Planning application highway officer consultation responses
Appendix B	Road Safety Review
Appendix C	Highway Records



## 1. INTRODUCTION

### 1.1 Background

1.1.1 Hydrock Consultants Ltd has prepared this *Appeal Statement / Transport* on behalf of GR Dimmick, CD Dimmick and AW Williams with regards to an appeal against Fareham Borough Council's (FBC) refusal of planning application P/18/0756/OA, which seeks an outline approval for 28 dwellings on land between and to the rear of 56-66 Greenaway Lane, Warsash.

1.1.2 The planning application was submitted in July 2018 which sought consent for:

*Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane at 56 GREENAWAY LANE, WARSASH, SOUTHAMPTON, SO31 9HS*

1.1.3 The site shown in context of the wider local area is shown in Figure 1.1 below.



Figure 1.1: Location of Greenaway Lane in Local Context

1.1.4 The planning application was supported by the following Transport reports:

- Transport Statement (document reference: 4959-HYD-XX-XX-RP-TP-4001-P2 dated 4 July 2018)
- Measures only Travel Plan Statement (document reference: 4959-HYD-XX-XX-RP-TP-6001-P2 dated 4 July 2018)

1.1.5 The above documents are not appended to this Statement, but are assumed as read and remain relevant.

1.1.6 During the preparation of the application documentation in 2018, correspondence took place with FBC transport officers and Hampshire County Council (HCC) transport officers. A 'no objection' conclusion was reached by both sets of highway officers, and a consensus reached that the proposals are acceptable in highway terms. A summary of the correspondence is set out as follows (all of which are included at Appendix A):

- 27 July 2018: HCC defers to FBC 'due to the size of the application being below that of the Agency threshold'.
- 08 August 2018: **FBC confirms no objection**, subject to:
  - » Implementation of signage on Greenaway Lane warning of pedestrians
  - » Cutting back of vegetation at the junction of Brook Lane/Greenaway Lane to achieve appropriate visibility to the south
  - » Internal layout comments
  - » S278/S38 requirements
- 11 December 2018: further comments from FBC, **re-confirming no objection**
- 10 October 2019: **HCC confirms no objection**, agreeing with comments made by FBC previously

1.1.7 Following a delay associated with the nitrates issue in the region, the planning application went to planning committee in March 2021 with a case officer **recommendation for approval**.

1.1.8 The application was subsequently refused by FBC planning committee, with the following highway related reasons:

*i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and limited street lighting, and is well used by pedestrians. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route*

1.1.9 This *Appeal Statement / Transport* addresses the above reason for refusal, and demonstrates why the development is considered acceptable in Transport terms and is not considered to present an adverse highway safety risk.

## 1.2 Relevant planning context

1.2.1 The following development proposals to be accessed off Greenaway Lane have been granted consent:

- P/18/0107/OA land to the east and west of 79 Greenaway Lane Warsash Southampton. Six dwellings to be accessed off Greenaway Lane. Access positioned on the southern side of Greenaway Lane. No highway objections. Approved 20/01/2021
- P/19/0402/OA Construction of up to 100 residential dwellings on land adjacent to 125 Greenaway Lane. Positioned on the western edge of Greenaway Lane, with footway connections provided. Approved 22/04/2021

1.2.2 In addition, the following application is currently under consideration, although it should be noted that Hampshire County Council as the local highway authority has formally responded, raising no objection to the principle of development, or the impact of increased vehicle movements on Greenaway Lane (consistent with the position set out at Section 1.1 in relation to this appeal site).

- P/20/0730/OA residential development of up to 6 self-build dwellings

1.2.3 The development of up to 100 dwellings is situated on the western edge of Greenaway Lane and is able to provide a footpath connection to the existing pedestrian infrastructure. In this location therefore, the increased traffic flows and impact upon pedestrian safety is not a material consideration, due to the separation afforded by the footway provision.

1.2.4 The consent for P/18/0107/OA establishes that FBC considers that a level of increased traffic is acceptable. This appeal statement demonstrates that the increased trip generation of the development



is small and imperceptible, and we see no reason why an alternative decision should have been taken to that for P/18/0107/OA.

### 1.3 Wider context

- 1.3.1 There is significant wider development in the locality. This is relevant, because pedestrian permeability will be enhanced. A pedestrian connection is to be made from the development to the north (diluting the number of pedestrian movements generated by the development on Greenaway Lane) and also a new through link is to be provided from Brook Lane to Lockwood Road – existing pedestrians using Greenaway Lane who travel from the north are likely to use this alternative route instead.
- 1.3.2 A plan presented to committee members at the March 2021 planning committee meeting shows the wider planning context, with the 'star' indicating the position of the Greenaway Lane development proposal. This is shown at Figure 1.2.

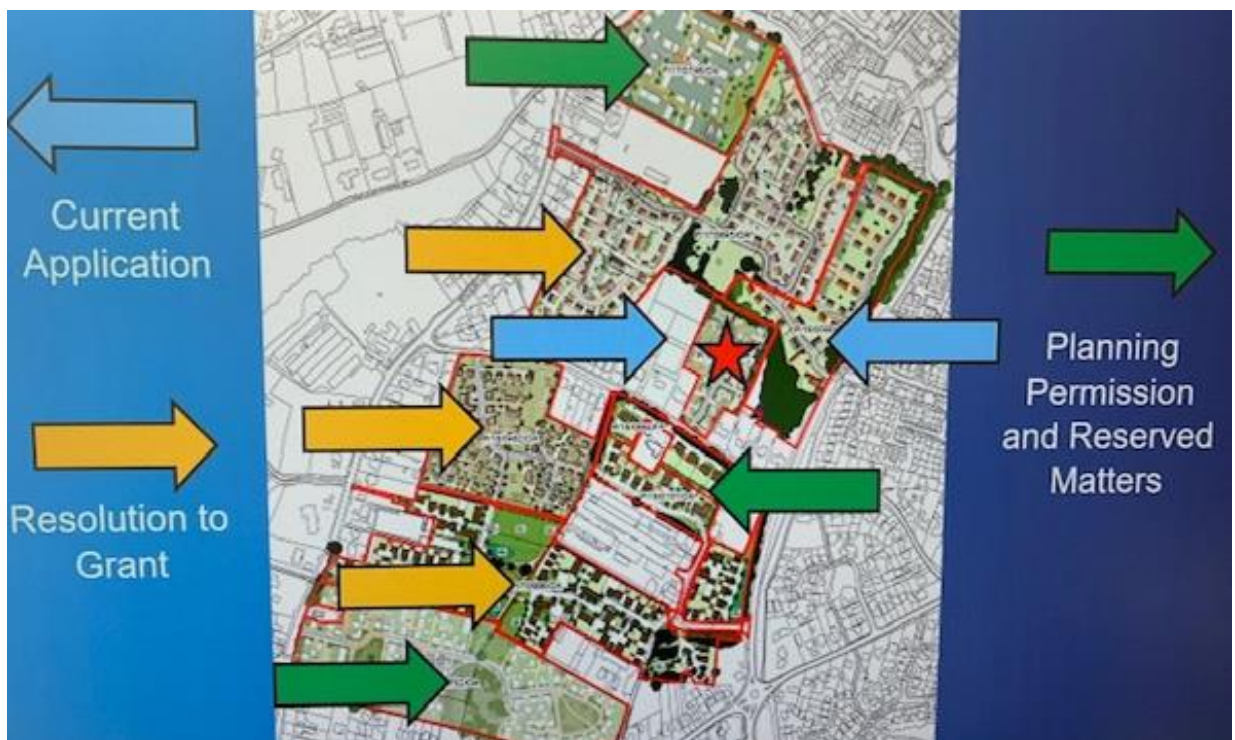


Figure 1.2: Greenaway Lane in Wider Development Context

### 1.4 Background and experience

*Rory McHugh*

- 1.1.10 This Appeal Statement | Transport has been prepared by Rory McHugh. Rory is a Full Member of the Chartered Institution of Highways and Transportation (MCIHT) and has a Higher National Diploma (HND) in Civil Engineering obtained at the University of the West of England.
- 1.1.11 Rory has seventeen years' experience in traffic and highway related disciplines, of which the most recent fourteen years has been in the highways and transportation planning consultancy field. This has provided Rory with extensive experience of transportation/development planning and development control matters, having provided advice in private sector roles during this time.

- 1.1.12 Rory is a Technical Director with Hydrock Consultants Ltd. Rory leads the Transportation Department's Bristol team, one of six offices in England and Wales providing a national transportation consultancy service. Rory has been employed by Hydrock since 2011.

## 2. ACCESS STRATEGY SUMMARY

### 2.1 Introduction

2.1.1 The access strategy and the proposed infrastructure to serve the development does not form a reason for refusal. This is not addressed in detail here therefore, but nonetheless a summary is provided below as this gives context to the extent of Greenaway Lane that would be subject to increased traffic volumes generated by the development.

### 2.2 Primary site access

2.2.1 The primary site access is shown in Figure 2.1. This is an extract of plan reference 04959-HYD-XX-XX-DR-TP-0101 which is included as Appendix E in the Transport Statement submitted with the 2018 planning application (P/18/0756/OA). No objection is raised in regards to the access design, and it does not form a reason for refusal.



Figure 2.1: Site access (extract of plan reference: 04959-HYD-XX-XX-DR-TP-0101 included in the Transport Statement)

### 2.3 Pedestrian access

2.3.1 Pedestrian access to/from the site is to be provided in two locations; at the primary site access to the south onto Greenaway Lane (see Figure 2.1) and to the north to connect to the wider development proposals that are anticipated to come forward.

### 3. INCREASED VEHICLE MOVEMENTS

#### 3.1 Introduction

3.1.1 This section addresses the following segment of reason for refusal 'i':

*i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and limited street lighting, and is well used by pedestrians. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route*

#### 3.2 Existing traffic flows

3.2.1 Traffic and speed survey information for Greenaway Lane was obtained at the time of the 2018 documentation preparation. For a robust analysis of flows and speeds this was positioned at the western end of Greenaway Lane to capture the significant majority of vehicle movements and the location where speeds/volumes are likely to be highest (within the vicinity of 106 Greenaway Lane). The traffic survey was undertaken by a specialist independent company, Axiom Traffic Ltd. The survey was undertaken over a continuous seven-day period between Tuesday 5<sup>th</sup> June 2018 and Monday 11<sup>th</sup> June 2018 and included vehicle movements and speeds in both directions. The resultant average weekday traffic flows and average 7-day speeds are presented in Table 3.1. Full survey outputs are included within the 2018 Transport Statement.

Table 3.1: 2018 Traffic Flow and Speed Survey Results - Greenaway Lane

Direction	AM Peak (0800-0900)	Greenaway Lane Peak (1500-1600)	PM Peak (1700-1800)	Daily	Average Speed (mph)	85th Percentile Speed (mph)
Eastbound	17	21	17	249	20.7	26.4
Westbound	19	23	16	251	21.9	27.9
Two-Way	36	44	33	500	N/A	N/A

3.2.2 The traffic flows on Greenaway Lane are between 33 and 36 two-way movements in the typical AM and PM peak hours of 08:00-09:00 and 17:00-18:00. The peak hour along Greenaway Lane occurred between 15:00-16:00 with a total two-way flow of 44 vehicles.

3.2.3 The speed survey showed average speeds of 21 to 22 mph and 85th percentile speeds at less than 28 mph.

3.2.4 As preparation for this Appeal Statement, a site visit was undertaken on Monday 10 May between 11:20 – 12:30. During this time, the following vehicle movements were observed:

Table 3.2: 10 May 2021 11:20-12:30 observed traffic movements – Greenaway Lane

Direction	Car	Van	Total
Eastbound	4	4	8
Westbound	8	5	13
Two-Way	12	9	21

3.2.5 The observed traffic flows whilst on the site visit on Mon 10 May will not be a complete record, as a proportion of movements will have been missed depending on the location of our staff at that particular time.

3.2.6 From observations as a driver and as a pedestrian, traffic speeds appeared low consistent with the average speeds recorded in 2018.

### 3.3 Effects of Covid-19

3.3.1 Covid-19 has had a significant effect on the need to travel and the way we travel. If society embraces the opportunity, we believe this change will be permanent and will be considered a positive to emerge out the pandemic. In respect of travel, the prominence of home working and home deliveries has increased significantly and this is a trend that is expected to continue – the need to make a trip and therefore the volume of trips have and will continue to be reduced. In addition, the advantages of working flexibly have been experienced – we expect this to continue and therefore we should see trips spread more evenly throughout the day. And to add, whilst the use of public transport is reduced (we believe this to be a temporary outcome) people have been forced to find alternative ways to travel – people are walking and cycling more and this is engraining new habits.

3.3.2 The traffic flow estimates set out in the following section have not considered the effects of COVID-19 on travel behaviours. For the reasons set out above, we expect traffic flows to reduce, and the following estimates are considered to be a robust approach therefore.

### 3.4 Development traffic flows

3.4.1 Given that access to Greenaway Lane is restricted to Brook Lane only, all movements from the site will travel west from the access point, and all movements to the site will travel east from Brook Lane. No increase in vehicular movements will occur east of the proposed access therefore. The extent of Greenaway Lane that will accommodate the development traffic flows is shown in Figure 3.1.



Figure 3.1: Direction of travel of traffic generated by proposed development

3.4.2 The development trip generation was calculated and presented in the Transport Statement. No objection has been raised to the methodology or volumes anticipated, so this is taken as accepted. The trip generation presented in the Transport Statement is re-presented at Table 3.3.

Table 3.3: Proposed Trip Generation

Time Period	Trip Rates (per Dwelling)		Trip Generation (28 Dwellings)		
	Arrivals	Departures	Arrivals	Departures	Total
AM Peak (08:00 – 09:00)	0.171	0.420	5	12	17
Greenaway Lane Peak (15:00 – 16:00)	0.368	0.264	10	7	17
PM Peak (17:00 – 18:00)	0.316	0.216	9	6	15
12 Hour (07:00 – 19:00)	2.680	2.808	75	79	154

- 3.4.3 The proposed development of 28 dwellings would generate in the region of 17 trips during the typical AM peak hour and 15 trips during the typical PM peak hour. In addition, the site could generate 17 vehicles during the Greenaway Lane peak hour. This equates to approximately one vehicle every four minutes, on average, during the peak hours.
- 3.4.4 Analysis of the change in traffic flows on Greenaway Lane has been carried out to establish whether the proposed development would have a material impact on its operation. The 2018 baseline flows are shown in Table 3.1 and the development traffic generation is shown in Table 3.3. These have been summarised in Table 3.4.

Table 3.4: Change in Vehicle Flows along Greenaway Lane

Time Period	Two-way vehicle movements		
	2018 Base	Proposed Development	2018 Base + Proposed
AM Peak (08:00 – 09:00)	36	17	53
Greenaway Lane Peak (15:00 – 16:00)	44	17	61
PM Peak (17:00 – 18:00)	33	15	48
Daily	500	154 *	654

\* The proposed development daily trips are the 12 hour trips, although there would only be a minimal level of trips outside of these times so they are considered robust for this analysis

- 3.4.5 The maximum hourly base plus proposed development flow occurs between 15:00 – 16:00 with a total of 61 two-way vehicle movements. This equates to just one vehicle every 60 seconds, on average, during the peak hour. This compares with one vehicle every 80 seconds in the baseline. In practice, it is not considered that this level of change would be perceptible to users of Greenaway Lane.
- 3.4.6 The total flows over a daily period with the addition of development traffic would be 654 two-way vehicle movements.
- 3.4.7 Although the development would increase traffic flows along Greenaway Lane, the background flows are extremely low and would remain low with the addition of development traffic. As such, it is considered that the development would not have a material impact on the operation of Greenaway Lane or on road safety for pedestrians and cyclists.



## 4. STREET LIGHTING

### 4.1 Introduction

4.1.1 This section addresses the following segment of reason for refusal 'i':

*i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and **limited street lighting**, and is well used by pedestrians. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route*

4.1.2 We disagree that Greenaway Lane has 'limited street lighting'. Noting the context and character of the lane, being rural in nature, the lane is actually well served by street lighting.

4.1.3 The location of each of the street lighting columns along the extent of Greenaway Lane is shown in Figure 4.1.

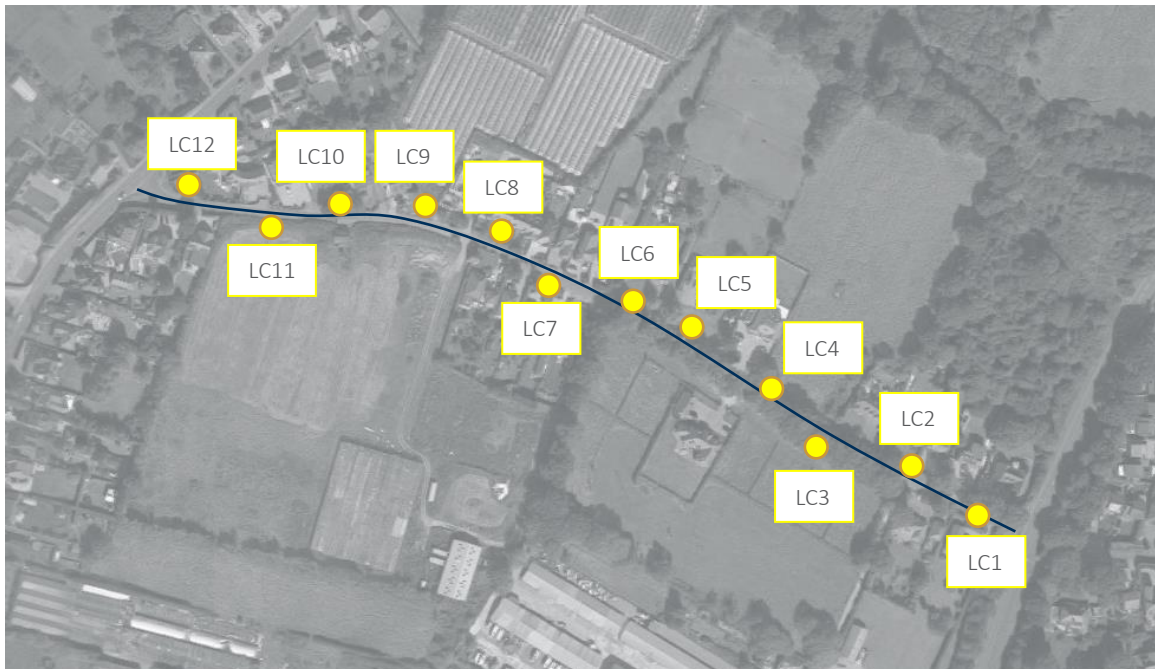








Figure 4.1: Greenaway Lane indicative lighting column locations

4.1.4 An image of each street lighting column is shown in Table 4.1. Eleven of the twelve lighting columns are unobstructed. One, LC3, was unobstructed at the time of the site visit, but may potentially be obscured by vegetation growth later in the season.

Table 4.1: Street lighting column inventory

	
LC1: unobstructed	LC2: unobstructed
	
LC3: unobstructed currently, but potential for vegetation to obscure lighting, with more growth	LC4: unobstructed
	
LC5: unobstructed	LC6: unobstructed





4.1.5 Furthermore, an upgrade to the lighting columns has been undertaken in the recent past. The actual date of when this upgrade took place is unknown, but it is clear that the lighting columns present have been upgraded since 2012, when Google Streetview images show a different style of column at this time. See Figure 4.2.



Figure 4.2: Lighting column comparison: Google streetview image capture 2012 (left image) vs. Site visit 2021 (right image). LC8 in foreground, LC9 in background

4.1.6 All lighting columns along the length of Greenway Lane have had this same upgrade.

## 5. ANALYSIS OF GREENAWAY LANE FOR SHARED USE BY PEDESTRIANS AND VEHICLES

### 5.1 Introduction

5.1.1 This section addresses the following segment of reason for refusal 'i':

*i) the development would result in increased vehicle movements along Greenaway Lane, **which has no footpaths** and limited street lighting, and **is well used by pedestrians**. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route*

### 5.2 Manual for Streets

5.2.1 Manual for Streets (MfS) was published in 2007 by the Department for Transport (DfT) with the purpose of being a 'common reference point for all those involved in the design of residential neighbourhoods' and represents 'a strong Government commitment to the creation of sustainable and inclusive public spaces.'

5.2.2 This design guidance, seeks to demonstrate the 'benefits that flow from good design and assigns a higher priority to pedestrians and cyclists, setting out an approach to residential streets that recognises their role in creating places that work for all members of the community.'

5.2.3 MfS sets out the following key objectives of the design of new residential neighbourhoods:

- Encouragement of low vehicle speeds
- Creation of an environment in which pedestrians can walk, or stop to chat, without feeling intimidated by motor traffic
- Make it easier for people to move around
- Promote social interaction

### 5.3 Manual for Streets 2

5.3.1 Manual for Streets 2 (MfS2) - Wider Application of the Principles, is a companion guide to MfS and was published by the Chartered Institution of Highways and Transportation (CIHT) in 2010.

5.3.2 MfS2 builds on the philosophies set out in MfS and demonstrates through guidance and case studies how they can be extended beyond residential streets to encompass both urban and rural situations. It fills the perceived gap in design advice that lies between MfS and the design standards for trunk roads as set out in the Design Manual for Roads and Bridges. Its aim is to help everyone involved in the planning, construction and improvement of our streets to deliver more contextually sensitive designs.

### 5.4 Shared space traffic volume thresholds

5.4.1 Manual for Streets<sup>1</sup> notes at p.83 that pedestrians are comfortable treating roads with traffic flows of less than 100 vehicles-per-hour as shared-spaces.

5.4.2 The worst case with-development flows on Greenaway Lane (within the vicinity of the site) would be 61 vehicles per hour. This increases the flows from a worst case of 44 vehicles per hour without the development. The flows with and without the development are well within the MfS threshold therefore, and the addition of development traffic is not considered to represent a material highway safety

<sup>1</sup> <https://www.gov.uk/government/publications/manual-for-streets>

concern. The traffic flow on Greenaway Lane, including the development, is comfortably within levels which would be considered acceptable for pedestrian use.

- 5.4.3 The development is also forecast to generate just four additional pedestrian movements in the peak network hours. As such the potential for conflict between pedestrians and vehicles and the operation of the lane would not materially change.
- 5.4.4 It should be noted in any case that 100 vehicles-per-hour is not an upper limit for roads to operate safely without footways. Above this level, pedestrians tend to treat the carriageway as a 'road' and walk at the sides of the road and step off the carriageway, when required.
- 5.4.5 Further guidance on what can reasonably be considered low traffic flows and thresholds of traffic for shared use by vehicles and non-motorised users is set out in the Department for Transport (DfT) Circular Traffic Advisory Leaflet 02/2006 *"The Quiet Lanes and Home Zones (England) Regulations 2006"*.
- 5.4.6 The DfT definition of a 'Quiet Lane' is *"minor rural roads... appropriate for shared use by walkers, cyclists, horse riders and other vehicles"*. It is also suggested that *"They should be rural in character, though they do not necessarily have to be in a rural area."* The guidance suggests that *"Quiet Lanes should have no more than about 1,000 motor vehicles per day."*
- 5.4.7 Even with the inclusion of development traffic, Greenaway Lane has a significantly lower daily traffic flow than the DfT thresholds for what would be considered as a 'Quiet Lane'. A total of around 650 vehicles per day, is well within DfT recommended levels at which a carriageway is suitable for shared use by vehicles, pedestrians, cyclists and horse riders. The Quiet Lane guidance thresholds also do not consider the low vehicle speeds on Greenaway Lane.

## 5.5 Width of Greenaway Lane

- 5.5.1 From on site measurements taken on Monday 10 May 2021, Greenaway Lane is typically 5.2m – 5.4m in width, but ranging from 5.0m at its narrowest point to 5.5m at its widest point. The carriageway widths are shown in Figure 5.1.



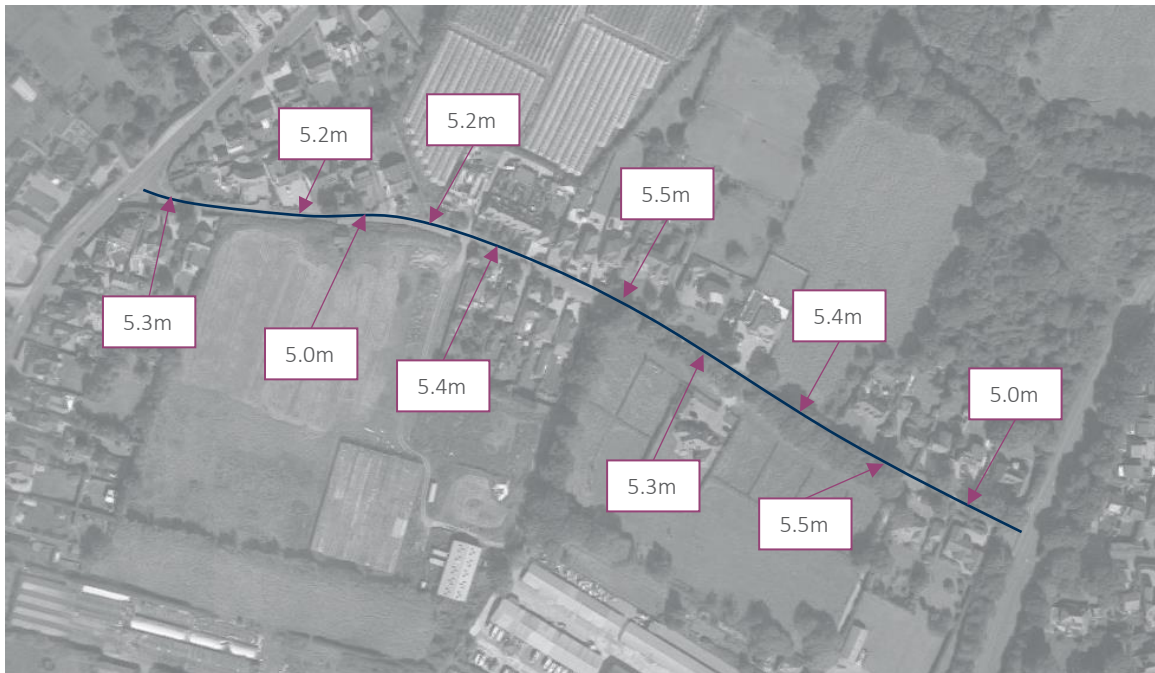


Figure 5.1: Greenaway Lane indicative carriageway width

5.5.2 Manual for Streets provides an indication of pedestrian and vehicle widths, as presented below.

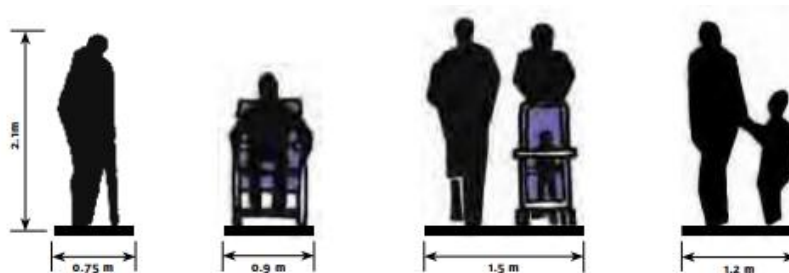


Figure 5.2: Manual for Streets recommended pedestrian width requirements (page 68)

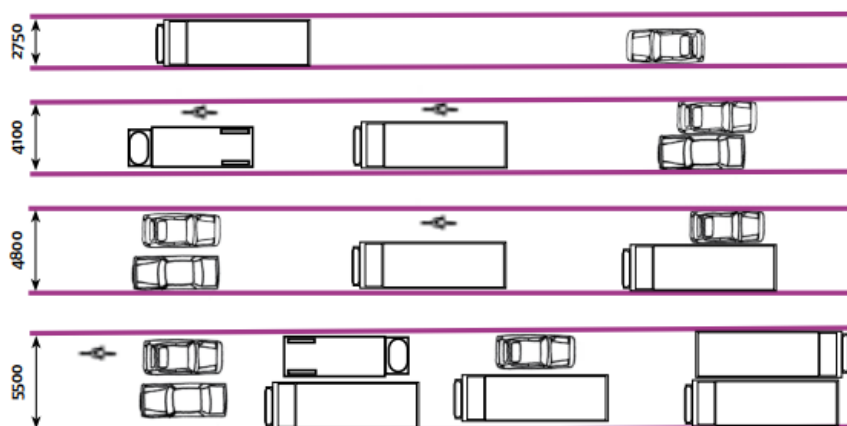


Figure 5.3: Manual for Streets recommended vehicle carriageway width requirements (page 79 figure 7.1)

5.5.3 As demonstrated in Figure 5.3, 4.8m width is sufficient for a HGV to pass a cyclist and exceeds the minimum width requirement to pass a parent/carer and child. Greenaway Lane exceeds this width throughout its length.

5.5.4 Beyond the above extents, verges are present on both sides of the carriageway. This is not a hard buffer therefore, and if needed, allows vehicles to overhang, overrun or even for pedestrians to step into the verge if desired. This is normal practice for a rural environment. There is good forward visibility and low traffic speeds allowing drivers/pedestrians to make safe decisions when sharing the space.

5.5.5 The typical character of Greenaway Lane is show in Figure 5.4 and Figure 5.5.

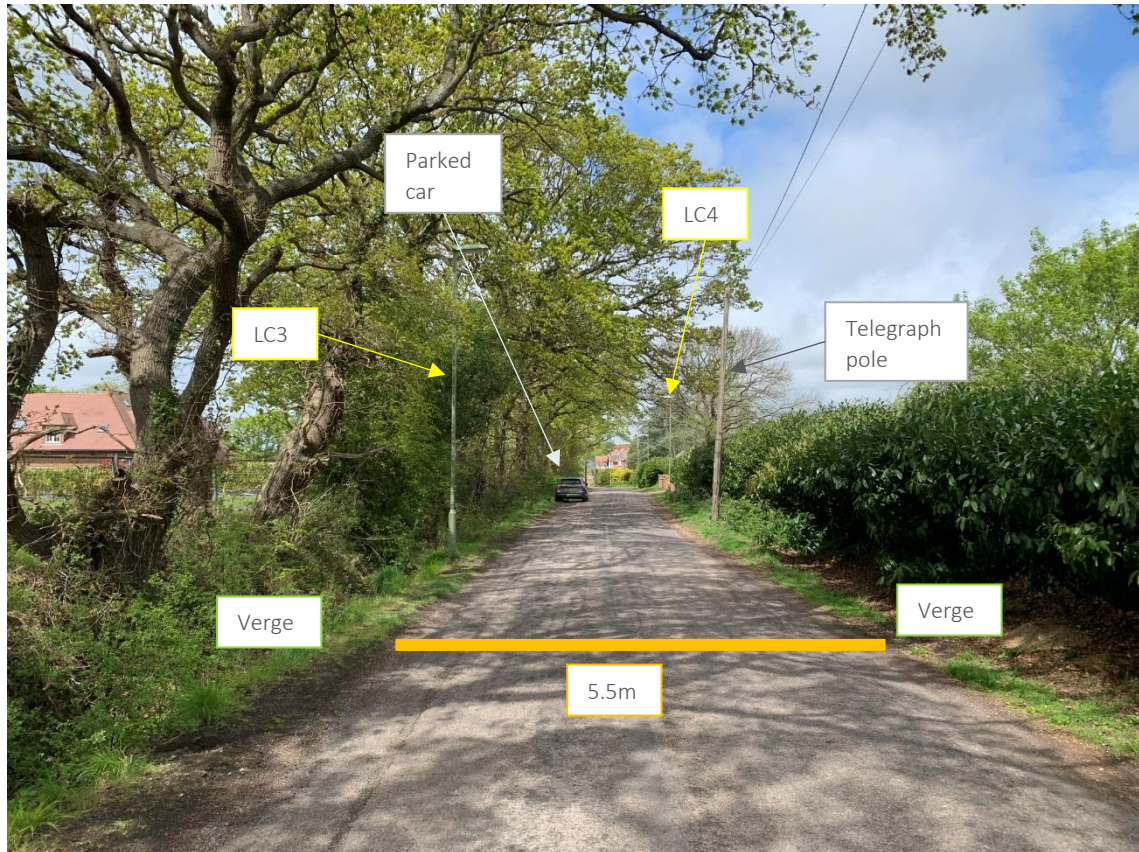


Figure 5.4: Typical character: Greenaway Lane east (looking west)



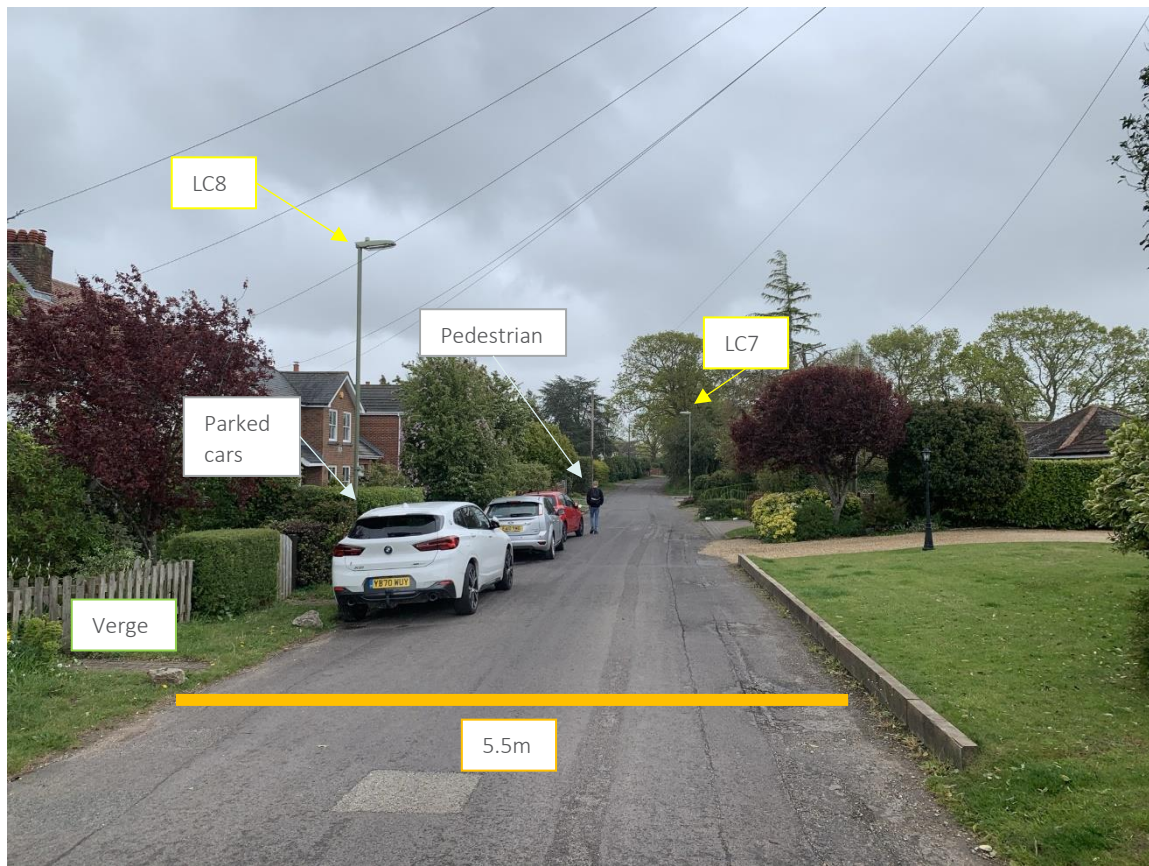


Figure 5.5: Typical character: Greenway Lane west (looking east)

- 5.5.6 As can be seen in Figure 5.4 and Figure 5.5, which provides context in the form of parked cars and pedestrians, good visibility can be achieved along the length of Greenaway Lane, and there is sufficient carriageway width for pedestrians/vehicles to pass safely.

## 6. HIGHWAY SAFETY

### 6.1 Introduction

6.1.1 This section addresses the following segment of reason for refusal 'i':

*i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and limited street lighting, and is well used by pedestrians. The increased vehicular use of the Lane is **likely to adversely affect the safety of Greenaway Lane as a pedestrian route***

### 6.2 Personal Injury Accident Analysis

6.2.1 The most recent five-year (2015-2020) PIA data has been obtained from the online software Crashmap. PIA data within the RSA extent has been analysed in order to identify any potential deficiencies within the local highway network.

6.2.2 Following this study, it is evident that there have been no accidents within the PIA study area over the past five years. The PIA study area in line with the extent of the RSA is shown at Figure 6.1.

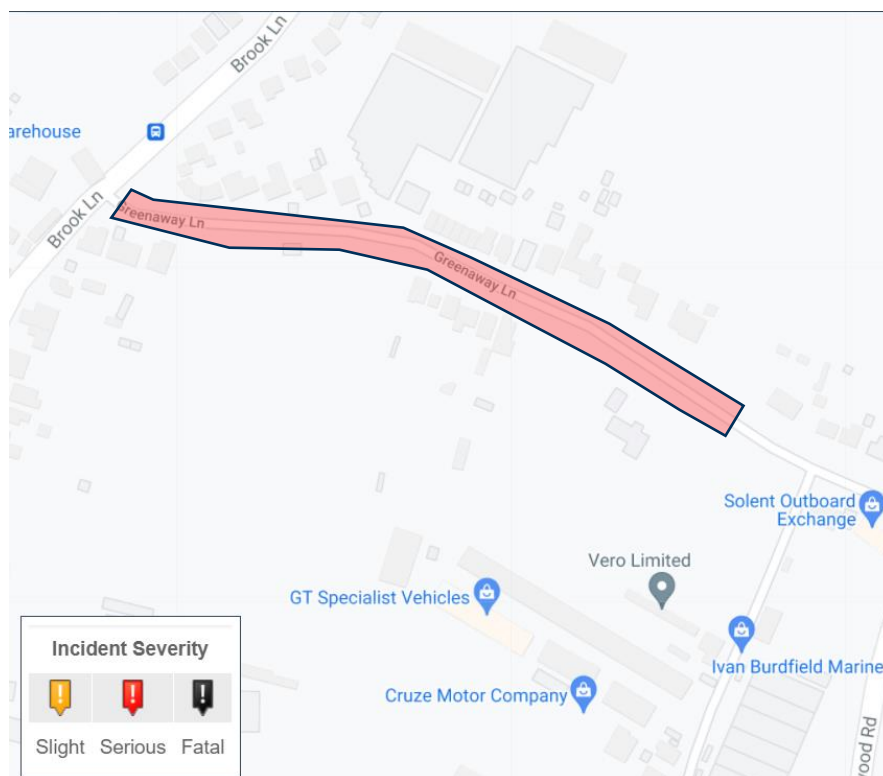


Figure 6.1: PIA Records Within Vicinity of Site

6.2.3 There have been no accidents on this section of Greenaway Lane in the 5 year review period.

6.2.4 The above review complies with NPPG: Travel Plans, Transport Assessments and Statements (March 2014), which states that the following should be considered:

*an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area;*

6.2.5 In this respect a review of the most recent three year period would be appropriate.

6.2.6 Notwithstanding the above, an historical review of accidents has been undertaken using Crashmap, and no incident has occurred in 22 years (the full extent of data available) on the Greenaway Lane link between the proposed site access and Brook Lane.

### 6.3 Road Safety Review undertaken by The Safety Forum

6.3.1 To support this Appeal Statement, The Safety Forum undertook a specialist and impartial review of Greenaway Lane, and the potential impacts of the development upon highway safety.

6.3.2 The Safety Forum are an independent and impartial organisation specialising in highway safety, and their standards are upheld by the requirements of DMRB GG 119 and membership to its professional body SoRSA (Society of Road Safety Auditors). Rob Westhead, Managing Director of The Safety Forum, undertook the road safety review.

6.3.3 A company and professional bio is provided below.

#### *Company/professional bio*

*The Safety Forum was formed in 2002 and has developed into a UK-wide and international body of road safety experts drawn from a diverse range of backgrounds including academia, emergency services, local authorities and private consultancies. With experts based in locations throughout the UK, Ireland and overseas we can provide road safety expertise quickly and with the value that can be best delivered by local knowledge.*

*Our forum of experts provides the most experienced know-how backed by the credentials required by Highways England, Transport for London, Welsh Government, Transport Scotland and the UK and Ireland's Local Highway Authorities. The Safety Forum's personnel meet the requirements of GG 119 and include Members and Fellows of SoRSA (Society of Road Safety Auditors).*

*The Safety Forum's experience in road safety focuses on road safety audit, collision investigation and prevention studies, Walking Cycling Horse Riding Assessment, as well as traffic management and traffic calming studies. Through these disciplines The Safety Forum has experience of delivering successful road safety solutions for all road users on all classes of highways.*

*This Road Safety Review was undertaken by Rob Westhead, who is the Managing Director of The Safety Forum. Rob oversees the operations of The Safety Forum, and has been working in traffic and transport engineering since 2001. His career has seen him working in the private sector for large and small engineering consultancies, for local authorities and on trunk road maintenance contracts. He has been a director with The Safety Forum since 2011.*

*Rob has completed in excess of 1,000 road safety audits, as well as delivering road safety engineering studies and solutions in the UK, Middle East and Australia. He has also developed broad skills and knowledge in transport planning and traffic engineering throughout his various roles.*

*Rob manages the day to day operations of The Safety Forum, ensuring that all our work is delivered to the highest standards and fully accords to the requirements of current local and national standards. He can also be found travelling throughout the UK working on road safety audits and other projects first-hand.*

## *Conclusions of the Road Safety Review*

- 6.3.4 The Road Safety Review (document reference RW-KS-21-3405 May 2021) is included in full at Appendix B. The view of The Safety Forum is that *'Greenaway Lane currently operates safely as a shared use route'* and that following the construction/occupation of the 28 dwellings proposed, there is *'no evidence to suggest that this would lead to conflicts occurring between vehicles and pedestrians'*, and that *'the level of risk post development would remain low'*.

- 6.3.5 Relevant comments from the Road Safety Review report are extracted below.

*An increase in vehicular traffic and pedestrian flow will lead to an increase in exposure to risk (of vehicle to pedestrian conflicts). It should however be noted that there are no recorded personal injury collisions on Greenaway Lane, meaning that **the existing exposure to risk (vehicle to pedestrian) has not been realised into injury collisions, and an increase in exposure may therefore not give rise to any collisions.***

*Site observations of the low traffic volumes and observed speeds, as well as the survey data indicating vehicle flows of 500 two-way movements **suggest that Greenaway Lane operates safely as a shared use route with user groups expecting to encounter one another.** The increase in vehicle flow post development to 654 two-way movements is likely to remain below the 100 vehicle movements per hour stated in Manual for Streets as being comfortable for pedestrians to use as a shared space.*

### *CONCLUSION:*

*Data available suggests that **Greenaway Lane currently operates safely as a shared use route** without footways. There is likely to be an increase in exposure to risk post development, although this may be small, and there is **no evidence to suggest that this would lead to conflicts occurring between vehicles and pedestrians.***

*It is thought that the current level of risk of vehicle to pedestrian conflicts (occurrence and severity of injury) is low, and that the **level of risk post development would remain low.***

- 6.3.6 Notwithstanding the above, recommendations are made in the form of example measures that could be considered to have a safety benefit. Amongst others, the recommendations include the implementation of signing, warning of pedestrians in the carriageway. This recommendation is consistent with comments received from HCC and FBC highway officers. This is accepted, and discussed further in Section 7.



## 7. MITIGATION

7.1.1 FBC and HCC has each made the following comment in consultation responses dated 11 December 2018 and 10 October 2019 respectively:

*'This road has no footways yet forms a popular west-east route for pedestrians. It is felt, however, that a series of signs, warning drivers of the presence of pedestrians, would overcome this concern. Such signs would need to be funded by the applicant in agreement with HCC.'*

7.1.2 Consistent with the above, The Safety Forum also state (at Section 5.1 of the Road Safety review):

*'These could include: signs and road markings on Greenaway Lane to indicate to road users the presence of pedestrians in the carriageway'*

7.1.3 The provision of a series of road signs warning drivers of pedestrians is accepted by the applicant. It is considered that this can be secured by an appropriately worded condition, requiring the submission of details to the LPA for approval and implementation prior to commencement of construction activities.

7.1.4 An example traffic sign (distance is illustrative only) is shown in Figure 7.1.



Figure 7.1: TSRGD diagram no. 544.1 'pedestrians in road ahead'

7.1.5 The relevant TSRGD reference is shown in Figure 7.2.


Sign table — Schedule 2, Part 2						
(1) Item	(2) Description	(3) Diagram	(4) First associated plate legend	(5) Supplementary associated plate (by reference to Part 3 sign table item number)	(6) Applicable provisions in Part 7	(7) Schedule 2 General Directions
23	Diagram 544.1 Pedestrians in road ahead		1. A distance with or without an arrow pointing to the left or to the right; 2. An arrow pointing to the left or to the right; or 3. "No footway for" and a distance			

Figure 7.2: TSRGD extract: diagram no. 544.1 'pedestrians in road ahead'

7.1.6 It is envisaged that one or two signs in each direction would be sufficient. The verge along both sides of Greenaway Lane is adopted highway, and as such there is ample opportunity in which to place the road signs.

7.1.7 The extent of the adopted highway is included in Appendix C, an extract of which is shown in Figure 7.3.



Figure 7.3: Greenaway Lane extents of adopted highway

## 8. SUMMARY AND CONCLUSIONS

- 8.1.1 Hydrock Consultants Ltd has prepared this *Appeal Statement / Transport* on behalf of GR Dimmick, CD Dimmick and AW Williams with regards to an appeal against Fareham Borough Council's (FBC) refusal of planning application P/18/0756/OA, which seeks an outline approval for 28 dwellings on land between and to the rear of 56-66 Greenaway Lane, Warsash.
- 8.1.2 This Appeal Statement addresses the following highway related reason for refusal:
- i) the development would result in increased vehicle movements along Greenaway Lane, which has no footpaths and limited street lighting, and is well used by pedestrians. The increased vehicular use of the Lane is likely to adversely affect the safety of Greenaway Lane as a pedestrian route*
- 8.1.3 Each of the respective points contained within the above reason for refusal have been acknowledged in this appeal statement, and evidence presented in rebuttal.
- 8.1.4 Reason for refusal 'i' specifically relates to the safety implications arising from '*increased vehicle movements along Greenaway Lane*'. This defines the scope and extent of the area of concern, to the point of the proposed site access as the eastern extent to the point where the footway commences at the western extent. No increase in vehicle traffic will occur east of the site access, which is a dead-end.
- 8.1.5 At planning application stage, the highway implications were considered by three separate highway experts from Hampshire County Council, Fareham Borough Council and Hydrock, all concluding 'no issue'. A fourth organisation, The Safety Forum, who are independent specialists in highway safety, has undertaken a Road Safety Review for the purposes of this Appeal, and they have reached the same conclusion, stating: '*there is no evidence to suggest that this would lead to conflicts occurring between vehicles and pedestrians*'.
- 8.1.6 It has been demonstrated that development flows and the cumulative total traffic volumes on Greenaway Lane would remain low, equating to just one vehicle every 60 seconds, on average, during the peak hour. This compares with one vehicle every 80 seconds in the baseline. In practice, it is not considered that this level of change would be perceptible to users of Greenaway Lane.
- 8.1.7 The cumulative traffic flows would remain within the thresholds set out in Manual for Streets of <100vph as being suitable for 'shared space' operation.
- 8.1.8 Traffic speeds have been surveyed, with mean speeds of just 21mph eastbound and 22mph westbound recorded. Visibility along the lane is good due to the straight alignment, and in excess of what is required for a driver travelling at such speeds to observe the conditions of the highway and manoeuvre safely.
- 8.1.9 Greenaway Lane is ≥5.0m in width throughout its length, which Manual for Streets demonstrates as being suitable for a large vehicle to pass a pedestrian/cyclist safely.
- 8.1.10 Street lighting exists, with lighting columns positioned at frequent intervals along the lane. Evidence exists that the lighting columns have been upgraded (at some point between 2012 and 2021).
- 8.1.11 No personal injury accidents have occurred on Greenaway Lane in 22 years (dating back to 1999) between the point of the proposed site access at the eastern extent and the footway commencing at the western extent. This is the earliest data available. NPPG only requires an assessment of the latest three-year period.

- 8.1.12 Notwithstanding the above, the applicant is accepting of a planning condition to secure the provision of road signage, warning drivers of pedestrians in the carriageway.
- 8.1.13 As has been demonstrated, the level of traffic generated on Greenaway Lane following the development would be well within DfT and Manual for Streets defined thresholds for a continued shared use of Greenaway Lane for all users. There would be no material change in its operation and the impacts of the development are not severe in this regard.
- 8.1.14 There is no evidence to suggest that the site would have a material safety impact or a severe impact on the operation of the highway network, which is fully in accordance with the NPPF.
- 8.1.15 As such, Greenaway Lane will continue to operate safely and appropriately for accommodating pedestrians, cyclists and vehicles with the inclusion of the proposed development.
- 8.1.16 For the above reasons, there are no highway related matters that should preclude consent being granted, and the Appeal allowed.

**Hydrock Consultants Ltd**

## Appendix A Planning application highway officer consultation responses



Hampshire  
County Council

Fareham Borough Council  
Civic Offices  
Civic Way  
FAREHAM  
Hampshire PO16 7AZ

[www.hants.gov.uk](http://www.hants.gov.uk)

Enquiries to

Holly Drury

My Reference: APP 1735 (6/3/10/228)

Direct Line

Your reference: P/18/0756/OA

Date

Email

For the attention of Mr P Kneen, Planning Department,

Dear Mr Kneen

**Site – Land between and to the rear of 56-66 Greenaway Lane, Warsash,  
Southampton SO31 9HS**

**Proposal – Outline application to up to 28 dwellings together with  
associated landscaping, amenity space, parking and a means of access  
from Greenaway Lane.**

However, I can confirm that the Highways Authority's comments on this application should be made by the District Council's own engineers, due to the size of the application being below that of the Agency threshold and agreement.

Should you have any further queries please contact Holly Drury on (01962) 826 996

Yours sincerely




*Ben Clifton*

Ben Clifton  
Team Leader, Highways Development Planning

Director of Economy, Transport and Environment  
Stuart Jarvis BSc DipTP FCIHT MRTPI



**From:**   
**Sent:**  
**To:**  
**Cc:**  
**Subject:** FW: P\_18\_0756\_OA - 56-66 Greenaway Lane, Warsash  
**Attachments:** P\_18\_0756\_OA - 56-66 Greenaway Lane, Warsash

This proposal is to develop this paddock with some 28 dwellings with access proposed from the north side of Greenaway Lane.

It is accepted that a satisfactory junction can be formed with Greenaway Lane, with visibility splays of 2.4m by 43m being achievable. The internal layout indicated would appear to be workable with minimum 4.8m wide roads and a continuous footway/path leading from Greenaway Lane to the north-west corner of the site.

There is a general concern about the resultant increase in traffic along Greenaway Lane, associated with the development. This road has no footways and a restricted width in places. Whilst there may be a solution to this matter, with appropriate measures, such as signing, being introduced on Greenaway Lane to minimise the impact on pedestrians, it is apparent that, with intervening land between the site and Lockswood Road, there is the prospect that a preferable access to the east may come forward. There is the prospect that, with the potential build-out of numerous sites within the Warsash cluster, a temporary, phased access approach may be a way of securing the best outcome.

There is a further concern that the available southward visibility at the junction of Greenaway Lane with Brook Lane is sub-standard. Whilst this may be soluble through trimming vegetation on the highway, this will need to be resolved before highway support can be given.

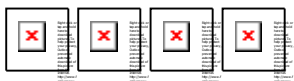
In regard to the internal site details, I would comment as follows –


- The internal roads will need to accommodate turning and manoeuvring by an 11.2m long refuse vehicle.
- Car parking will need to conform with the Residential Parking Standards SPD. No single garages or rear spaces in a triple tandem arrangement will count towards the parking provision. Parking spaces alongside boundaries will need to be widened by 0.3m. Extra visitor spaces appear to be required in the northern part of the site.
- The access to plot 28 would need to be more than 10m from the primary junction.
- The path connection to the northern boundary should be sufficient for pedestrians and cyclists.
- The access road for plots 5-9 should be a minimum of 4.1m wide.

It will be necessary for a S278 Agreement to be completed with HCC for the access junction construction. The developer is encouraged to offer the internal road for adoption under the S38 process.

Appropriate conditions covering access, visibility, parking, bin and cycle storage and a construction traffic management plan will be required.

David McMahon  
Transport Planner (Development Management)



**From:**   
**Sent:**  
**To:**  
**Cc:**  
**Subject:** FW: P\_18\_0756\_OA - R/O 56-66 Greenaway Lane, Warsash  
**Attachments:** P\_18\_0756\_OA - R/O 56-66 Greenaway Lane, Warsash  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This proposal is to develop this paddock with some 28 dwellings with access proposed from the north side of Greenaway Lane.

It is accepted that a satisfactory junction can be formed with Greenaway Lane, with visibility splays of 2.4m by 43m being achievable. An additional footway should be provided around the western radius to provide a refuge for pedestrians. The internal layout indicated would appear to be workable with minimum 4.8m wide roads.

There is a general concern about the resultant increase in traffic along Greenaway Lane, associated with the development. This road has no footways yet forms a popular west-east route for pedestrians. It is felt, however, that a series of signs, warning drivers of the presence of pedestrians, would overcome this concern. Such signs would need to be funded by the applicant in agreement with HCC.

There is a further concern that the available southward visibility at the junction of Greenaway Lane with Brook Lane is sub-standard. Whilst this may be soluble through trimming vegetation on the highway, this will need to be resolved before highway support can be given. It is suggested that a Grampian-type condition should be imposed that satisfactory visibility must be achieved, before development commences on site.

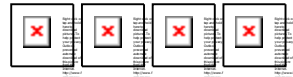
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- The access to plot 28 would need to be more than 10m from the primary junction.
- It will need to be confirmed that there is not a requirement to provide the path connection to the northern boundary, that has been deleted in the current site layout.
- The access road for plots 5-9 should be a minimum of 4.1m wide.

It will be necessary for a S278 Agreement to be completed with HCC for the access junction construction. The developer is encouraged to offer the internal road for adoption under the S38 process.

Appropriate conditions covering access, visibility, parking, bin and cycle storage and a construction traffic management plan will be required at the detailed planning stage.

David McMahon  
Transport Planner (Development Management)



Fareham Borough Council  
Civic Offices  
Civic Way  
Fareham  
PO16 7AZ



[www.hants.gov.uk](http://www.hants.gov.uk)

Enquiries To **Matt Lewis**



Date **10 October 2019**

My reference **026178**

Your reference **P/18/0756/OA**

Email 

Dear Mr Kneen,

**Land Between And To The Rear Of 56-66 Greenaway Lane Warsash Southampton SO31 9HS**

**Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane**

These comments are in relation to planning application P/18/0756/OA. The applicant seeks permission to erect up to 28 dwellings to the land off Greenaway Lane.

Previous comments were submitted by Fareham Borough Council's (FBC'S) Transport Planner under their agency agreement with the Highway Authority. As the plans and information have remained unchanged during this time, the Highway Authority has summarised the relevant comments below.

It is accepted that a satisfactory junction can be formed with Greenaway Lane, with visibility splays of 2.4m by 43m being achievable. An additional footway should be provided around the western radius to provide a refuge for pedestrians.

The internal layout indicated would appear to be workable with minimum 4.8m wide roads and a continuous footway/path leading from Greenaway Lane to the north-west corner of the site.

There is a general concern about the resultant increase in traffic along Greenaway Lane, associated with the development. This road has no footways yet forms a popular

*Director of Economy, Transport and Environment*  
**Stuart Jarvis BSc DipTP FCIHT MRTPI**

west-east route for pedestrians. It is felt, however, that a series of signs, warning drivers of the presence of pedestrians, would overcome this concern. Such signs would need to be funded by the applicant in agreement with HCC.

There is a further concern that the available southward visibility at the junction of Greenaway Lane with Brook Lane is sub-standard. Whilst this may be soluble through trimming vegetation on the highway, this will need to be resolved before highway support can be given.

In regard to the internal site details, I would comment as follows –

- The internal roads will need to accommodate turning and manoeuvring by an 11.2m long refuse vehicle.
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- It will need to be confirmed that there is not a requirement to provide the path connection to the northern boundary, that has been deleted in the current site layout.

It will be necessary for a S278 Agreement to be completed with HCC for the access junction construction. The developer is encouraged to offer the internal road for adoption under the S38 process.

It is suggested that a Grampian-type condition should be imposed that satisfactory visibility must be achieved, before development commences on site. Appropriate conditions covering access, parking, bin and cycle storage and a construction traffic management plan will be required at the detailed planning stage.

Yours sincerely,

Matt Lewis  
Assistant Transport Planner

*Director of Economy, Transport and Environment*  
**Stuart Jarvis BSc DipTP FCIHT MRTPI**



## Appendix B Road Safety Review

The Safety Forum document reference RW-KS-21-3405 dated 07 May 2021




# **GREENAWAY LANE, WARSASH, HAMPSHIRE**


## **PROPOSED RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO 56 GREENAWAY LANE**

### **ROAD SAFETY REVIEW**

**May 2021**

**RW-KS-21-3405**

Revision Status	Prepared by: (Name)	Checked by: (Name)	Approved by: (Signature)	Date Approved:
Original	R Westhead	K Seymour		07/05/21

<b>Client:</b>	
Hydrock	The Safety Forum Ltd
	
Date: 07/05/21	

## TABLE OF CONTENTS

1.0	INTRODUCTION AND SCOPE OF REPORT .....	3
2.0	LOCATION AND SITE DETAILS.....	5
3.0	COLLISION ANALYSIS.....	8
4.0	SITE OBSERVATIONS .....	10
5.0	IDENTIFIED PROBLEMS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO 56 GREENAWAY LANE.....	11
6.0	ROAD SAFETY ASSESSMENT STATEMENT .....	14

<b>APPENDIX A</b>	Location Plan
<b>APPENDIX B</b>	Indicative Layout Plan
<b>APPENDIX C</b>	Site Photographs
<b>APPENDIX D</b>	GG104 Risk Matrix

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## 1.0 INTRODUCTION AND SCOPE OF REPORT

- 1.1 The Safety Forum has been commissioned to provide a road safety review of the impact that a proposed residential development will have on an existing residential road. The 28-unit development is to be located on land adjacent to 56 Greenaway Lane, Warsash, Hampshire.
- 1.2 The report has been carried out at the request of Hydrock, on behalf of their client.
- 1.3 This report has been prepared by Rob Westhead (MSoRSA, HE Cert Comp Road Safety Audit).
- 1.4 The site was visited by Rob Westhead and Kevin Seymour on Monday 26<sup>th</sup> April 2021 between 13.30 and 14.30 hours. The weather was fine, and the road surface was dry. Traffic conditions were quiet. Some pedestrian and cycle movements were observed. Street lighting was observed to be present but not seen during night-time.
- 1.5 The brief was to consider the road safety implications of the proposed residential development in relation to the operation of Greenaway Lane, and to raise any other apparent safety issues associated with the proposed development. This assessment does not examine the access junction itself or the internal layout of the residential development.

- 1.6 The Road Safety Assessment was undertaken on the scheme detailed in the following documentation provided by Hydrock.

Drawing No.	Rev	Title
-	-	RSA Brief
04959-HYD-XX-XX-DR-TP-0101	P1	Proposed Site Access Arrangements and Visibility Splays
Doc ref: 4959-HYD-XX-XX-RP-TP-4001	-	Land Between and to the Rear of 56-66 Greenaway Lane, Warsash Transport Statement
-	-	Speed Survey Data
-	-	Personal injury collision data
4959-HYD-XX-XX-RP-TP-6001	-	Land Between & Rear of 56-66 Greenaway Lane, Warsash Measures Only Travel Statement



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## **2.0 LOCATION AND SITE DETAILS**

### **2.1 General Location**

- 2.1.1 The proposed residential development is located on the northern side of Greenaway Lane on land behind numbers 56 and 66 Greenaway Lane in Warsash in the borough of Fareham, Hampshire. The proposed vehicle access for the site is at an existing field access between numbers 56 and 66 Greenaway Lane.

### **2.2 Existing Site Conditions**

- 2.2.1 Greenaway Lane is residential road that is rural in nature, running east – west between Brook Lane in the west and Lockwood Road in the east within the settlement of Warsash.

At the eastern end of Greenaway Lane there is no vehicular access with Lockwood Road as this junction has been closed off with a turning head provided. There are two uncontrolled pedestrian crossing points over Lockwood Road here, with pedestrian guard railing through the verge where this junction has been closed off. Westbound pedestrians and cyclists from Lockwood Road then join the carriageway to continue along Greenaway Lane.

Lockwood Road is a two-way single lane carriageway with on carriageway cycle lanes and wide verges with a footway on the eastern side of the road. This route is a 30mph speed limit road with a system of street lighting present.

At the western end of Greenaway Lane at the junction with Brook Lane there is a priority give-way junction arrangement. Brook Lane is a two-way single lane carriageway with footways on both sides of the carriageway. Brook Lane is subject to a 30mph speed limit road with a system of street lighting present.

At the priority junction with Brook Lane the footways extend into Greenaway Lane for approximately 30m before ending, after which pedestrians continue on carriageway. Between Greenaway Lane and Brook Road there is a public right of way that runs approximately NW-SE.

Greenaway Lane is a residential road with properties and driveways fronting onto it. There is also agricultural land with field accesses, and towards the eastern end of the lane there is a private road leading to the south to commercial / industrial units.

Carriageway widths on Greenaway Lane narrow from approximately 6m at the western end, to approximately 4-4.5m in the east, with some variation along the route. There are no footways along the route nor any road markings, except at the junction with Brook Lane.

There is a system of street lighting present, although this was not observed during the hours of darkness.

- 2.2.4 Traffic survey data, completed for the seven-day period between Tuesday 5th June 2018 and Monday 11th June 2018, indicated two-way daily flows of 500 vehicle movements on Greenaway Lane. With 85<sup>th</sup> percentile speeds of 26.4mph eastbound and 27.9mph westbound (average 20.7mph and 21.9mph).
- 2.2.5 Greenaway Lane is understood to be a well-used pedestrian and cycle route for east-west journeys.

## 2.2 Proposed development

- 2.2.1 This road safety review examines the potential effect of proposals for a 28-unit development on land to the rear of 56 Greenaway Lane, at the eastern of Greenaway Lane, before Lockwood Lane.

The proposed development is to construct a new vehicular access between 56 and 66 Greenaway Lane in the approximate location of an existing field access. The development access is to be a simple priority T-junction, leading into a private internal road layout consisting of a 5.5m carriageway (reducing down to 4.8m) and kerbed, 2m footway on the eastern side of the road. The footway is proposed to extend out onto Greenaway Lane just past the eastern junction radius before ending with a dropped kerb to allow pedestrians access between the carriageway and new footway.

No additional offsite measures have been proposed on Greenaway Lane or on surrounding roads.

- 2.2.2 Predicted vehicle flows as a result of the development are expected to increase from two-way daily flows of 500 vehicle movements on Greenaway Lane to 654 following occupation of the residential development.

## 2.3 Additional development proposals on Greenaway Lane.

- 2.3.1 There are understood to be a number of additional developments both on Greenaway lane and in the surrounding area.

*The Brief states: 3.1.7 There is significant wider development in the locality. This is relevant, because pedestrian permeability will be enhanced. A pedestrian connection is to be made from the development to the north (diluting the number of residents generated by the development on Greenaway Lane) and also a new through link is to be provided from Brook Lane to Lockwood Road – existing pedestrians using Greenaway Lane who travel from the north are likely to use this alternative route instead.*

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In addition, it is understood that there are two other proposed residential developments with vehicular and pedestrian access onto Greenaway Lane:

- at land to the east and west of 79 Greenaway Lane, up to 30 residential units and associated detached garages. It proposed that some dwellings will be served from the existing access for number 79 Greenaway Lane, with the additional dwellings served of another access from Lockwood Road; and
- at land adjacent to 125 Greenaway Lane there is a proposal for up to 100 residential units. This development is understood to have vehicular and pedestrian access from Greenaway Lane, as well as an additional access form the south.

2.3.2 It is unclear whether these sites will be developed and this road safety assessment cannot examine the additional effect these sites will have upon Greenaway Lane.

---

## 3.0 COLLISION ANALYSIS

- 3.1 During the 5-year period 01/02/2013 and 31/01/18 there have been no reported injury collisions on Greenaway Lane or at the junction of Brook Lane with Greenaway Lane. At Lockwood Road where it passes Greenaway Lane (no vehicular access) there have been a total of 2 personal injury collisions recorded.
- One collision was recorded as involving a southwest bound car colliding with a pedestrian travelling southeast across Lockwood Road in dry and light conditions. The car failed to stop. The pedestrian sustained slight injuries.
  - One collision involved a southwest bound pedal cycle (child) indicating and moving to the right to exit Lockwood Road into Greenaway Lane being hit by a trailing car that was attempting to overtake. The collision was recorded in dry and light conditions. The pedestrian sustained slight injuries.
- 3.2 From the available collision data there is no indication to suggest that there is a specific collision pattern in the search area (i.e., 3 or more collisions sharing similar characteristics). However, of the two collisions recorded within the search area both have involved vulnerable road users (a pedestrian and a child cyclist) being struck by vehicles, this may suggest that crossing facilities or cycle facilities, here may be inadequate, or drivers may have poor awareness of the crossing or of pedestrians and cycle uses here.



## Collision Sites

(Source – Hampshire CC, supplied by Hydrock)

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## 4.0 SITE OBSERVATIONS

4.1 The site was visited by on Monday 26th April 2021 between 13.30 and 14.30 hours. The weather was fine, and the road surface was dry.

4.2 There was some intermittent on-street parking observed on Greenaway Lane. The parking did not appear to be obstructive, and there was no parking observed around the proposed access to the development site at 56 Greenaway Lane.

It was unclear whether the COVID restrictions in place at the time of the site visit had an effect upon the level of on-street parking or vehicle, pedestrian and cycle flows.

4.3 Traffic conditions were quiet. A small number of vehicles were seen on Greenaway Lane during the site visit. Vehicles were mainly cars; however, some commercial vehicles were seen, including an articulated HGV accessing the commercial units at the eastern end of Greenaway Lane.

Vehicle speeds on Greenaway Lane were observed to be approximately in the range identified in the speed survey data that has been supplied.

4.4 Some pedestrian and cycle movements were observed on Greenaway Lane. It was also noted that some of these movements were across Lockswood Lane at the crossing point over the carriageway.

4.5 Street lighting was observed to be present but not seen during night-time. It is unclear whether this lighting and the surrounding trees and vegetation provides a uniform level of illumination.



## **5.0 IDENTIFIED PROBLEMS ASSOCIATED WITH RESIDENTIAL DEVELOPMENT AT LAND ADJACENT TO 56 GREENAWAY LANE.**

The review has identified the following potential hazards and only examines the effect of the development proposal at 56 Greenaway Lane on road safety:

The levels of risks have been estimated using Table D1 from GG 104, Requirements for safety risk assessment. See Appendix D.

### **5.1 LOCATION: Greenaway Lane.**

**SUMMARY:** Increased use may increase exposure to risk between vehicles / pedestrians.

#### **DISCUSSION:**

The proposed development site will increase vehicle flow on Greenaway Lane in the general section between Brook Lane and Lockswood Road (this junction is closed to traffic) from an existing base of 500 two-way movements per day to 654 movement (a 31% increase in vehicle movements). There is also likely to be an increased number of pedestrians using the route as a result of the occupation of the development.

The development access is at the eastern end of Greenaway Lane and therefore the additional traffic generated will be using the full length of Greenaway Lane from the point where it joins from Brook Lane. Pedestrian traffic generated by the development is likely to be distributed in both directions on Greenaway Lane. It is unclear what the existing pedestrian flows are or what they are likely to be post development. It is therefore difficult to quantify the increase in use by pedestrians and cycles.

Collision data provided for the 5-year period 01/02/2013 and 31/01/18 did not record any collisions on Greenaway Lane. There were however two recorded collisions on Lockswood Lane involving a cycle turning right and a pedestrian crossing.

An increase in vehicular traffic and pedestrian flow will lead to an increase in exposure to risk (of vehicle to pedestrian conflicts). It should however be noted that there are no recorded personal injury collisions on Greenaway Lane, meaning that the existing exposure to risk (vehicle to pedestrian) has not been realised into injury collisions, and an increase in exposure may therefore not give rise to any collisions.

Site observations of the low traffic volumes and observed speeds, as well as the survey data indicating vehicle flows of 500 two-way movements suggest that Greenaway Lane operates safely as a shared use route with user groups expecting to encounter one another. The increase in vehicle flow post development to 654 two-

way movements is likely to remain below the 100 vehicle movements per hour stated in Manual for Streets as being comfortable for pedestrians to use as a shared space.

#### CONCLUSION:

Data available suggests that Greenaway Lane currently operates safely as a shared use route without footways. There is likely to be an increase in exposure to risk post development, although this may be small, and there is no evidence to suggest that this would lead to conflicts occurring between vehicles and pedestrians.

It is thought that the current level of risk of vehicle to pedestrian conflicts (occurrence and severity of injury) is low, and that the level of risk post development would remain low.

#### RECOMMENDATION:

Whilst it is thought that the level of risk would remain low there is a recognition that there would be some increase in exposure to risk due to increase flow of traffic and pedestrians.

Therefore, measures to reduce this level of risk in general on Greenaway Lane may be appropriate. These could include: signs and road markings on Greenaway Lane to indicate to road users the presence of pedestrians in the carriageway; speed management measures to ensure that vehicle speeds are low; gateway feature at commencement of 'shared use' area; ensuring that street lighting along the route is effective in illuminating the whole carriageway so that dark patches are not present; making transition points between footways and carriageway highly visible and easily identifiable to all users.

Should further developments on Greenaway Lane be completed and vehicle / pedestrian flows increase then the exposure to, and level of risk may increase, and additional mitigation measures may be required. This review is not examining the effect of other proposed developments.

## 5.2 LOCATION: Lockwood Road at junction with Greenaway Lane.

SUMMARY: Increase in crossing users may lead to increased conflicts.

#### DISCUSSION:

Collision data provided for the 5-year period 01/02/2013 and 31/01/18 recorded two collisions on Lockwood Lane, one involving a cycle turning right and one involving a pedestrian crossing. Whilst these do not form a cluster or pattern of collisions, they both involved vulnerable road users (a child cyclist and an 18-year-old pedestrian) being struck by cars as they are moving to / from Greenaway Lane.

An increase in pedestrians and cyclists going from / to Greenaway Lane crossing Lockswood Road is likely following occupation of the development site. This may therefore increase the potential risk of a collision occurring.

Pedestrian / cycle traffic generated by the development is likely to be distributed in both directions on Greenaway Lane. It is unclear what the existing pedestrian flows are or what they are likely to be post development. It is therefore difficult to quantify the increase in use of the crossing by pedestrians and cycles.

#### CONCLUSION:

The development is likely to generate extra pedestrian and cycle movements across Lockswood Road. However, since Greenaway Lane is understood to currently be a well-used route for pedestrians and cycles this level in increase may be a relatively small one, although this is currently difficult to quantify with available information.

It is thought that the current level of risk of vehicle to pedestrian / cycle conflicts is low to medium, and that the level of risk post development may increase to medium (occurrence and severity of injury). It is recognised that the recorded collisions involve vulnerable road users, and as a result these users are at greater risk of more serious injuries following collision.

#### RECOMMENDATION:

Therefore, it is considered that mitigation measures to improve awareness of the crossing for approaching traffic on Lockswood Road may be beneficial. These could include: warning signing for the crossing; ensuring that street lighting at the crossing point is sufficient and any overgrowing vegetation cut back; provision of jug handle type crossing facility for cyclists.

Should further developments on Greenaway Lane be completed and vehicle / pedestrian flows increase then the exposure to, and level of risk may increase, and additional mitigation measures may be required. This review is not examining the effect of other proposed developments.

---

## 6.0 ROAD SAFETY ASSESSMENT STATEMENT

6.1 This Road Safety Review report has been undertaken by;

### ROAD SAFETY REVIEWER

Name: Rob Westhead

Position: Director



Signed



Date: 7<sup>th</sup> May 2021

### ROAD SAFETY REVIEWER

Name: Kevin Seymour

Position: Road Safety Engineer

The Safety Forum Ltd

P

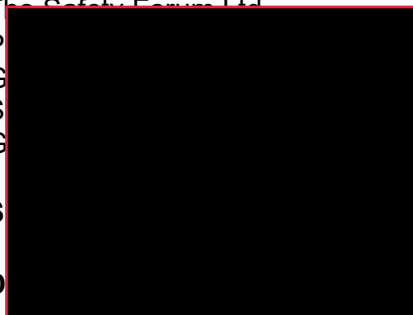
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## APPENDIX A: LOCATION PLAN







## APPENDIX C: SITE PHOTOGRAPHS



**Photo 1 – Greenaway Lane junction with Brook Road looking south.**



**Photo 2 – Greenaway Lane junction with Brook Road looking north.**



**Photo 3 – Greenaway Lane junction with Brook Road looking east.**



**Photo 4 – Greenaway Lane at PROW looking west.**





**Photo 5 – Greenaway Lane at PROW looking east.**



**Photo 6 – Greenaway Lane at approximately 74 Greenaway Lane looking east.**



**Photo 7 – Greenaway Lane at approximately 74 Greenaway Lane looking west.**



**Photo 8 – Greenaway Lane at development access looking east.**





**Photo 9 – Greenaway Lane at development access looking west.**

## APPENDIX D: GG104 RISK MATRIX

Table D.1 Risk value, likelihood and severity of outcomes that may be assigned to qualitative data for the purposes of assessment

Likelihood (L) x Severity (S) = Risk value (R)		Severity (S)				
		Minor harm; Minor damage or loss no injury	Moderate harm; Slight injury or illness, moderate damage or loss	Serious harm; Serious injury or ill- ness, substantial damage or loss	Major harm; Fatal injury, major damage or loss	Extreme harm; Multiple fatalities, extreme loss or damage
<b>Likelihood (L)</b>	Very unlikely; Highly improbable, not known to occur	1	2	3	4	5
	Unlikely; Less than 1 per 10 years	2	4	6	8	10
	May happen; Once every 5-10 years	3	6	9	12	15
	Likely; Once every 1- 4 years	4	8	12	16	20
	Almost certain; Once a year or more	5	10	15	20	25
Risk Value (R)		Required action				
Low (1-9)		Ensure assumed control measures are maintained and reviewed as necessary.				
Medium (10-19)		Additional control measures needed to reduce risk rating to a level which is equivalent to a test of "reasonably required" for the population concerned.				
High (20-25)		Activity not permitted. Hazard to be avoided or risk to be reduced to tolerable.				



## Appendix C Highway Records

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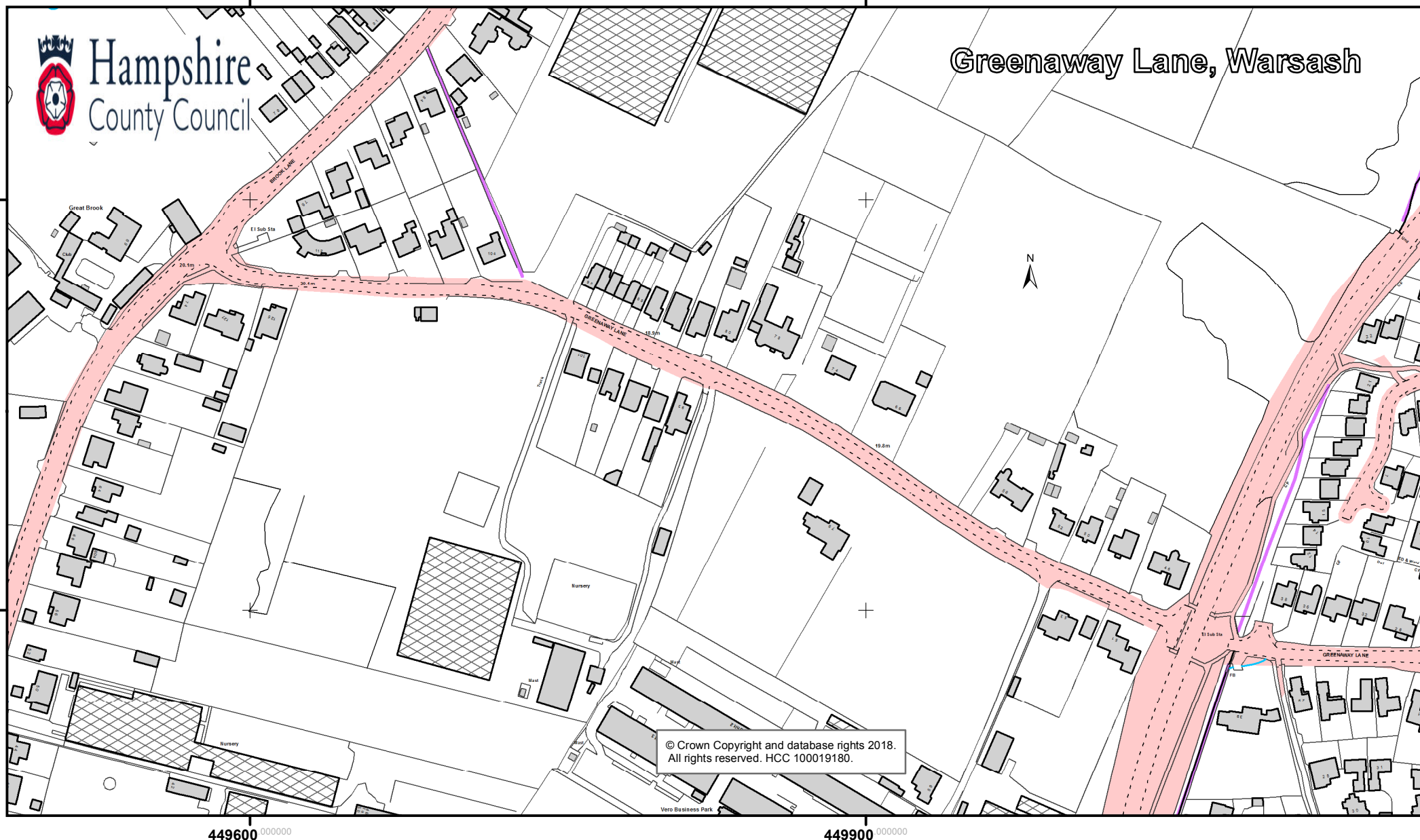
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The extent of the highway provided is specific to the property enquired upon and shall not be applicable to any other property.

Ordnance Survey maps are topographic maps and show a representation of the physical features on the ground at the time of survey, which are drawn according to specified tolerances, by the Ordnance Survey. For further information on Ordnance Survey mapping please see: <http://www.ordnancesurvey.co.uk/support/property-boundaries.html>

For questions about the responsibility for ditches please refer to Hampshire County Council's website at: <http://www3.hants.gov.uk/roads/highway-flooding/highways-drainage/your-responsibilities.htm>

This plan is made on the basis of information at present available to the County Council and is made on the distinct understanding that, in the absence of negligence, neither the County Council nor I as an officer of the Council is to be held responsible should you rely on this statement and consequently suffer damage.

**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**

*8<sup>th</sup> July 2021*

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## **1. Introduction**

- 1.1. This Housing Land Supply ("HLS") Statement of Common Ground ("SoCG") has been prepared by Mr Steven Brown (of Woolf 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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*

	<b>Fareham Borough Council</b>	<b>Appellant</b>
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.

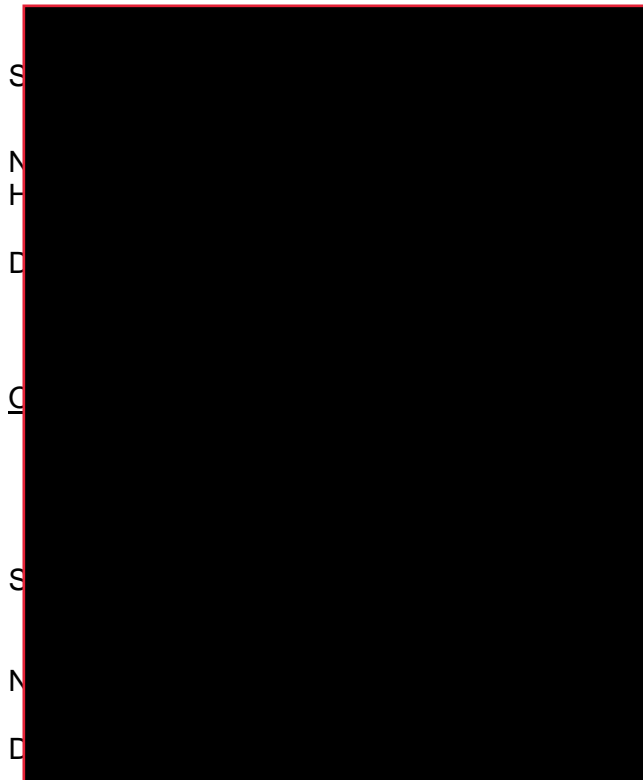
#### **5. Implications of the Respective Five Year Positions**

- 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:



Woolf Bond Planning obo Foreman

Council

\*\*\*\*\*

## 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 <sup>1</sup>	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 <sup>2</sup>	269
Resolution to Grant Planning Permission – Large (5+ dwellings) (exc Welborne)	742 <sup>3</sup>	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
<b>Total</b>	<b>2,310</b>	<b>600</b>	<b>1,710</b>

<sup>1</sup> Supplementary Statement to Newgate Lane East Appeal (3269030)

<sup>2</sup> 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)

<sup>3</sup> 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)**

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**Representations Submitted on behalf of:**

**Mr GR Dimmick, Mr CD Dimmick and Mrs  
AW Williams**

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**Policies:  
H1, HA1 and HP4**

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**WBP REF:7619**

**JULY 2021**



**Woolf Bond Planning**  
Chartered Town Planning Consultants

## **CONTENTS**

### **Page**

## Table of Contents

1. INTRODUCTION .....	4
2. REPRESENTATIONS AND SUPPORTING INFORMATION.....	5
3. OVERARCHING POSITION .....	7
4. THE NPPF TESTS OF SOUNDNESS .....	9
5. POLICY H1: HOUSING PROVISION.....	10
The Housing Requirement and Plan Period - Robustness of Supply .....	10
Housing Needs of Neighbouring Authorities.....	10
Robustness of Plan Period.....	12
Approach to Phasing the Housing Requirement .....	13
Robustness of Housing Land Supply.....	15
Conclusions.....	16
Changes sought to the Local Plan with respect of the Borough's development requirements in policy H1. ....	16
6. POLICY HA1: NORTH AND SOUTH OF GREENAWAY LANE.....	18
Suggested Changes to Policy HA1 .....	19
7. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY .....	20
Suggested Changes to Policy HP4.....	24
8. OVERALL CONCLUSIONS.....	25
9. FINAL REMARKS.....	26

## **APPENDICES**

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7<sup>th</sup> June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2<sup>nd</sup> 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5<sup>th</sup> November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 17<sup>th</sup> March 2021 (LPA Ref: P/18/0756/OA)
11. Update Report to Planning Committee on 17<sup>th</sup> March 2021
12. Decision Notice for P/18/0756/OA (18<sup>th</sup> 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 (7<sup>th</sup> June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2<sup>nd</sup> 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
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- Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Report to Planning Committee on 17<sup>th</sup> March 2021 (LPA Ref: P/18/0756/OA) (**Appendix 10**)
- Update Report to Planning Committee on 17<sup>th</sup> March 2021 (**Appendix 11**)
- Decision Notice for P/18/0756/OA (18<sup>th</sup> 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:

<b>Policy</b>	<b>Representation</b>
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 policies, 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 adoption<sup>1</sup>.

#### **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.

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<sup>1</sup> NPPF, paragraph 22

- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings<sup>2</sup> towards unmet needs of neighbouring authorities, the DtC is clear that the City of Portsmouth seeks a contribution of 1,000 dwellings<sup>3</sup>. Although Fareham contends that the request from Portsmouth is “out-of-date”<sup>4</sup>, 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 25<sup>th</sup> 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,

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<sup>2</sup> Table 4.1

<sup>3</sup> Paragraph 4.5 and Appendix 9

<sup>4</sup> Paragraph 4.6 of DtC Statement

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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 2012<sup>5</sup> 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 1<sup>st</sup> 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 NPPF<sup>6</sup>, 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.

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<sup>5</sup> Data on progress of Strategic Local Plans until 1<sup>st</sup> June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

<sup>6</sup> Submitted on or before 24<sup>th</sup> 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 dwellings<sup>7</sup>. 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.

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<sup>7</sup> (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
<b>CS: Local Plan Part 1 (Adopted Aug 2011)</b>	50	200	300	400	550	550	550	550	550	550	550	550	5,350
<b>Local Plan Part 3, Table 10.1 (Adopted June 2015)</b>	0	0	120	180	200	320	340	340	340	340	340	340	2,860
<b>Nov 2016 AMR with respect of Apr 2016</b>	0	0	0	0	0	250	350	-	-	-	-		600
<b>Welborne Background Paper Oct 2017</b>	0	0	0	0	0	0	140	200	250	250	250	250	1,340
<b>Dec 2017 Position (completions to 31<sup>st</sup> Mar 17 and commitments to 31<sup>st</sup> Oct 17)</b>	0	0	0	0	0	0	140	200	-	-	-		340
<b>Sep 2018 Position</b>	0	0	0	0	0	0	140	200	250	-	-		590
<b>Apr 2019 position</b>							30	180	240	240	-		690
<b>Apr 2020 position</b>									30	180	240		450
<b>Jan 2021 position<sup>8</sup></b>									30	180	240	180	630
<b>Apr 2021 position<sup>9</sup></b>										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.

<sup>8</sup> 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.

<sup>9</sup> Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

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- 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 20<sup>th</sup> January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)<sup>10</sup>
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14<sup>th</sup> August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)<sup>11</sup>;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10<sup>th</sup> September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)<sup>12</sup>
- Land east of Posbrook Lane, Titchfield – dismissed on 12<sup>th</sup> April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)<sup>13</sup>
- Land east of Dowend Road, Portchester - dismissed on 5<sup>th</sup> November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)<sup>14</sup>
- Land at Newgate Lane (North & South), Fareham – dismissed on 8<sup>th</sup> June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)<sup>15</sup>

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

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<sup>10</sup> Paragraph 62

<sup>11</sup> Paragraph 27

<sup>12</sup> Paragraph 55

<sup>13</sup> Paragraphs 17, 51 & 52

<sup>14</sup> Paragraph 90

<sup>15</sup> 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 1<sup>st</sup> January 2021

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to 31<sup>st</sup> 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 (1<sup>st</sup> Jan 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> December 2025.

*The Respective Five Year Housing Land Supply Positions*

	<b>Council Feb 2021</b>	<b>Council June 2021</b>	<b>My Position obo Representor</b>
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	<b>-498</b>	<b>-924</b>	<b>-2,634</b>
No. of years supply	<b>4.18yrs</b>	<b>3.57yrs</b>	<b>0.93yrs</b>

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 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.
- 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:	
First Name:	GR, CD & AW
Last Name:	Dimmick, Dimmick & Williams
Job Title: (where relevant)	
Organisation: (where relevant)	
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:	
Postcode:	
Telephone Number:	
Email Address:	

B1

Which part of the Revised Publication 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 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

H1, HA1 and HP4

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

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.

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

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# **Report to Tonbridge and Malling Borough Council**

**by Louise Crosby and Luke Fleming**

**Inspectors appointed by the Secretary of State**

**Date: 07 June 2021**

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Planning and Compulsory Purchase Act 2004  
(as amended)  
Section 20

## **Report on the Examination of the Tonbridge and Malling Borough Council Local Plan**

The Plan was submitted for examination on 23rd January 2019

The examination hearings were held between 6th and 8th October 2020

File Ref: PINS/H2265/429/8

# **Contents**

Abbreviations used in this report	page 3
Non-Technical Summary	page 3
Introduction	page 4
Assessment of Duty to Co-operate	page 5
Overall Conclusion and Recommendation	page 13

## **Abbreviations used in this report**

DtC	Duty to Co-operate
HMA	Housing Market Area
LPA	Local Planning Authority
MoUs	Memorandums of Understanding
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SDC	Sevenoaks District Council
the Act	Planning and Compulsory Purchase Act 2004 (as amended)
the Plan	Tonbridge and Malling Borough Local Plan

## **Non-Technical Summary**

This report concludes that the Tonbridge and Malling Borough Local Plan (the Plan) is not legally compliant in respect of the Duty to Cooperate (DtC) and, as such, we recommend that the Plan is not adopted.

## Introduction

1. This report contains our assessment of the Tonbridge and Malling Borough Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the Act). It considers whether the Plan's preparation has complied with the duty to co-operate (DtC).
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The Tonbridge and Malling Borough Local Plan, submitted on 23 January 2019, is the basis for our examination. It is the same document as was published for consultation between 1 October 2018 and 19 November 2018.
4. This report considers whether the Plan's preparation has complied with the DtC. Given our conclusion in relation to the DtC, we do not go on to consider whether the Plan is sound and whether it is compliant with other legal requirements. If a local planning authority cannot demonstrate that it has complied with the DtC at the independent examination of their local plan, then Section 20(7A) of the Act requires that the examiner must recommend non-adoption of the Plan. This is the situation in this case, and it is not, therefore, relevant for us to consider the other matters in this Report. Accordingly, we have not recommended any main modifications.
5. Hearing sessions were held between 6 and 8 October 2020 and they focussed on legal compliance matters including the DtC and Sustainability Appraisal.
6. Further hearing sessions were planned as part of the examination from 3-5 November and on 10 November 2020 to consider other soundness issues. However, following our consideration of the evidence presented by Tonbridge and Malling Borough Council (the Council) and other participants in response to our Matters, Issues and Questions<sup>1</sup> at the hearing session in relation to DtC, and taking into account written representations and discussion at that hearing session we notified the Council in a letter<sup>2</sup> dated 22 October 2020, that we had

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<sup>1</sup> ED56

<sup>2</sup> ED67



significant concerns in respect of legal compliance. The letter also explained that we had asked the Programme Officer to cancel the hearings planned for November 2020 and that we would be writing to the Council as soon as possible setting out our specific thoughts in more detail. The letter also advised that we would not reach a final conclusion on the way forward for the examination until we had had a chance to consider the Council's response to that letter.

7. Our letter<sup>3</sup> to the Council, dated 15 December 2020, set out our concerns with regards to the DtC in some detail. The Council submitted a response dated 29 January 2021<sup>4</sup>, along with a number of appendices. Having fully considered the Council's response and appendices, our final letter<sup>5</sup>, to the Council, dated 2 March 2021, set out our conclusions on this matter and stated that, there were two options before the Council; either to withdraw the Plan from examination or we would write a final report recommending its non-adoption because of a failure to meet the DtC. We gave the Council 21 days to consider which option they wished to pursue. On 11 March 2021 the Council confirmed that it would not be withdrawing the Plan and invited us to prepare a final report at our earliest convenience<sup>6</sup>.

## **Assessment of Duty to Co-operate**

### **Background**

8. Section 20(5)(c) of the Act requires that we determine whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. Section 33A of the Act imposes a duty on a local planning authority to co-operate with other local planning authorities, the County Council and prescribed bodies or other persons by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation. It makes clear that sustainable development or use of land that would have a significant impact on at least two planning areas is such a strategic matter. Account can only be taken of the engagement undertaken by authorities up to the point of submission of the Plan, as the assessment of compliance with the DtC only relates to the preparation of the Plan.
10. Government policy in the 2012 NPPF paragraphs 178 to 181 sets out the importance placed on planning strategically across boundaries. Paragraph 181

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<sup>3</sup> ED68

<sup>4</sup> ED69

<sup>5</sup> ED81

<sup>6</sup> ED82

states that "local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination" and that "cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development".

11. It is not disputed by the Council that housing is a strategic matter for the purposes of S33A of the Act, which required cooperation as set out above. Whether the DtC has been complied with is a matter of judgement for the examining Inspectors following consideration of the evidence presented by the Council and other participants, both in writing and at the hearing sessions.
12. Sevenoaks District Council (SDC) considers that it is unable to meet all of its own housing needs. It is a neighbouring local authority and forms a large part of the West Kent Housing Market Area (HMA) which also includes a significant part of Tonbridge and Malling Borough, as well as parts of Tunbridge Wells Borough. Our report will focus on the engagement of the Council with SDC, in relation to housing across the HMA. The NPPF (para 47) states that local planning authorities (LPAs) should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for housing in the HMA, as far as is consistent with the policies set out in this Framework.

**Did the Council know that Sevenoaks District Council considered that it would be unable to meet its own housing needs in full, prior to the submission of their plan for examination in January 2019?**

13. The Council explained at the hearings that it was not clear until SDC's Regulation 19 (of the Town and Country Planning (Local Plan) (England) Regulations 2012 (the Regulations)) Plan was published in December 2018 what the scale of unmet need was and even then it was not certain as the Plan had not been examined by an Inspector and the housing need and requirement found sound. As set out above, the Tonbridge and Malling Regulation 19 Plan was submitted for examination on 23 January 2019 which was before the transitional deadline of 24 January 2019, set out in paragraph 214 of Annex 1 to the July 2018 and February 2019 versions of the NPPF.
14. At the hearings the Council's view was that until SDC's Plan had been consulted on there was uncertainty about whether there was any unmet need and the basis for that. Furthermore, there had not been a process of examination to demonstrate that there were unmet needs and even if there were unmet needs there was a chance that they could be quite small. However, SDC's Regulation 18 Plan which it consulted on, between July and September 2018, identified a need for 13,960 dwellings and identified sites to

meet between 6,582 and 13,382 dwellings<sup>7</sup>. So, at this stage it was clear there was a likely shortfall of at least around 600 dwellings, and this was the best case scenario. At worst it was closer to approximately 7000. While the level of unmet need and the justification for it could be a matter for debate, there is enough here to demonstrate that this was a strategic matter on which cooperation was required. In the submitted SDC Regulation 19 Plan the unmet need was in the order of 3,392 dwellings<sup>8</sup>. The calculation of housing need is not an academic exercise, it is a question of identifying an actual local need.

15. However, much earlier than this, in October 2017 when SDC were at their 'issues and options' stage of plan preparation, the Council wrote to SDC (ED78B), saying, "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling".
16. This was at a stage in the process when officers in a report to Tonbridge and Malling Council's Planning and Transportation Advisory Board (ED78A), in December 2017, advised that SDC, unlike Tonbridge and Malling Council, was not planning to release Green Belt land to meet its housing need. It also says that, even with some Green Belt releases, "the conclusion is that Sevenoaks will be a significant way adrift from meeting its identified housing needs". So, in our view, it is clear that the Council knew in 2017 that SDC would be likely to reach the judgement that it would be unable to meet its own housing needs in full, even with Green Belt release.
17. The Council's views on market capacity are informed by a Housing Delivery Study (CD HO3) which was published in September 2017. The purpose of the Study was to consider the market capacity and potential pace of housing delivery within the Borough to inform the development of the emerging Local Plan. However, paragraph 1.7 says that "emerging evidence suggests that a number of neighbouring authorities may not be able to meet in full their objectively assessed housing need. Some authorities may therefore ask TMBC whether it is able to help to address an unmet housing need arising". Paragraph 4.8 advises that "...in addition to Tonbridge and Malling's own housing needs, the Council has a Duty to Cooperate with neighbouring authorities and is likely to need through the plan-making process to consider the potential to contributing to meeting unmet housing needs from beyond the borough boundary. A core role of this study is to consider what additional housing delivery the market could potentially accommodate".

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<sup>7</sup> Page 2 of letter dated 28 October 2019, from the Inspector examining the SDC Plan

<sup>8</sup> Paragraph 14 of the Report on the Examination of SDC Plan, dated 2 March 2020

18. It is clear then that one of the motivations for the September 2017 Study was to consider the issue of unmet needs arising in a number of neighbouring authorities. Irrespective of a number of technical concerns raised by representors with regard to whether this evidence demonstrates market capacity issues or not, in our view the Housing Delivery Study is further evidence that shows that the Council knew in 2017 that SDC had or was likely to have unmet need and that they may be asked for help with meeting the need.
19. Also, it is well documented that the Council, along with SDC and Tunbridge Wells were involved in a pilot scheme (West Kent Statement of Common Ground Pilot Project), which appears to have started in 2017. This pilot scheme with the Planning Advisory Service (PAS) was set up to look at the use of Statements of Common Ground in plan making. Paragraph 6.6 of the PAS facilitator's notes, dated April 2018, says "Each of the Council's has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on the matter of housing supply". However, paragraph 6.3 of the same notes says, "This may increase the housing land supply but it remains unlikely that Sevenoaks DC will be able to meet its housing need in full". This shows that it was known then that there was likely to be some unmet need in SDC, albeit there was no firm figure.
20. In summary, it appears from the evidence before us that the Council knew for a number of years, prior to the submission of their Plan for examination, that it was highly likely that SDC would reach the judgement that it would be unable to meet its housing need in full. While the scale of the unmet need was uncertain, the overall position was clear well in advance of the submission of the Plan for examination in January 2019. It should, therefore, have been obvious to the Council that this was a strategic matter to which the DtC applied.
21. This should have led to the Council engaging constructively, actively and on an ongoing basis with SDC on unmet housing needs, regardless of whether this was a precise figure or a range, or indeed whether the Council felt it may not be able to accommodate the unmet need in full or in part. The requirement of the Act is for authorities to actively engage to maximise the effectiveness of plan preparation.

**Did the Council engage constructively, actively and on an ongoing basis with SDC on unmet housing needs?**

22. In the Council's Duty to Cooperate Statement (CD SC1), section 8 deals with Cross-Boundary Issues. The table in paragraph 8.1 of this document sets out the strategic cross boundary issues, the key neighbouring authorities/organisations in relation to each issue and the summary of cooperation. Under the housing section of this table the key neighbouring authorities/organisations are listed as Maidstone Borough Council, Ashford Borough Council, Kent County Council and Highways England. It seems that the limited extent of this table is because it only covers authorities where cross boundary issues are specifically covered in the Plan. Nowhere in this document, which is dated January 2019, and therefore postdates the publication of the SDC Regulation 19 Plan on 18 December 2018, is there any mention of unmet housing need in SDC. If there had been any constructive, active and ongoing engagement with SDC ahead of submission on what was clearly a strategic matter, it would be reasonable to expect that this would at least be mentioned in the Council's DtC statement.
23. As set out above, it was apparent from as early as October 2017 there were clear signs that SDC was likely to conclude that it would not be able to meet its housing needs in full. It seems that regular meetings were held between the Council and SDC during the preparation of the Council's Plan, but there is no evidence that unmet housing need in SDC was discussed at these meetings and no meeting minutes have been provided to evidence that housing needs were discussed. The Council say that the discussion was predominantly about 'constraints' to meeting housing needs but no minutes of any of these meetings have been produced as evidence of what was actually discussed. Consequently, there is no evidence before us, that these meetings were used for constructive and active engagement in an attempt to resolve the strategic matter of unmet housing need and maximise the effectiveness of plan preparation.
24. The Council argue that SDC did not formally ask them for help and it was not up to the Council to "make the running", but this is a circular argument with a risk that both parties defer the issue to the other without any meaningful attempt to resolve it. We are obliged to consider whether the Council cooperated and the question of whether or not SDC made any running does not remove the obligation on the Council, particularly as the issue of unmet housing need in Sevenoaks appeared to be well known to both. Moreover, it is clear from the Council's letter sent to SDC in October 2017, where they say "At this stage and based on the evidence available it is highly unlikely that there would be supportable reasons or indeed the capacity for meeting any unmet need from Sevenoaks in Tonbridge and Malling", that such a request would have been likely to be pointless. The letter was therefore a

discouragement to constructive, active and ongoing engagement, because it can reasonably be read as closing the door to cooperation. Indeed, there does not appear to have been much engagement for the next 15 months or so, up to the submission of the Plan for examination. In fact, very little evidence of any meaningful engagement in relation to this particular strategic matter has been submitted for us to take into account.

25. The Council explained at the hearings that, if they had delayed the submission of the Plan to try to accommodate some of the unmet need from SDC, once the SDC Regulation 19 Plan was published in December 2018, they would have had to effectively start plan preparation again. This is because they would have missed the transitional deadline in NPPF paragraph 214 and their housing need would have increased by around 3000 dwellings, due to the introduction of the standard method in the 2018 and 2019 versions of the NPPF<sup>9</sup> and related PPG. Whilst this may have been so, it is not an adequate or legally compliant reason to not engage. Early engagement in 2017, when there was first evidence that SDC were unlikely to be able to meet their housing need, would not necessarily have caused delays to the overall process and to the Council meeting the transitional deadline<sup>10</sup>. Furthermore, the decision to push ahead to submit on or before the 24 January 2019 was entirely a choice made by the Council. Importantly, even if no agreement had been reached on the matter, if constructive, active and ongoing engagement had taken place from the earliest stages of preparation of the Plan, the Plan would have been found legally compliant in relation to the DtC.
26. The conclusion of the SDC Regulation 18 consultation, in September 2018, was some four months prior to the submission of the Plan for examination. At this point the unmet need was still a range and would only be confirmed on conclusion of the Sevenoaks examination. This is something the Council argue is necessary before active and constructive engagement can commence, but we strongly disagree. It should have been clear at this time (i.e. four months prior to submission of the Plan), if not earlier, that there was a strategic matter relating to unmet housing need which required addressing through constructive engagement, regardless of the lack of clarity at the time over the precise volume of unmet need.
27. Whilst it was not clear in 2017, or even later in the process, at the Regulation 18 consultation stage, what the exact level of unmet need was or would be, the fact that SDC considered there was likely to be some unmet need should have led to constructive, active and ongoing engagement between the Council and SDC at that point and subsequently.

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<sup>9</sup> NPPF 2019 Paragraph 60

<sup>10</sup> NPPF 2019 Annex 1, paragraph 214



28. The Council advise that, like SDC, they have large amounts of Green Belt land, which is a constraint to meeting housing needs other than their own. Both authorities have significant areas of Green Belt as well as land in Areas of Outstanding Natural Beauty (AONB). The Council carried out a Green Belt review of land in their own administrative boundary, leading to the release of some Green Belt land in the Plan as well as a proposal to put some land into the Green Belt.
29. However, there is no evidence that at any time the Council cooperated or even considered cooperating with SDC on a joint review of the Green Belt across both of their boundaries to understand the comparative quality across the two authority areas and any potential to amend Green Belt boundaries to fully or more fully meet needs. Nor was there any joint work to assess and reach an agreement on the housing capacity on non Green Belt areas across both authorities or on how that capacity might reasonably be maximised. The Council say the reason for this is that the two LPAs were at different stages of plan making, however the plans were submitted for examination within months of each other. In addition, the fact that the Council disagreed with SDC on the approach they were taking to Green Belt release did not mean the DtC did not apply and could be ignored.
30. In terms of the Council's position about relative timescales, the Council's Regulation 19 Plan was published for consultation on 1 October 2018, around 3 weeks after the conclusion of the SDC Regulation 18 consultation. SDC published their Regulation 19 Plan for consultation on 18 December 2018 and so the fact is the plan-making timescales and processes in Tonbridge and Malling and SDC were actually closely aligned. We can find no credible reason why the Councils could not have engaged constructively and actively during the plan making process in accordance with the duty on them to engage constructively with each other in a meaningful attempt to resolve issues relating to unmet needs.
31. Whilst resolution to the problem of unmet housing needs is not a prerequisite to the Council being able to demonstrate compliance with the DtC, earlier, constructive, active and ongoing engagement, in line with the Act and national policy as articulated in the Framework and PPG, would have been much more likely to result in an effective strategy for meeting SDC's need, whether within the SDC area or elsewhere. Even if in this case the Council considered it unrealistic to contemplate a joint local plan at this point, it might have considered other less formal mechanisms of compliance with the duty, such as aligning plan time-tables and policies and/or joint approaches to plan-making. Any steps of that kind would have demonstrated positive proactive attempts at cooperation.

32. The Council's hearing statement<sup>11</sup>, submitted to SDC's examination, explains the Council's view that it would be unreasonable to expect it to accommodate any unmet housing need for SDC because it faces similar constraints and challenges, is planning to meet its own need in full, and market and infrastructure capacity mean any such external need could not be accommodated. In the circumstances, these could have all been valid issues for discussion and engagement between both authorities, but there is no evidence to indicate that they were actually the subject of any constructive engagement between the authorities.
33. The Council advise that once the actual SDC unmet need is examined and established, they would potentially seek to deal with it through a future review of the Plan. However, such an approach is not in the spirit of the Act or of national policy. The identified need for housing exists now, and the likely existence of unmet need has been known about for some time and is therefore a strategic matter that should have been considered through the DtC in the current round of local plans, not delayed to some future date. Deferring the issue to subsequent plans does not amount to constructive, active engagement, especially when the plan making processes were, in reality, closely aligned.
34. Memorandums of Understanding (MoU) were signed after the submission of both plans and provide no evidence of constructive and active engagement prior to the submission of the Plan and are therefore of no help in demonstrating the DtC has been met. Indeed, the short final MoU simply states, *'TMBC's evidence of meeting the Duty is set out in the Duty to Cooperate Statement (January 2019). The strategic cross-boundary matters and how the Duty was addressed are summarised in section 8 of the DtC Statement. The details are set out in sections 9 to 16. The record of engagement is documented in Appendix A'*. As set out above, the Statement provides no reference to the unmet housing need in SDC. Appendix A is a list of meetings that took place between April 2012 and January 2019 with various organisations, but no minutes have been provided from any of these meetings to show that unmet housing need in SDC was discussed, and moreover from careful consideration of the verbal evidence given by the Council at the hearing sessions, it would seem that it was not discussed at any of the meetings. The only discussion was about the constraints all of the Council's in the HMA were facing in meeting their housing need. Simply discussing constraints does not in itself amount to cooperation.
35. This shortcoming is surprising given that the Council were involved in the pilot scheme (West Kent Statement of Common Ground Pilot Project) with PAS looking at the use of Statements of Common Ground in plan making. Indeed,

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<sup>11</sup> Paragraph 13.19 of Tonbridge & Malling Borough Council Position Statement (ED58)

as part of this project, the Council, SDC, and Tunbridge Wells Borough Council all agreed in April 2018 that the need to address the matter of unmet housing need was the most significant issue to be addressed in any Statement of Common Ground<sup>12</sup>. This also shows that by April 2018 the Council and SDC had acknowledged that it remained unlikely SDC would be able to meet its housing need in full<sup>13</sup> and despite this, there is no evidence of cross boundary working with SDC and others as a way of seeking to ensure that housing needs were met in full across the HMA. Moreover, the NPPF at paragraph 181 provides advice to LPAs on how to demonstrate evidence of effective cooperation in relation to cross-boundary impacts. This suggests the use of, among other things, memorandums of understanding. It adds that 'cooperation should be a continuous process of engagement from initial thinking through to implementation...'. There is no evidence that this approach was followed.

36. Despite knowing that, as early as 2017, SDC was indicating it would be likely to have unmet housing need, it is reasonable for us to conclude on the basis of everything that we have considered that the Council failed to engage constructively, actively and on an ongoing basis with SDC on that strategic matter. An active process of ongoing, active and constructive engagement might or might not have led to a more positive outcome despite the constraints of market capacity, infrastructure capacity, Green Belt and AONB designations. However, what is certain is that, if parties choose not to engage with each other, there will be little prospect of difficult but important cross-border issues being resolved in relevant strategic matters. If there is no cooperation on such matters, then the effectiveness of plan preparation is unlikely to be maximised.

**If a plan is found to have failed the DtC, is it possible to proceed with the Examination?**

37. In a letter to the Planning Inspectorate, dated 18 June 2019, the Secretary of State stressed to Inspectors the importance of being pragmatic in getting a plan in place that, in line with paragraph 35 of the 2019 NPPF, represents a sound plan for the authority.
38. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This 2015 letter also stresses the importance of Inspectors working in a pragmatic way with councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within 5 years of adoption, giving councils the option to undertake

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<sup>12</sup> Sevenoaks District Council v Secretary of State for Housing Communities and Local Government [2020] EWHC 3054 (Admin)

<sup>13</sup> ED69A, Appendix D, paragraph 6.3

further work to address shortcomings identified at examination and highlighting significant issues to councils very early on and giving councils the full opportunity to address issues. However, the failure we have identified cannot be remedied during the examination since any failure in DtC cannot be resolved after submission of the Plan because the duty relates to the period of plan preparation which has ended. Once we had considered all of the evidence pertaining to DtC presented in writing and orally at the hearing sessions we immediately notified the Council of our concerns and cancelled the future hearings. We gave the Council opportunities, prior to the hearing sessions, during the hearing sessions and afterwards, to provide additional evidence confirming its approach to complying with the DtC undertaken prior to the submission of the Plan for examination.

39. In examining the Plan we have had this advice in the forefront of our minds and we have worked in a pragmatic way with the Council towards achieving a sound plan as far as practicable. However, we have identified a failure of legal compliance in relation to the DtC.
40. It is reasonable for us to conclude that the DtC, as set out in section 33A of the Act, has not been met.

## **Overall Conclusion and Recommendation**

41. The DtC in Section 33A of the 2004 Act has not been met for the reasons set out above and we, therefore, recommend that the Plan is not adopted.

*Louise Crosby and Luke Fleming*

Inspectors

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# **Report to Sevenoaks District Council**

**by Karen L Baker DipTP MA DipMP MRTPI**

**an Inspector appointed by the Secretary of State**

**Date 2 March 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Sevenoaks District Local Plan**

The Plan was submitted for Examination on 30 April 2019.

The Examination Hearings were held between 24 and 26 September 2019 and between 1 and 3 October 2019.

File Ref: PINS/G2245/429/7

## **Abbreviations used in this Report**

DtC	Duty to Co-operate
HMA	Housing Market Area
HPS	Hearing Position Statement
IPe	Intelligent Plans and Examinations
the Plan	Sevenoaks District Local Plan
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
PAS	Planning Advisory Service
PPG	Planning Practice Guidance
SoCG	Statement of Common Ground
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This Report concludes that the Sevenoaks District Local Plan (the Plan) is not legally compliant in respect of the Duty to Co-operate (DtC) and, as such, I recommend that the Plan is not adopted.



## Introduction

1. This Report contains my assessment of the Sevenoaks District Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The National Planning Policy Framework (NPPF) 2019 makes it clear in paragraph 35 that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. It goes on to say that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a legally compliant and sound plan. The Sevenoaks District Local Plan Proposed Submission Version<sup>1</sup>, dated December 2018 and submitted on 30 April 2019, is the basis for my Examination. It is the same document as was published for consultation between 18 December 2018 and 3 February 2019.
3. This Report considers whether the Local Plan's preparation has complied with the Duty to Co-operate (DtC). Given my conclusions in respect of the DtC, I do not go on to consider whether the Plan is sound and whether it is compliant with the other legal requirements. If a local planning authority cannot demonstrate that it has complied with the Duty at the independent Examination of their Local Plan, then Section 20(7A) of the Act requires that the Examiner must recommend non-adoption of the local plan. This is the situation in this case, and it is not, therefore, necessary for me to consider the other matters further in this Report.
4. Hearing sessions were held between 24 and 26 September 2019 and between 1 and 3 October 2019. These focussed on legal compliance matters, including the DtC, and matters of soundness in relation to the Local Plan Strategy, Green Belt, Housing Need, Housing Requirement, Housing Distribution and Housing Supply, along with the Sustainability Appraisal.
5. Further Hearing sessions were planned as part of this Examination between 5 and 7 November 2019 and between 12 and 14 November 2019 to consider other soundness matters including: individual housing allocations; Gypsy and Traveller provision and allocations; employment need, requirement, distribution and supply; individual employment allocations; transport and infrastructure; the historic environment; open space, recreation and community facilities; the natural environment and biodiversity; climate change, flooding and water management; and, health, well-being and air quality. However, following my consideration of the evidence presented by the Council and other participants in response to my Matters, Issues and Questions<sup>2</sup> at the Hearing sessions during the first two weeks, and taking into account the written representations and discussion at those Hearing sessions, I had significant concerns in respect of legal compliance, namely the DtC, and soundness.

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<sup>1</sup> SDC001

<sup>2</sup> ED8

6. Following the first two weeks of Hearing sessions, I notified the Council in my letter<sup>3</sup>, dated 14 October 2019, that I had significant concerns about a number of aspects of the Plan, both in terms of legal compliance and soundness. This letter also stated that, given these concerns, I had asked the Programme Officer to cancel the further Hearing sessions planned for November and that I was preparing a letter setting out my thoughts in more detail which would be with the Council shortly afterwards. It also confirmed that I would not reach any final conclusions on the way forward for the Examination until I had had the opportunity to consider the Council's response to that letter.
7. Although I had concerns regarding soundness, these were issues which I would have needed to explore further, it is the failure to comply with the legal DtC which necessitated a halt to the Examination proceedings. Any failure in the DtC cannot be rectified once the Plan has been submitted for Examination because the DtC applies specifically to Plan preparation, and Plan preparation ends when the Plan is submitted for Examination.
8. My letter<sup>4</sup> to the Council, dated 28 October 2019, set out my concerns with regards to the DtC in some detail. The Council submitted responses<sup>5</sup> to this and to my earlier letter, along with a number of appendices. I replied<sup>6</sup> on 19 November 2019 to say that I would be responding after the pre-Election period, in line with the Planning Inspectorate's published position in this regard.
9. Having fully considered the Council's responses and appendices, my final letter<sup>7</sup> to the Council, dated 13 December 2019, set out my conclusions on this matter and stated that, unless the Council confirmed that it intended to withdraw the Plan from Examination, the only course of action open to me would be to prepare a Report concluding that the Plan is not legally compliant in respect of the DtC and recommending that it should not be adopted. In its letter<sup>8</sup>, dated 3 January 2020, the Council confirmed that it would not be withdrawing the Plan from Examination and asked that I issue my Report as soon as possible.

### **Main Modifications**

10. I have found a failure in respect of the DtC and, as such, I have no option but to recommend that the Plan should not be adopted. Accordingly, I have not concluded on any other matters in connection with the Plan and, as a result, I would not be able to recommend any Main Modifications [MMs].

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<sup>3</sup> ED37

<sup>4</sup> ED40

<sup>5</sup> ED38, ED38A, ED41, ED42, ED42A, ED42B and ED42C

<sup>6</sup> ED43

<sup>7</sup> ED44

<sup>8</sup> ED45

## Assessment of Duty to Co-operate

### ***Has the Council demonstrated that it has engaged constructively, actively and on an on-going basis in the preparation of the Local Plan?***

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by Section 33A in respect of the Plan's preparation.
12. Section 33A requires that a local planning authority co-operates with other local planning authorities, the County Council and prescribed bodies or other persons in relation to the preparation of the Plan. This duty requires the Council to engage constructively, actively and on an on-going basis in the preparation of the Plan, so far as it relates to a strategic matter. A strategic matter includes the sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
13. Government policy, set out in paragraph 26 of the NPPF, says that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. It goes on to say that, in particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere. Co-operation is, therefore, about maximising the effectiveness of plan preparation.
14. The Plan, as submitted, identifies a need for 13,960 dwellings between 2015 and 2035, but sets out a requirement for 10,568 dwellings, which would amount to an unmet need of 3,392 dwellings. The Council advanced a position<sup>9</sup> during the Examination which sought to reduce the unmet need. However, it would still have left an unmet need of 1,316 dwellings, even if I had agreed with the Council's position.
15. It is common ground between the Council and most parties to the Examination that housing is a strategic matter upon which the Council should engage constructively, actively and on an on-going basis with its neighbours. I concur with this view. The Council published a DtC Statement<sup>10</sup> in May 2019, following the submission of the Plan for Examination, which sets out the activities undertaken by the Council, including meetings with neighbouring authorities, at both Officer and Member level, and the production of a joint evidence base with neighbouring authorities in the West Kent Housing Market Area<sup>11</sup> [HMA].

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<sup>9</sup> Housing Supply Update Paper – C2 Update [ED23]

<sup>10</sup> SUP006 and SUP006a-d

<sup>11</sup> The West Kent Housing Market Area includes Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council.

16. Whether the DtC has been complied with is a matter of judgement for the examining Inspector following consideration of the evidence presented by the Council and other participants, both in writing and at the Hearing sessions.
17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment<sup>12</sup> (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area<sup>13</sup> (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.
18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement<sup>14</sup> and Appendices<sup>15</sup> and in Appendix 1: Schedule A<sup>16</sup> attached to its letter<sup>17</sup>, dated 18 November 2019, with the minutes of most of these meetings<sup>18</sup> provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group<sup>19</sup> and the West Kent Statement of Common Ground (SoCG) Pilot Programme group<sup>20</sup>.
19. The minutes<sup>21</sup> of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues

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<sup>12</sup> Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment, prepared by GL Hearn Limited, September 2015 [HOU001]

<sup>13</sup> The West Kent HMA includes Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council

<sup>14</sup> SUP006

<sup>15</sup> SUP006a, SUP006b, SUP006c and SUP006d

<sup>16</sup> ED42A

<sup>17</sup> ED42

<sup>18</sup> No minutes have been provided of the meetings held on 6 December 2017, 22 January 2018 and 14 March 2018, although summaries of the meetings on 22 January 2018 and 14 March 2018 are provided in the West Kent Statement of Common Ground (SoCG) Pilot Project Facilitator's Note, dated 3 April 2018 (updated by the amended version of this note dated 10 April 2018 and submitted by the Council as part of its Appendix 3: Duty to Co-operate Appendices [ED42C]).

<sup>19</sup> This group is made up of the three West Kent Housing Market Area (HMA) authorities, namely Sevenoaks District Council, Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council.

<sup>20</sup> This group, facilitated by the Planning Advisory Service (PAS), also included the West Kent HMA authorities.

<sup>21</sup> Pages 172-174 of SUP006a

and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary<sup>22</sup> of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (Ipe), held on 22 January 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes<sup>23</sup> of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks 'is testing options to assess the way forward'. The summary<sup>24</sup> of the meeting, held on 14 March 2018, set out in the Facilitator's Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated. The Facilitator's Note<sup>25</sup> does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say<sup>26</sup> that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.
21. The Council has since stated, in Appendix 1: Schedule A<sup>27</sup> to its letter<sup>28</sup>, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note<sup>29</sup>, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are

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<sup>22</sup> Page 185 of SUP006a

<sup>23</sup> Pages 182-183 of SUP006a

<sup>24</sup> Page 185 of SUP006a

<sup>25</sup> Paragraphs 5.1 and 5.2

<sup>26</sup> Paragraph 6.1

<sup>27</sup> ED42A

<sup>28</sup> ED42

<sup>29</sup> West Kent SoCG Pilot Project Facilitator's Note, dated 10 April 2018, set out in 2a of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]

additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.
23. The minutes<sup>30</sup> of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted<sup>31</sup> that 'officers discussed the potential requirement for a follow up letter<sup>32</sup> to request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.
24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.
25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have

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<sup>30</sup> Pages 191-192 of SUP006a

<sup>31</sup> Page 194 of SUP006a

<sup>32</sup> Letters were sent to neighbouring authorities requesting that they assist with Sevenoaks' unmet housing need in April 2019.



not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>33</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.
27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.
28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.
29. I appreciate that these neighbouring authorities say<sup>34</sup> that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does

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<sup>33</sup> Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council

<sup>34</sup> Letters dated 21 and 27 November 2019 set out in 3a and 3b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C]

not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.

*Statements of Common Ground*

30. In order to demonstrate effective and ongoing joint working, paragraph 27 of the NPPF says that strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground (SoCGs), documenting the cross-boundary matters being addressed and progress in co-operating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency.
31. The Council has submitted a number of SoCGs<sup>35</sup> as supporting documents, some of which were provided following the submission of the Plan for Examination, on 30 April 2019. These include several SoCGs with neighbouring authorities, including Tunbridge Wells Borough Council<sup>36</sup> and Tonbridge and Malling Borough Council<sup>37</sup>, which were signed on 21 and 30 May 2019 respectively. The agreed actions within these documents in respect of housing are to 'engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London's growth, large scale developments and opportunities for meeting any unmet need' and to 'undertake a 5 year review of the Local Plan'; and, 'to engage through the wider DtC Forum with other neighbouring authorities outside the West Kent HMA in relation to strategic housing matters' respectively.
32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email<sup>38</sup> to MHCLG, dated 15 March 2019, the Council says that it 'is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.' However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.
33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.
34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders'

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<sup>35</sup> SUP007a – SUP007i

<sup>36</sup> SUP007h

<sup>37</sup> ED6

<sup>38</sup> Email from James Gleave, dated 15 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan.

*The timing of engagement*

35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter<sup>39</sup> dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.
36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.' However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.
37. The full extent of unmet need only became apparent to the Council following the consideration of the responses to the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have

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<sup>39</sup> ED42

been able to accommodate some of Sevenoaks' unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.
39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks' housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need.

#### *Peer Review*

40. The peer review process undertaken by the Council consisted of advice<sup>40</sup> from Intelligent Plans and Examinations (IPe) in November 2018; a PINS' Advisory Visit<sup>41</sup> in February 2019; MHCLG advice<sup>42</sup>; and, a review of the Plan and PAS Workshop<sup>43</sup> on 24 April 2019.
41. The advice from IPe following its meeting with the Council on 1 November 2018, considered several matters, including housing need and delivery, however, it made no mention of the extent of unmet housing need in the District, or how this could be addressed. The purpose of the PAS Workshop, which was held six days before the Plan was submitted for Examination and led by IPe, was 'to provide advice on the implications of the DtC for the soundness assessment of the Plan' and 'to meet with neighbouring authorities,

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<sup>40</sup> Revised Note in respect of the preparation of the Sevenoaks Local Plan, prepared by Laura Graham of IPe, dated 4 December 2018, set out in 1a of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>41</sup> PINS Advisory Visit Note, prepared by Inspector Jonathan Bore, dated 6 February 2019, set out in 1b of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>42</sup> MHCLG correspondence, meeting 6 March 2019, set out in 1c of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

<sup>43</sup> Note on the Duty to Co-operate and the Local Plan, prepared by IPe, dated 7 May 2019, set out in 1d of Appendix 3: Duty to Co-operate Appendices, dated 4 December 2019 [ED42C].

so they could outline their respective positions regarding meeting development needs in West Kent.'

42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings<sup>44</sup> in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan<sup>45</sup>, prepared by IPe, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement<sup>46</sup>. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.
43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.
44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, several points were raised in relation to the DtC at the Advisory Visit<sup>47</sup> carried out by the Planning Inspectorate in February 2019, as set out in the note<sup>48</sup> of this meeting.
45. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

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<sup>44</sup> This revised figure took account of proposed changes to the Plan period being put forward by the Council for consideration during the Examination.

<sup>45</sup> ED42B

<sup>46</sup> SUP006, SUP006a, SUP006b, SUP006c and SUP006d

<sup>47</sup> The Planning Inspectorate carries out Advisory Visits to local planning authorities ahead of submission to provide advice on procedures and to help them achieve a sound plan.

<sup>48</sup> The PINS Advisory Visit Meeting Note is set out in 1b of Appendix 3: DtC Appendices, dated 4 December 2019 [ED42C].

46. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.
47. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement<sup>49</sup> in May 2019, in which it states that 'KH<sup>50</sup> advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPe<sup>51</sup>, submitted in November 2019, does not state that the DtC has been met or that KH advised that this was the case.
48. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective.

*If a Plan is found to have failed the Duty to Co-operate, is it possible to proceed with the Examination?*

49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.
50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.
51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to

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<sup>49</sup> SUP006d

<sup>50</sup> KH was Keith Holland of IPe, working on behalf of PAS.

<sup>51</sup> ED42B



proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.
53. For the reasons set out above the DtC set out in Section 33A has not been complied with.

## **Overall Conclusion and Recommendation**

54. The DtC in Section 33A of the 2004 Act has not been complied with for the reasons set out above and I, therefore, recommend that the Local Plan is not adopted.

*Karen L Baker*

Inspector



Neutral Citation Number: [2020] EWHC 3054 (Admin)

Case No: CO/1417/2020

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**PLANNING COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 13/11/2020

**Before :**

**MR JUSTICE DOVE**

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**Between :**

**Sevenoaks District Court**  
**- and -**  
**Secretary of State for Housing Communities and**  
**Local Government**

**Claimant**

**Defendant**

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**Ms Saira Kabir Sheikh QC and Charles Merrett** (instructed by **Sharpe Pritchard**) for the  
**Claimant**  
**Richard Moules** (instructed by **GLD**) for the **Defendant**

Hearing dates: Thursday 3rd September 2020  
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**Approved Judgment**

**Mr Justice Dove :**

**Introduction**

1. The claimant is a local planning authority who prepared the Sevenoaks District Local Plan (“the SDLP”) for its administrative area. The claimant challenges the decision of the Inspector appointed by the defendant to undertake the examination of the SDLP who concluded that the claimant had failed to comply with the duty to cooperate set out in section 33A of the Planning and Compulsory Purchase Act 2004. The claim is advanced by the claimant on four grounds. The first ground is that the Inspector erred in law in failing to apply a margin of appreciation when considering the test under section 33A of the 2004 Act. Ground 2 is the contention that the Inspector failed to correctly interpret and apply the duty to cooperate, and in reality conflated that duty with the requirement that a plan be sound. Ground 3 is that the Inspector failed to have regard to material considerations and in particular to consider the material evidence that was placed before her. Finally, Ground 4 is a challenge based on the contention that the Inspector’s reasons were inadequate.
2. This judgment will firstly set out the facts in relation to the case, secondly, rehearse the relevant legal framework and, thirdly, deal with the submissions advanced and the conclusions reached in relation to the four grounds on which this application is advanced.

**The facts**

3. The claimant’s administrative area contains a significant element of Green Belt as well as areas which are designated as an Area of Outstanding Natural Beauty. Its district forms part of the West Kent Housing Market Area (the “HMA”) and has further functional and economic relationships with London boroughs to the north of its administrative area.
4. The claimant began the preparation of its proposed SDLP in 2015 and at that time the evidence for it started to be collected. In September 2015 a Joint Strategic Housing Market Assessment (“SHMA”) was published, having been prepared jointly for the HMA by the claimant together with the other local planning authorities in the HMA: Tunbridge Wells and Tonbridge and Malling Borough Councils. Other technical work in relation to the assessment of the Green Belt and provision for gypsies and travellers was prepared by the claimant. The claimant undertook two rounds of consultation under the provisions of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the first in relation to issues and options in August 2017, and then a further consultation on the draft SDLP from July through to September 2018. In a witness statement before the court to explain the factual background to the preparation of the SDLP, James Gleave, who is the Strategic Planning Manager for the claimant, explains that at the Regulation 18 stage of plan preparation the extent of any unmet housing need as a result of the SDLP’s proposals was unknown “because views were still being gathered on what the Plan ought to contain and the council’s ‘call for sites’ process remained open until October 2018”. Thus, Mr Gleave observes, that it was not clear what proportion of unmet housing need might arise in the claimant’s district.

5. Between 8 December 2018 and 3 February 2019 the claimant undertook the consultation required by Regulation 19 of the 2012 Regulations on the SDLP in its proposed submission version. The proposed submission version identified that based upon the defendant's standard methodology the annualised housing need for the claimant's district was 698 dwellings, giving rise to a total of 13,960 dwellings over the 20-year plan period from 2015 to 2035. The housing land supply which was proposed in the SDLP was 10,568 dwellings or approximately 75% of the total housing need derived pursuant to the standard methodology. The plan was submitted for examination on the 30 April 2019.
6. For the purposes of the examination the claimant prepared a Duty to Cooperate Statement ("the Statement") setting out its case and the evidence in support of the conclusion that the duty to cooperate had been satisfied in the preparation of the SDLP. The Statement presents the evidence in a number of themes. Firstly, it alludes to the preparation of a joint evidence base, referring to the SHMA set out above and other studies and plans which were jointly prepared with relevant authorities. Secondly, the Statement refers to discussions which had occurred with a wide variety of statutory bodies ranging from Natural England and the Environment Agency to Highways England and Network Rail. The Statement then turns to discussions with neighbouring authorities. Reference is made to the Kent Planning Officer's Group as a forum (complemented by the Kent Planning Policy Forum) which meet regularly to discuss common issues in relation to plan making and allied concerns. Annexed to the statement are the notes of meetings with other public bodies, and in particular neighbouring authorities, which had occurred since the outset of preparation of the SDLP in 2015. The statement then records the statements of common ground which had been signed with a wide variety of local authorities and public bodies in respect of the various cross-boundary strategic issues which were engaged with the SDLP process. Alongside this documentation the Statement also set out discussions which had taken place at an elected member level with adjoining local authorities and briefings which had occurred with local MPs. Finally, the Statement also sets out the elements of peer review to which the SDLP process had been subject since the Regulation 18 draft consultation.
7. Whilst it is clear that the duty to cooperate, so far as it was relevant to the SDLP process, engaged a number of strategic issues, for the purposes of this judgment it is necessary to focus upon the strategic issue of housing need since, as will be seen, that was the issue which was principally of concern to the Inspector. In that connection it is necessary to set out the contents of the statements of common ground with, in particular, the neighbouring authorities of Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council, along with the conclusions of the peer review which was undertaken and relied upon in relation to the housing issue.
8. A statement of common ground was agreed between the claimant and Tonbridge Wells Borough Council on the 21 May 2019. Having set out the issue in relation to unmet housing need within the SDLP the statement of common ground records as follows:

"2.1.5 Discussions have taken place with neighbouring authorities in the HMA to discuss assistance with any unmet need, but no authority has been in a position to assist SDC with its unmet need.

2.1.6 TWBC is currently preparing its second Regulation 18 version of the Draft Local Plan for consultation, which includes the vision, objectives and growth strategy, overarching strategic policies, place shaping policies and detailed Development Management Policies.

2.1.7 TWBC is also constrained by the Green Belt (22%) and the Area of Outstanding Natural Beauty (70%) as well as areas of flood risk and traffic congestion. The Regulation 18 Draft Local Plan identifies the need for 13,560 dwellings in accordance with the Standard Methodology. Taking into account homes already built since 2013 and sites benefiting from planning permission and allocations within the existing Site Allocations Local Plan, TWBC is aiming to allocate land to meet the remaining balance of 8,914 (Note: this is still subject to change following ongoing work) dwellings. TWBC is seeking to meet its full objectively assessed need across the borough through development at a number of settlements, strategic release of Green Belt at Paddock Wood/Capel to allow expansion of the settlement and a new garden settlement within the Green Belt at Tudeley also within Capel Parish.

2.1.8 It is understood that, at present, TWBC is unable to assist SDC with unmet housing need, due to the constraints on both local authorities, and their inability to meet housing needs beyond their own, irrespective of unmet needs elsewhere.

2.1.9 Consequently, both councils will continue to work together and identify the position as both TWBC and SDC prepare to review their Local Plan every 5 years.

#### Actions

TWBC and SDC will engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the West Kent housing market area in relation to housing related matters, including unmet need, five year housing land supply, best fit HMAs, affordability, London growth, large scale developments and opportunities for meeting any unmet need.

TWBC and SDC to each undertake a 5 year review of their respective Local Plans.”

9. The position in the statement of common ground is supported by the material contained within Tunbridge Wells Borough Council’s Hearing Position Statement for the purposes of the examination. The Hearing Position Statement observes that up until 11 April 2019 there had been discussions in relation to matters, including the meeting of housing need, and that those discussions were reflected in the observations made by Tunbridge Wells Borough Council during the Regulation 19 consultation, where they stated that there should be no presumption that there was any capacity within the Tunbridge Wells Borough Council area to accommodate unmet need from another

authority area. The Hearing Position Statement records that on the 11 April 2019 Tunbridge Wells Borough Council received a communication from the claimant formally asking whether or not they were in a position to meet any of the claimant's unmet housing need. At the duty to cooperate workshop on the 24 April 2019 (which is addressed further below) Tunbridge Wells Borough Council made clear that they would not be able to meet any of the claimant's unmet housing need. The Hearing Position Statement does however record as follows:

“1.06 It is considered pertinent to note that if the request from SDC to meet its unmet need had been made at any point prior to the submission of TWBC's comments on Sevenoaks regulation 19 representations then those representations would have addressed this issue more fully.”

The Hearing Position Statement goes on to record the observations made within the Statement of Common Ground and set out above and to indicate that the position from their perspective remained the same.

10. Tonbridge and Malling Borough Council also provided a hearing statement for the purposes of the examination. In their hearing statement they explain that during the consultations on both the Regulation 18 and Regulation 19 versions of their own Local Plan they had not received any request from the claimant to address unmet housing need. In the hearing statement they set out that there had been regular meetings between Tonbridge and Malling Borough Council and the claimant to address cross-boundaries strategic matters engaging the duty to cooperate. The essence of the position which they placed before the Inspector is set out in the following paragraphs of their hearing statement:

“13.5. It is evident that TMCB faces similar constraints and challenges to Sevenoaks District Council for that part of the Borough covered by the West Kent HMA. However, TMBC's response during plan-making has and continues to be significantly different to that of Sevenoaks District Council.

13.6. TMCB has responded positively to the Government's policy for plan-making by addressing in full its assessed need for housing plus some flexibility to adapt to rapid change. This is summarised in the TMBC Spatial Topic Paper. This has been challenging but TMBC understands that if suitable patterns of development are to be delivered and if the Local Plan is to positively address the acute need for housing, as demonstrated by the median housing affordability ratio, then sufficient sites need to be allocated for development to ensure there is no unmet need. This includes the removal of approximately 160 hectares of land from the Green Belt in the West Kent HMA to provide for residential development, as explained in the TMBC Green Belt Exceptional Circumstance Topic Paper.

13.7 Before addressing the matter of whether or not the unmet housing need could be accommodated in Tonbridge & Malling Borough it is important to first question whether it is reasonable



for Sevenoaks District Council to expect TMBC to address it. Given the similarities between the two authorities (see above), TMBC considers that it is entirely inappropriate to ask the Borough Council to accommodate unmet housing need in an area with the same constraints that have been dismissed by Sevenoaks District Council. It is important to bear in mind that the part of Tonbridge & Malling Borough falling within the West Kent HMA is wholly within the Green Belt (with the exception of the settlements not washed over by the designation).

13.8 If Sevenoaks District Council had adopted a similar positive approach to meeting the housing development needs of their area in full, it is possible that there would be significantly less or no unmet need to consider. It is unreasonable to expect TMBC to not only meet their assessed need for housing in full but to accommodate unmet housing need from Sevenoaks District Council who are facing similar constraints.

...

13.19 To conclude, it would be unreasonable to expect Tonbridge & Malling Borough Council to accommodate unmet housing need from Sevenoaks District Council given that TMBC is facing very similar constraints and challenges and is planning to address in full its own assessed housing need. Not only would it be unreasonable but factors including Housing Market Areas, market capacity and infrastructure mean that TMBC could not accommodate the identified unmet housing need.”

11. In addition to the contributions made by the local authorities directly concerned in the duty to cooperate, representations were also made, in particular to the examination process, by other parties who were interested in the issue. Representations were made both for and against the conclusion that the duty to cooperate had been satisfied in the present case. Whilst some reliance was placed upon this material by both parties at the hearing of this case, it suffices to record that there were a number of participants in the examination who maintained that the claimant had not complied with the duty to cooperate and that this was a fundamental flaw in the preparation of the SDLP.
12. As set out above the claimant placed reliance in support of its contention that the duty to cooperate had been satisfied upon the peer review of the plan process which had been commissioned as a cross-check in relation to the process. The first element of this work was the invitation extended by the Planning Advisory Service (“PAS”) to the claimant to participate in a pilot project in relation to the preparation of statements of common ground. This invitation was extended to and accepted by both the claimant and also Tonbridge Wells Borough Council and Tonbridge and Malling Borough Council. The programme led to a sequence of meetings, culminating in the preparation of notes reflecting the outcome of the project, dated the 3 April 2018. Paragraph 5.2 of the note of the discussions indicates that the need to address the matter of unmet housing need was acknowledged on all sides as the most significant issue that needed to be addressed in any statement of common ground between the parties. The note then considers the question of housing need in the three districts in the HMA, and from paragraph 6.1

onwards sets out the position in each of the authorities, and thereafter at paragraphs 8.4-8.5 notes the risks in the current position. The note provides as follows:

“6.1 Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017. In Sevenoaks the OAN of 11,740 (578 dpa) compares with an indicative figure of 13,960 (698 dpa) based on the government’s standardised methodology. In Tunbridge Wells the SHMA gives an OAN of 696dpa, which is consistent with the government’s indicative figure of 692 dpa using the proposed standard methodology.

6.2 The situation in Tonbridge and Malling is more complex. The evidence base, which includes an up to date SHMA covering 2 housing market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. Members have agreed to continue with 696 dpa figure. The Council accepts the standardised methodology and will reflect this as national policy in its Local Plan. However it proposes to demonstrate that the higher figure is undeliverable based on past trends and capacity issues. This position will be supported by evidence including the housing deliverability study prepared by G L Hearn in September 2017. The Council’s concerns are clarified in more detail in its consultation response to Planning for the Right Homes in the Right Places.

6.3 The emerging Tonbridge and Malling Local Plan, if it continues to propose a housing supply which is lower than the standardised OAN, clearly presents a risk to finalising an agreed SoCG. Whilst at present neither Sevenoaks or Tunbridge Wells will require Tonbridge and Malling to accept unmet need, it is possible that the reverse may apply. Even if all three Councils sign up to a SoCG which includes a lower housing figure for Tonbridge and Malling than the standard methodology indicates, this could be undermined when its Local Plan is examined.

...

8.4 The greatest risk to this SoCG is the decision by Tonbridge and Malling to continue plan for a level of housing supply which is below the OAN identified by the government’s standard methodology. As Tonbridge and Malling takes its Local Plan forwards it will be relying on evidence which states that capacity and delivery issues prevent it from states that capacity and delivery issues prevent it from meeting the higher OAN.

8.5 Whilst both Sevenoaks and Tunbridge Wells are aiming to meet their standard methodology OANs, both are heavily

constrained by green belt and infrastructure issues and are unlikely to be capable of accommodating unmet need from Tonbridge and Malling. This pilot project is not the appropriate place to address this matter in detail. However if the final SoCG is to have any real meaning and to be robust in supporting the three Local Plans there will need to be some hard talking within the group on this matter. This is a potential showstopper in terms of the utility of the SoCG and its capability of serving its desired purpose”

13. At a later stage it emerged that the note of the 3 April 2018 (which the claimant had included within the appendixes to the statement) had in fact been superseded in a subsequent note dated 10 April 2018. It seems that the representative of Tonbridge and Malling Borough Council had, in response to receipt of the 3 April 2018 draft, made suggestions in relation to amendments to the draft, including the observation that the claimant would have elements of unmet housing need. Thus, paragraphs 6.1 and following of the note were redrafted as follows:

“6.1 During the short lifespan of this pilot project there have been several changes to both the policy background, for example the revised draft of the NPPF issued for consultation on 5 March 2018 and to the emerging evidence base which will support the three Local Plans. Consequently the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue. The current situation, at the end of the pilot project, is as follows.

#### Sevenoaks DC

6.2 In Sevenoaks the OAN of 12,400 compares with an indicative figure of 13,960 based on the government’s standardised methodology. With Regulation 19 submission planned to take place in early 2019 it likely to fall outside the NPPF transition period, therefore the higher figure will apply. However the district is highly constrained, with 93% of the district lying within the Green Belt and 60% within AONBs.

6.3 The Council is currently examining the potential of releasing some Green Belt land where a convincing exceptional circumstances case is made. This would mean that any proposed development would need to deliver evidenced social and community benefits as well as housing. Sites where this might be the case will be the subject of Regulation 18 consultation. This may increase the housing land supply but it remains unlikely that Sevenoaks DC Tonbridge and Malling DC will be able to meet its housing need in full.

#### Tonbridge and Malling BC

6.4 The evidence base for the Tonbridge and Malling Local Plan, which includes an up to date SHMA covering two housing

market areas, gives an OAN of 696 dpa. This is significantly lower than the indicative figure of 859 dpa using the proposed standardised methodology. However the position has changed since the pilot project began with the revised NPPF draft proposing a transitional period for introducing the standardised methodology of assessing housing need. Provided the Regulation 19 submission can be made within the transition period, as proposed by the Council, then the lower locally derived OAN can be used. This level of housing growth is considered deliverable.

#### Tunbridge Wells BC

6.5 When the pilot project commenced Tunbridge Wells BC was planning to meet its locally derived OAN as determined by the joint SHMA which was updated in 2017. The SHMA sets an OAN of 696 dpa for Tunbridge Wells, which is consistent with the government's indicative figure of 692 dpa using the proposed standard methodology. Recently updated evidence on strategic flood risk suggests that some re appraisal may be necessary, but the Council is still endeavouring to ensure that it can meet its own housing need.

#### Summary

6.6 Each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling BC is confident that it can meet its need, Sevenoaks DC and Tunbridge Wells BC have not yet completed the work needed to determine whether or not they can meet their housing need. Thus the Councils are not yet in a position to reach agreement on their housing needs. The councils are not yet in a position to reach agreement on the matter of housing supply.”

14. In autumn 2018 the claimant commissioned Intelligent Plans and Examinations (IPe) to undertake a review of the Regulation 18 draft of the SDLP, with a particular focus on the Green Belt and the question of exceptional circumstances. A meeting was held on 1 November 2018, and on the 4 December 2018 Ms Laura Graham, who had undertaken the review, produced a report of her advice. Within that advice she noted that there was “no absolute requirement in the NPPF to meet housing need”, but that if development needs could not be met outside the Green Belt it would be necessary to demonstrate through the sustainability appraisal process that the consequences of not meeting that need had been fully and properly addressed.
15. On the 17 December 2018 the claimant contacted the Planning Inspectorate (“PINS”) with a view to arranging an advisory visit in order to assess the plan which was at that stage in the midst of the Regulation 19 consultation (the Regulation 19 consultation closed on the 4 February 2019). On the 6 February 2019 the advisory visit from PINS was undertaken by an experienced Inspector, Mr Jonathan Bore. One of the important topics for discussion at that meeting was the change that the claimant was considering to altering the base date of the SDLP to 2019-35. The note of the advisory visit identifies

that the plan fell seriously short of meeting its housing need in full, based upon the standard method. In relation to the duty to cooperate the note of the meeting records as follows:

“The Duty to Cooperate

Sevenoaks haven’t sent formal letters asking other authorities to accommodate unmet need. They say they don’t want to, because no authorities are willing to help with unmet need and asking the question would sour relations with them. Some neighbouring authorities such as Tandridge may also have unmet need. There is a SoCG with other authorities and a MOU with Maidstone, but the Council did not say that there is constructive engagement among the neighbouring authorities to resolve the issue, nor could they point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated.”

16. The note goes on to record the comments on the issues made by Mr Bore at the meeting. In particular, within the comments on the issues he noted as follows:

“If the OAN really could not be accommodated within the District, I said that there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis. Currently, despite the MoU and SoCGs, this did not appear to exist in a positive form. I said that any Inspector would look closely at this in regard to whether the Duty to Cooperate had been fulfilled.”

17. The advisory visit by Mr Bore on behalf of PINS was followed by correspondence from the defendant seeking to understand how the visit had gone, and offering assistance from PAS in relation to guiding the future progress of the plan. This correspondence led to a meeting on the 6 March 2019 between Mr Gleave and a colleague from the claimant and representatives of the defendants. The notice of the meeting of the 6 March observes as follows:

“Sevenoaks asked whether MHCLG meets with LPAs on a regular basis following an Advisory Visit or whether there were particular concerns with the emerging Sevenoaks plan. MHCLG explained that following the AV the Department had been made aware that there were some potentially significant issues with housing numbers and Duty to Co-operate, and constraints including Green Belt. Given these could be potential ‘showstoppers’ MHCLG wanted to talk through the issues, find out what further work Sevenoaks may be doing in respect of these and to discuss whether there is any assistance MHCLG could provide as the authority prepares its plan for submission.

In terms of the Duty to Co-operate, Sevenoaks explained they had met regularly with neighbouring authorities at Officer and Member level to discuss x-boundary issues, of which housing

need was a standing item on the agenda. In addition, a regular Kent-Planning Officers Group was held at Kent County Council. This operates along similar lines to the ALBPO forum in London and serves to update colleagues on Local Plan preparation. Statements of Common Ground are currently being prepared with neighbours on strategic cross-boundary matters, including housing need.

...

DR advised that the balance between protecting the environment and meeting housing needs was a planning judgement that had to be made locally. SH set out that the approach the LPA took would need to be justified, both in terms of why the authority was unable to meet its own needs and the reasons behind neighbouring authorities not being asked to accommodate some of Sevenoaks needs."

18. On the 11 April 2019 Mr Gleave, on behalf of the claimant, wrote to neighbouring planning authorities in relation to the progress that was being made in respect of the plan. They were also invited to an event which was being facilitated by PAS to be held later in the month. The correspondence contains the following in relation to the duty to cooperate:

"The Council is of the view that all authorities bordering Sevenoaks, and Kent County Council, have engaged actively and on an on-going basis to meet the provisions of the Duty to Co-operate. In particular, Statements of Common Ground (SoCGs) are in the process of being agreed to formally clarify if it is possible to meet unmet housing needs from adjoining areas. Notwithstanding the provisions of the SoCG and for the sake of completeness, I write to formally ask if is in a position to meet any of Sevenoaks' unmet housing need as outlined above. In the event that this is not possible, I would also be grateful for your views on the preparation of a joint sub-regional strategy to address future housing requirements."

19. The duty to cooperate workshop took place on the 14 April 2019 and a note was prepared minuting the meeting. An experienced former Inspector, Mr Keith Holland, facilitated the workshop. Updates were provided by the local planning authorities who attended and, in particular, the update from the claimant identified that the SDLP housing supply left a shortfall measured against the standard methodology requirement of approximately 1,900 dwellings across the plan period, equating to about 17%. The claimant provided a summary of the activities which they had undertaken in order to address the duty to cooperate. Following discussion of the issues a note records Mr Holland advising that in his view "SDC has done all it can and is able to demonstrate that it has satisfied the duty to cooperate requirement". This note of the workshop then records further discussions in relation to the potential to a sub-regional strategy to address unmet housing needs across the area.



20. A note of these meetings held with PAS was also provided by IPe who undertook the work for PAS. Their note covers both the meeting which was held on the 17 April 2019 and a first meeting between Mr Gleave and his colleagues on behalf of the claimant and Mr Holland. The claimant's position as expressed in the SDLP was explained to Mr Holland in the meeting on the 17 April 2019 and noted as follows:

“2.2 The discussion focussed on the implications of the DtC for the soundness assessment of the SLP. At the time of the meeting, the Council's intention was to submit the SLP for examination at the end of the month (it was subsequently submitted on 30 April 2019). The discussion included a review of advice provided by Laura Graham of IPe and Jonathan Bore from the Planning Inspectorate (PINS). SDC feels that there is a degree of inconsistency between the PINS advice and that provided by IPe. SDC believe that the advice from PINS is based on a misunderstanding of the approach being adopted by the SDC. In the view of the SDC, PINS failed to fully appreciate that the council attempts unmet housing need as an exceptional circumstance justifying consideration of Green Belt (GB) land release. What PINS calls a “Council imposed impediment” (the provision of infrastructure for the existing community) is not the defining exceptional circumstance consideration – it is simply the logical requirement that any development in the GB needs to be accompanied by adequate infrastructure. In other words, SDC believes that PINS has placed too much emphasis on the infrastructure point and not enough on the unmet need consideration.”

21. The note prepared by IPe in relation to the workshop on the 14 of April 2019 provides as follows in relation to the views expressed in respect of the duty to cooperate:

“3.3 The message regarding the importance of the DtC and the way it is dealt with at local plan examinations was repeated. All parties present appreciate how important the local duty is and how it has the potential to derail examinations. Each of the councils present outlined the position they are in at present regarding their development plans. From the discussion, it is clear that none of the authorities present are in a position to help meet any unmet housing need generated by SDC. In fact, most of the authorities believe that they are unlikely to be able to meet their own needs. The discussion thus confirmed and reinforced the contention made in the Submission version of the SLP that the Council is unable to meet its own needs and cannot rely on the DtC to resolve the problem. The importance of preparing a clear and convincing narrative for the forthcoming SDC local plan examination was again stressed.

3.4 The importance of continuing to seek to meet development needs in West Kent through cooperative strategic working was discussed. In this regard, the need for a strategic approach to infrastructure was emphasised. KH explained the importance of

getting member involvement and buy-in to any strategic work and that the more formal the process, the more likely it was to convince a local plan examiner that the councils are doing all they can to use the DtC effectively. Cllr Piper expressed severe reservations about the likelihood of effective strategic planning because of what he described as an inconsistency between the political message provided by the government regarding the GB and the guidance in the NPPF. KH pointed out that under the DtC there is nothing to stop local authorities undertaking joint strategic planning of the sort that previously happened in the South East through SERPLAN (London and South East Regional Planning Conference). KH also explained that the policy in the NPPF makes it clear that where there are exceptional circumstances local authorities can revise GB boundaries, but that this must be done through their local plans and not through the development management process.”

22. On the 30 April 2019 the plan was submitted for examination. As set out above Statements of Common Ground with neighbouring authorities were produced as part of the examination process. The examination hearing sessions commenced on the 24 September 2019, and issues in relation to the duty to cooperate were canvased on the first day of the hearing. On the 14 October 2019 correspondence was received by the claimant from the Inspector raising concerns that she had in relation to whether or not the claimant’s approach to the SDLP had met the requirements of the duty to cooperate. There then followed further correspondence between the claimant and the Inspector which it is unnecessary to rehearse in detail for the purposes of this judgment. Suffice to say, that during the course of that exchange of correspondence the claimant provided detailed responses and further documentation including, for instance, the corrected note of the 10 April 2018. By the 13 December 2019 the Inspector had confirmed her view that the claimant had not discharged the duty to cooperate and therefore indicated that unless the claimant intended to withdraw the plan from examination the only course available was for her to produce a report concluding that the plan was not legally compliant. On the 3 January 2020 the claimant requested that the Inspector issue her report as soon as possible. This led to the production of the Inspector’s final report issued to the claimant on the 2 March 2020 and comprising the decision which is the subject of this challenge.
23. The Inspector’s final conclusions in relation to the issues with respect to the duty to cooperate are set out in the decision which is under challenge. In order to provide the full context for the Inspector’s decision it is necessary to set out her conclusions at some length. At the outset of her decision the Inspector set out that the starting point for the examination was the assumption that the local authority had submitted what it considered to be a legally compliant and sound plan. She confirmed that this was the basis for her examination. She further set out by way of introduction that having reached conclusions in relation to the duty to cooperate she did not go on to consider whether the plan was sound or was compliant with other legal requirements. She points out that if the local planning authority cannot demonstrate that the duty to cooperate has been complied with then, under section 20(7A) of the 2004 Act, the examiner is bound to recommend non-adoption of the local plan. In her decision the Inspector addresses the evidence in relation to the duty to cooperate in the following paragraphs:

“17. I acknowledge that the Council has prepared a joint evidence base with other local planning authorities which underpins many of the policies in the Plan, including a Strategic Housing Market Assessment (SHMA) with Tunbridge Wells Borough Council. The SHMA examines the overall housing need in the West Kent Housing Market Area (HMA), need from different sizes of homes (both market and affordable) and needs for particular types of homes, particularly from the growing older population. The assessment of housing need does not include any specific provision for meeting unmet needs of adjoining areas, which the SHMA says will need to be considered through the DtC. In respect of compliance with the DtC, my concern relates to the lack of ongoing, active and constructive engagement with neighbouring authorities in an attempt to resolve the issue of unmet housing need and the inadequacy of strategic cross boundary planning to examine how the identified needs could be accommodated. The joint evidence base produced by the Council in co-operation with others is not, therefore, of direct relevance to this matter as it does not address unmet housing needs.

18. The Council sets out the nature and timing of the engagement and cross boundary planning that was undertaken in its DtC Statement and Appendices and in Appendix 1: Schedule A attached to its letter, dated 18 November 2019, with the minutes of most of these meetings provided in the DtC Statement. This indicates that a number of meetings took place between the Council and its neighbouring authorities, along with other prescribed bodies, during the preparation of the Plan. These include meetings of the West Kent DtC group and the West Kent Statement of Common Ground (SoCG) Pilot Programme group.

19. The minutes of the West Kent DtC meeting, on 2 August 2017, which was held the day before consultation began on the Sevenoaks Local Plan Issues and Options (Regulation 18), do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The DtC Forum notes, on 23 August 2017, do not make any reference to the position at that time in Sevenoaks District Council. The summary of the initial meeting of the West Kent SoCG group with planning consultants, Intelligent Plans and Examinations (IPE), held on 22 January 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

20. The notes of the SoCG Pilot Programme: West Kent Group, on 12 February 2018, indicate that the difficulties faced by Sevenoaks were briefly discussed in respect of Objectively Assessed Need [OAN], but state that Sevenoaks ‘is testing options to assess the way forward’. The summary of the meeting, held on 14 March 2018, set out in the Facilitator’s Note, dated 3 April 2018, does not mention the unmet housing need in Sevenoaks District, nor does it make reference to any discussion relating to how those unmet needs could be accommodated.

The Facilitator's Note does, however, refer to a 'table of draft key strategic cross boundary issues' which had emerged through discussions, including the 'need to address the matter of unmet need in the HMA', which was acknowledged to be the most significant issue. It goes on to say that 'Sevenoaks and Tunbridge Wells are both planning to meet their OAN as determined by the joint SHMA which was updated in 2017'.

21. The Council has since stated, in Appendix 1: Schedule A to its letter, dated 18 November 2019, that the Facilitator's Note from the meeting of the West Kent SoCG Pilot Project on 3 April 2018 was incorrect, as it referred to Sevenoaks District Council planning to meet its OAN in full. The Council refers to all three HMA authorities commenting in April 2018 that this statement was incorrect, but that a final version of this note was not sent through by the Planning Advisory Service [PAS] in 2018. The Council contacted the Facilitator on 27 September 2019, during the Hearing sessions, and a finalised note, dated 10 April 2018, was duly issued. The Council submitted the original Facilitator's Note twice in its DtC Statement, however, no mention was made in that document about the inaccuracy of those minutes. Nor was any amended version sought from the Facilitator until the matter was raised during the Hearing session. Not only have changes been made to paragraph 6.3 of that document, which now says that 'it remains unlikely that Sevenoaks District Council will be able to meet its housing need in full', but there are additional paragraphs inserted, as well as changes/additions made to other paragraphs.

22. Significantly, paragraph 6.1 of the amended version of the Facilitator's Note now says that 'the three Councils have not been in a position to identify firm figures for unmet need or to have any meaningful discussion on this cross boundary issue'. Paragraph 6.6 concludes that, 'each of the Councils has a clear figure for its housing need, but whilst Tonbridge and Malling is confident that it can meet its own need, Sevenoaks and Tunbridge Wells have not yet completed the work needed to determine whether or not they can meet their housing need. Thus, the Councils are not yet in a position to reach agreement on the matter of housing supply'. As such, it is apparent that, in April 2018, the three Councils were not aware of the extent of any unmet need. Consequently, while the evidence, up to this point, indicates that the Council was engaging in discussion, it does not demonstrate that constructive engagement was taking place on the strategic matter of unmet housing needs.

23. The minutes of the West Kent DtC meeting on 11 September 2018, the day after the consultation period had ended on the Regulation 18 Plan, do not mention the unmet housing need in Sevenoaks District, nor do they make reference to any discussion relating to how those unmet needs could be accommodated. The first time that the minutes of the DtC meetings refer to addressing the unmet need in Sevenoaks is at the DtC meeting between Sevenoaks District Council and Tonbridge and Malling Borough Council on 13 March 2019, when it is noted that 'officers discussed the potential requirement for a follow up letter to

request that neighbouring authorities assist with Sevenoaks' unmet need, where it is practical to do so'. This was at a very late stage in the Plan preparation process, following the Regulation 19 consultation on the Plan and only around 7 weeks prior to the submission of the Local Plan for Examination on 30 April 2019.

24. Although the DtC statement indicates that Officer and Member level meetings were held with neighbouring authorities, and a joint evidence base with neighbouring authorities in the West Kent HMA was produced, the minutes of the meetings provide no substantial evidence that the Council sought assistance from its neighbours in meeting its unmet housing need or in devising an agreed approach for accommodating this unmet need, before the publication of the Regulation 19 Plan. Indeed, it is unclear from the notes of these meetings when unmet need was first discussed. Housing was appropriately identified as a key strategic cross boundary issue, but the evidence from the notes of these meetings does not indicate that there has been ongoing, active and constructive engagement with neighbouring authorities with regard to Sevenoaks' unmet housing need.

25. At the Hearing sessions, concerns were expressed by participants about the lack of co-operation between the Council and neighbouring authorities to address the issue of unmet housing need. However, I note that, neighbouring authorities have made positive comments about engagement overall and have not said that the Council has failed the DtC. Other parties have advanced similar comments. Nevertheless, the Hearing Position Statements (HPSs) submitted by both Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council do raise matters of concern about unmet housing need in the District and the engagement between the authorities in this respect, particularly that the Council did not formally raise this as an issue with its neighbours until after the public consultation on the Regulation 19 Plan was completed. This is confirmed in the Hearing Position Statements provided by the other two Councils<sup>1</sup> within the HMA.

26. In paragraph 13.2 of its HPS, Tonbridge and Malling Borough Council confirms that during the consultation on the Regulation 18 and Regulation 19 versions of the Tonbridge and Malling Borough Local Plan, Sevenoaks District Council did not make a formal request for Tonbridge and Malling to address the unmet need in Sevenoaks. Furthermore, it goes on to say that despite Officers from Tonbridge and Malling Borough Council and Sevenoaks District Council engaging on a regular basis to discuss cross-boundary strategic matters, Tonbridge and Malling Borough Council Officers 'did not receive any formal requests to address unmet housing need' from Sevenoaks District Council.

27. The Regulation 19 Tonbridge and Malling Local Plan was subject to public consultation between 1 October and 19 November 2018. The Council says that it became aware of the extent of its unmet need

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following the consideration of the representations to the Regulation 18 version of the Sevenoaks District Local Plan, which ended on 10 September 2018. However, the Council did not request that Tonbridge and Malling Borough Council considered the possibility of accommodating unmet housing need from Sevenoaks during the Regulation 19 consultation on the Tonbridge and Malling Local Plan. This highlights the lack of engagement with this neighbouring authority on this issue at a crucial stage in the Plan preparation process.

28. In paragraph 1.04 of its HPS, Tunbridge Wells Borough Council confirms that it received communication from Sevenoaks District Council on 11 April 2019 formally asking if it would be in a position to meet any of its unmet housing need. This was after the Regulation 19 consultation and just before the Plan was submitted for Examination, leaving no time for a proper consideration of the issues by either Council and for Sevenoaks to consider whether or not its Plan remained appropriate in the knowledge that its unmet housing needs would not be provided for in neighbouring authority areas. Indeed, at paragraph 1.06, Tunbridge Wells Borough Council states that if this request had been made at any point prior to the submission of its comments on the Regulation 19 version of the Plan, then its response would have addressed this issue more fully.

29. I appreciate that these neighbouring authorities say that there has been regular, constructive and cooperative liaison between the three West Kent authorities, including the preparation of joint evidence base studies. However, the evidence before me, including the minutes of meetings and the HPSs, does not demonstrate that there has not been active, constructive or on-going engagement in respect of unmet housing need.”

24. The Inspector went on to address the statements of common ground which had been prepared in order to deal with cross-boundary issues. Her conclusion in relation to those statements of common ground is set out as follows:

“32. These SoCGs were prepared too late to influence the preparation of the Plan. Indeed, in an email to MHCLG, dated 15 March 2019, the Council says that it ‘is in the process of preparing SoCGs to address, amongst other things, the issue of unmet need.’ However, these SoCGs were completed following the submission of the Plan for Examination. As a result, the SoCGs set out the issues to be addressed following the submission of the Plan rather than the progress made to address them prior to submission. They imply that these matters will be dealt with in any review of the Plan. However, the Duty required by the Act applies specifically to plan preparation, and plan preparation ends when the plan is submitted for Examination.

33. For these reasons, the SoCGs do not demonstrate that effective and joint working has been undertaken, particularly in respect of unmet housing need, nor do they document the progress made in co-operating to address this.



34. I acknowledge that discussions have taken place as part of the West Kent Leaders' Forum with regards to the preparation of a sub-regional strategy, but this represents engagement in relation to a solution in the future, not the submitted Plan. At the DtC Workshop, on 24 April 2019, the group discussed the potential for a sub-regional strategy to address any unmet needs across the area, with this approach having been discussed through Kent Leaders' meetings. However, this approach is at a very early stage and this, along with the agreed actions in the SoCGs, relate to proposed joint working in the future, which is not something that is relevant to the consideration of the DtC in relation to the preparation of this Plan."

25. The Inspector then proceeded to consider the question of the timing of the engagement in relation to, in particular, the extent of unmet housing need which was the strategic issue at the heart of her concerns in relation to the duty to cooperate. She sets out her conclusions in relation to this issue in the following paragraphs:

"35. The Council refers to the extent of unmet housing need becoming apparent once a full assessment of the comments received on the Regulation 18 consultation was undertaken, which would have been after 10 September 2018. The Regulation 19 version of the Local Plan was considered by the Council's Planning Advisory Committee on 22 November 2018 and by Cabinet on 6 December 2018. The Council says, in its letter dated 18 November 2019, that it 'could have gone back to neighbours at this point', but decided not to, as it was felt that, as discussions had already indicated that an unmet need of 600 dwellings could not be accommodated, 'it was therefore extremely unlikely that a higher unmet need would be met elsewhere'. Nevertheless, the minutes of meetings with neighbouring authorities prior to this, which I refer to in paragraphs 19 to 22 above, either do not mention the unmet housing need or the extent of any unmet housing need in Sevenoaks District. There is no evidence, therefore, to support the Council's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities.

36. I note the comments of Tonbridge and Malling Borough Council, made in a letter, dated 1 February 2019, in response to the Regulation 19 consultation on the Plan that 'all three West Kent Authorities confirmed that they were seeking to meet as much of their needs as possible and acknowledged the practical difficulties of taking any unmet need from each other' at the DtC meeting on 11 September 2018, despite the minutes not recording this. Tonbridge and Malling Borough Council's response to the Regulation 19 consultation goes on to say that 'at that time the draft Sevenoaks Local Plan included options that could have met the vast majority of its need for housing. The

best case scenario resulting in approximately 600 dwellings of unmet need across the Plan period.’ However, there is no evidence from the minutes of the DtC meetings that even this level of unmet need had been discussed in a meaningful way.

37, The full extent of unmet need only became apparent to the Council following the consideration to the responses of the Regulation 18 consultation, after the DtC meeting on 11 September 2018, and during the preparation of the Regulation 19 Plan. Under the DtC, it is reasonable to expect the Council to have contacted its neighbours as soon as it became clear that it would not be able to accommodate its own needs. This would have allowed the authorities to engage constructively in an attempt to resolve this issue prior to the publication of the Plan at the Regulation 19 stage. However, there is no evidence to show that this occurred. Indeed, if the engagement had occurred between the Regulation 18 and Regulation 19 versions of the Plan, once the Council was aware of the level of unmet need, it might have resulted in a more positive outcome. Given earlier notice and more time for in-depth engagement, discussion and consideration, neighbouring authorities may have been able to accommodate some of Sevenoaks’ unmet need. Alternatively, if the neighbouring authorities had not been able or willing to meet these needs, the Council would have had the time to formally reconsider its own constraints to reach a final view on whether or not it could appropriately fully meet its own housing needs in the knowledge that they would not be met outside the District. This could have included a reconsideration of the balance to be struck between planning policies that might constrain development and the merits of providing sufficient housing to meet identified needs. Ultimately, this process may, or may not, have led to the same outcome. However, it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place.

38. From the evidence before me, therefore, it is apparent that the Council did not engage with its neighbouring authorities on this matter at the appropriate time.

39. It is noted that neighbouring authorities have not indicated any willingness to take unmet need from Sevenoaks, in part due to the extent of Green Belt, but proper engagement at the right time would have enabled all three authorities and others in the wider area to properly grapple with the issues arising from unmet housing need. There is, of course, no guarantee that such an approach would have resulted in arrangements being made for Sevenoaks’ housing needs to be met in full. However, in my view, earlier and fuller proactive engagement on this crucial issue, in accordance with national policy, would have been

significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need."

26. The Inspector then proceeded to consider the peer review processes which had been undertaken by the claimant, in terms of external advice from IPE in November 2018, the PINS advisory visit in February 2019, the advice which had been received from the defendant and the review of the plan and the PAS workshop which had occurred on the 24 April 2019. Dwelling initially on the PAS workshop, and subsequently focusing on the other elements of peer review, the Inspector's conclusions are set out as follows:

"42. At this Workshop, the Council set out what it considered to be the unmet need of around 1,900 dwellings in its Plan to be submitted for Examination. The Note on the DtC and the Local Plan, prepared by IPE, dated 7 May 2019, following the PAS Workshop, was not submitted as part of the Council's DtC Statement. This note concludes that 'none of the authorities present is in a position to help meet any unmet housing need generated by Sevenoaks District and it stresses the importance of continuing to meet development needs in West Kent through cooperative strategic working'.

43. The Council suggests that the PAS Note provides evidence that a solution to address unmet need now does not exist through the DtC. However, the PAS Note does not set out a detailed assessment of how the DtC has been complied with. Furthermore, the PAS Workshop was undertaken at a very late stage in the Local Plan preparation process and if the engagement had occurred as soon as the Council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome. Alternatively, it may have been that the Council's conclusions were correct and that the unmet need could not be addressed by neighbouring authorities. However, on the evidence before me, I am unable to conclude that the issue of addressing unmet need had been given adequate consideration. Whether or not there is a cross boundary solution to unmet need is not a requirement of the DtC. The Duty is to engage constructively, actively and on an on-going basis and, on the evidence before me, I am unable to conclude that this has taken place.

44. The Council says that had the peer review process, which was set up to run alongside the Regulation 19 consultation, raised significant concerns, the Council would not have submitted the Plan. Nevertheless, significant concerns were raised in relation to the DtC at the Advisory Visit carried out by the Planning Inspectorate in February 2019, as set out in the note of this meeting.

44. The visiting Inspector noted that the Council had not sent formal letters asking other authorities to accommodate unmet

need and that it could not point to any ongoing strategic level cross boundary planning to look at how identified needs could be accommodated. He went on to advise that, if the OAN really could not be accommodated within the District, then there should be clear evidence of positive engagement among the group of neighbouring authorities in order to resolve the issue on a cross boundary basis and that, despite the Memorandum of Understanding and SoCGs, this did not appear to exist in a positive form. These issues were not adequately resolved before submission.

45. I understand the Council's reasons for seeking the advice from PAS and its hope that this would have identified potential 'showstoppers' in advance of submission. However, it is apparent that the PAS Workshop would not have benefitted from the full extent of evidence that is before me, particularly given that the DtC Statement was not submitted until May 2019. Nor would it have had the benefit of the time available to an Inspector for the examination of that detailed and complex evidence or the discussion at the Hearing sessions.

46. The Council submitted its note of the DtC Workshop in Appendix 4 of its DtC Statement in which it states that 'KH advised that, in his view, Sevenoaks District Council has done all it can and is able to demonstrate that it has satisfied the DtC requirement.' However, the Note of the same meeting prepared by IPE, does not state that the DtC has been met or that KH advised that this was the case.

47. Moreover, although it is reasonable for any authority preparing a local plan to seek advice from outside bodies in the way that the Council did, doing so cannot ever provide a guarantee that the Plan will, at its formal Examination, be found to be legally compliant. In any event, given the timing of the peer review, I consider that it was held far too late in the preparation process for it to be effective."

27. The final point addressed by the Inspector was whether it would be possible to proceed with the examination, applying the defendant's indication in correspondence with PINS that Inspectors should be pragmatic in getting plans into place. Her conclusions in relation to this point, and indeed the position overall, are set out in the following paragraphs of her decision.

"49. The Secretary of State wrote to the Planning Inspectorate, on 18 June 2019, in which he stressed to Inspectors the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority.

50. The Secretary of State's letter refers to a previous letter written in 2015 by the Rt Hon Greg Clark. This earlier letter also

stresses the importance of Inspectors working in a pragmatic way with Councils towards achieving a sound local plan, by finding plans sound conditional upon a review in whole or in part within five years of adoption, giving Councils the option to undertake further work to address shortcomings identified at Examination and highlighting significant issues to Councils very early on and giving Councils the full opportunity to address issues.

51. In accordance with this advice, I have worked in a pragmatic way with the Council towards achieving a sound Plan as far as practicable. However, given that it is a failure in the legal DtC that I have identified, this could not be resolved by finding the Plan sound conditional upon a review, nor does the Council have the option to undertake further work, as any failure in the DtC cannot be rectified following submission. Once I had considered all of the evidence presented to me in writing and at the Hearing sessions in relation to the DtC, I immediately notified the Council and cancelled future Hearings. I also gave the Council the opportunity to provide any additional evidence relating to the DtC undertaken prior to the submission of the Plan for Examination. Furthermore, had it been possible for the Examination to proceed, if, for example, the DtC had been complied with, I would have been pragmatic in considering any Main Modifications required to make the Plan sound. However, there is no scope within the Examination process to correct a failure to comply with the DtC following submission of the Plan.

52. The DtC Appendices that the Council has submitted in response to my letters include several statements and letters from neighbouring authorities and Parish Councils, as well as from Representors with an interest in the Plan. I have considered their comments carefully, however, none provides any substantial evidence which would lead me to a different view.

53. For the reasons set out above the DtC set out in Section 33A has not been complied with.”

28. In the light of these conclusions the Inspector reached the overall decision that the duty to cooperate had not been complied with and therefore she was bound to recommend that the plan not be adopted.

#### The law

29. The SDLP, as a development plan document, has to be prepared in accordance with the provisions contained within Part 2 of the Planning and Compulsory Purchase Act 2004. Section 19 of the 2004 Act sets out certain requirements in relation to the contents of a development plan document. The relevant provisions of section 20 of the 2004 Act in relation to independent examination are as follows:

“20. Independent examination

(1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.

(2) But the authority must not submit such a document unless-

(a) they have complied with any relevant requirements contained in the regulations under this Part, and

(b) they think the document is ready for independent examination.

...

(4) The examination must be carried out by a person appointed by the Secretary of State.

(5) The purpose of an independent examination is to determine in respect of the development plan document-

(a) whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;

(b) whether it is sound and

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.

...

(7) Where the person appointed to carry out the examination-

(a) has carried it out, and

(b) considers that, in all circumstances, it would be reasonable to conclude-

(i) that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, and

(ii) that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation, the person must recommend that the document is adopted and given reasons for the recommendation.

(7A) Where the person appointed to carry out the examination –

(a) has carried it out, and



(b) is not required by subsection (7) to recommend that the document is adopted, the person must recommend non-adoption of the document and give reasons for the recommendation.

(7B) Subsection (7C) applies where the person appointed to carry out the examination-

(a) does not consider that, in all circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but

(b) does consider that, in all circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation.

(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that-

(a) satisfies the requirements mentioned in subsection (5)(a), and

(b) is sound.”

30. As can be seen from the provisions of section 20, of particular note for present purposes is the provision contained in section 20(5) that the purpose of the independent examination includes an examination of whether the plan is sound, and also whether the local planning authority has submitted a document that has been prepared in compliance with the duty under section 33A of the 2004 Act in relation to its preparation. By virtue of the provisions contained within section 20(7), (7B) and (7C), where the Inspector determines that it would not be reasonable to conclude that the local planning authority had complied with the section 33A duty then the Inspector can neither recommend modifications nor adoption of the document. This is in effect what happened in the present case.

31. It is not disputed that the duty under section 33A of the 2004 Act applied to the preparation of the local plan by virtue of section 33A(3) of the 2004 Act. The nature and content of the duty is described in the following provisions of section 33A:

“33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—

(a) a local planning authority,

(b) a county council in England that is not a local planning authority, or

(c) a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising

the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—

(a) the preparation of development plan documents,

(b) the preparation of other local development documents,

(c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,

(d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs

(a) to (c) that are, or could be, contemplated, and

(e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

(b) sustainable development or use of land in a two-tier area if the development or use—

(i) is a county matter, or

(ii) has or would have a significant impact on a county matter.”

32. It will be noted from section 33A(7) that a person who is seeking to comply with the duty to cooperate must have regard to guidance issued by the defendant on how that duty is to be complied with. Material in that regard is contained both within the National Planning Policy Framework (“the Framework”) and in the Planning Practice Guidance

(“the PPG”). The relevant provisions of the Framework dealing with the duty to cooperate are set out in paragraphs 24-27 of the Framework as follows:

“Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.

25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).

26. 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 to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

27. In order to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”

33. Whilst addressing the provisions of the Framework it is worthwhile at this stage to note that the claimant’s argument includes the contention that the Inspector confused the requirements of the duty to cooperate with the examination of soundness required pursuant to the provisions of section 20(5). The policy in relation to whether or not a plan is sound is to be found in paragraph 35 of the framework in the following terms:

“35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

a) Positively prepared – providing 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 it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.”

34. Turning to the PPG, it contains a considerable amount of guidance relating to the preparation of statements of common ground including their contents, subject matter and format. Of particular relevance to the issues in the present case are the provisions of the PPG dealing with the question of whether or not local planning authorities are required to reach agreement on strategic matters, and what should be done if they are unable to secure such agreements. The parts of the PPG dealing with this point are as follows:

“Are strategic policy-making authorities required to reach agreement on strategic matters, and what should an authority do if they are unable to secure these agreements?

Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework. If there they are unable to do so they should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework.

Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent the authority from submitting a plan for examination. However, the 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.”

35. In *Zurich Assurance Limited v Winchester City Council* [2014] EWHC 758 Sales J (as he then was) explained both the substance of the obligation imposed by section 33A and the role of the court in a challenge of the kind presently under consideration in the following terms:

“109. The duty to co-operate imposed by section 33A applies (so far as relevant in this case) in respect of the preparation of development plan documents “so far as relating to a strategic matter” (subsection (3)), as defined in subsection (4) (“sustainable development or use of land that has or would have a significant impact on at least two planning areas, [etc]”). The question of whether development or use of land would have a significant impact on two planning areas is a matter of planning judgment.

110. The obligation (see subsection (1)) is to co-operate in “maximising the effectiveness” with which plan documents can be prepared, including an obligation “to engage constructively [etc]” (subsection (2)). Deciding what ought to be done to maximise effectiveness and what measures of constructive engagement should be taken requires evaluative judgments to be made by the person subject to the duty regarding planning issues and use of limited resources available to them. The nature of the decisions to be taken indicates that a substantial margin of appreciation or discretion should be allowed by a court when reviewing those decisions.

111. The engagement required under subsection (2) includes, in particular, “considering” adoption of joint planning approaches (subsection (6)). Again, the nature of the issue and the statutory language indicate that this is a matter for the judgment of the relevant planning authority, with a substantial margin of appreciation or discretion for the authority.

112. WCC was required to have regard to the guidance about co-operative working given in the NPPF: subsection (7).

113. The limited nature of the role for the court in a case like the present is reinforced by the structure of the legislation in relation to review of compliance with the duty to co-operate under section 33A. The Inspector is charged with responsibility for making a judgment whether there has been compliance with the duty: section 20(5)(c) of the 2004 Act. His task is to consider whether “it would be reasonable to conclude” that there has been compliance with the duty: section 20(7)(b)(ii) and (7B)(b). A court dealing with a challenge under section 113 of the Act to the judgment of an inspector that there has been such compliance is therefore limited to review of whether the inspector could

rationally make the assessment that it would be reasonable to conclude that there had been compliance by a planning authority with this duty. It would undermine the review procedures in the Act, and the important function of an inspector on an independent examination, if on a challenge to a plan brought under section 113 the court sought to circumvent this structure by applying any more intrusive form of review in its own assessment of the underlying lawfulness of the conduct of the planning authority itself. A rationality standard is to be applied in relation to the decision made by the Inspector and in relation to the underlying decision made by WCC.”

36. In the subsequent case of *Trustees of the Barker Mill Estates v Test Valley Borough Council* [2017] PTSR 408 Holgate J endorsed and adopted the analysis of Sales J in *Zurich Assurance* (see paragraphs 55-57). Since the claimant places some reliance upon the conclusions of Holgate J in relation to the particular facts of that case it is necessary to set out Holgate J’s agreement in summary with Sales J, and then his analysis of the issues which arose in that case and how he resolved them. These points are dealt with in the following paragraphs of his judgment:

“58. In agreement with Sales J I consider that:—

(i) The question posed by section 20(7B)(b) of PCPA 2004 is a matter for the judgment of the Inspector;

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that

(ii) The Court's role is limited to reviewing whether the Inspector could rationally make the assessment that it would be “reasonable to conclude” that the LPA had complied with section 33A ;

(iii) It would undermine the structure of PCPA 2004 and the procedure it provides for review by an independent Inspector if, on a challenge made under section 113 , the Court sought to apply a more intrusive form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance; form of review in its assessment of the underlying lawfulness of the LPA's conduct or performance;

59. The challenge under ground 2 is therefore directed to the Inspector's report, in particular paragraphs 10 to 14 where he stated:—

“10. On the first day of the Hearing a submission was made by a representor to the effect that the Council had failed in relation to the DtC [the duty to co-operate]. This was discussed in some detail at the Hearing, and in public correspondence between the representor, the Council and myself. The most important element of this submission was that the Council's identified affordable



housing need figure is 292 dwellings per annum (d.p.a.) (clarified by MM/5/1 ), with certain caveats, whereas the expected provision is 206 d.p.a. The Council put forward reasons for this position, but the DtC issue relates to the fact that the Council had not asked neighbouring authorities whether they could accommodate some or all of the identified shortfall.

11. There is nothing to suggest the extent to which any shortfall in affordable housing provision within Test Valley would lead to displaced demand affecting some or all of the eight adjoining authorities.

12. The objective of the DtC is to maximise the effectiveness of the plan making process. In this case the overall manner in which the Council has worked with other authorities, particularly but not exclusively in the southern part of the Borough, is impressive. In the light of their considerable experience, Council officers presented me with a very clear picture of the position of adjoining authorities in relation to affordable housing. To have made a formal request to adjoining authorities for assistance with affordable housing, when the Council knew full well what the answer would be, would not have been effective or productive.

13. In subsequent correspondence the representor also stated that there would be a shortfall in market housing, and that the DtC would additionally be triggered in this respect. However, as I conclude (below) that the RLP will meet the full OAN for market housing, this matter does not trigger the DtC.

14. The Council has clearly taken into account the wider strategic context and the interrelationships with neighbouring areas, particularly in terms of housing markets and employment patterns. I am satisfied that the Council has engaged constructively, actively and on an ongoing basis with relevant local authorities and organisations, and I conclude that the DtC has been met.

...

60. The Claimants submit that where an LPA cannot meet its own FOAN for affordable housing then it must “explore under the ambit of the duty to co-operate whether any unmet needs can be met within adjacent LPAs” (paragraph 68 of skeleton). The proposition is said to be based upon paragraphs 104 and 106 of the judgment of Hickinbottom J in *Gallagher* . But in fact the Judge did not determine any issue in relation to section 33A nor did he lay down the proposition for which the Claimants contend.

61. It is to be noted that the Claimants' proposition is limited in scope. This is not a case where non-compliance with section 33A is said to have occurred because the Defendant failed to address

the inclusion of a policy in its plan for meeting needs arising outside its area. The Claimants simply argue that TVBC should have “explored” with other LPAs the issue of whether the shortfall in meeting the FOAN for affordable housing in its area could be dealt with in their areas. In essence, this is the same complaint as that raised at the Examination, namely that TVBC failed to put this question to the other authorities.

62. The Claimants were not at all precise as to what the use of the term “explore” should be taken to mean, although it lies at the heart of the ground of complaint. By implication the Claimants recognise that TVBC was not in a position to complete other authorities to provide for TVBC's shortfall and that they might legitimately say that they were unable to assist. Here the word “explore” suggests obtaining sufficient information about affordable housing needs in the areas of other LPAs and their ability to satisfy their own needs and any additional needs from other areas. In the light of that information a plan-making authority could decide, as a matter of judgment, whether it would be worthwhile to pursue negotiations with one or more other authorities to assist with its shortfall.

63. In this case the Claimants made no attempt to show the Court that TVBC either lacked this information or that, in the light of the information it had, TVBC's judgment that there was no point in pursuing negotiations with other authorities on this point was irrational. In his reply, Mr Cahill QC confirmed that the only criticism of the Inspector's report is one of irrationality and is limited to the last sentence of paragraph 12, in which he had said that there had been no need for TVBC to make a “ formal request” to adjoining authorities when it knew full well what the answer would be. He also stated that no legal criticism is made of the penultimate sentence of paragraph 12 in which the Inspector said that TVBC's officers had given him a very clear picture of the position of adjoining authorities in relation to affordable housing.

64. In fact, paragraph 12 is a summary of what the Inspector had been told during the Examination. In inquiry document IN009 (dated 19 December 2014) the Inspector explained that the extent of cross-boundary working had been explained by TVBC not only in its “Duty to Co-operate Statement” but also in the Hearing sessions, including one devoted to affordable housing. TVBC had been actively engaged in the production of a number of informal strategies and evidence based studies with other authorities and stakeholders. The extent of the working with other authorities was described by the Inspector as “impressive”. It was from this information that he reached the judgment that TVBC's officers were “fully aware that other authorities would not be in a position to assist with any shortfall”. Plainly the

Inspector relied upon this information when writing paragraph 12 of his Report on the Examination.

65. When paragraph 12 of the Report is read properly in the context of the material which was before the Examination, the Inspector, in his review of TVBC's performance, was entitled to reach the conclusions that (i) they had obtained sufficient information from the cross-boundary work which had in fact taken place on whether adjoining authorities would be able to provide affordable housing to meet any part of needs arising within TVBC's area and that (ii) it would have been pointless to make a "formal request" for assistance in meeting TVBC's shortfall. It is impossible for the Court to treat to Inspector's conclusions as irrational and so ground 2 must be rejected."

37. In *R(on the application of St Albans City and District Council) v SSCLG and others* [2017] EWHC 1751 Sir Ross Cranston dealt with an application for judicial review in which it was contended that an Inspector's conclusion that the duty to cooperate had not been satisfied was unlawful. The factual circumstances of that case involved the claimant's argument that the Inspector had failed to properly take into account the polarised position or impasse which had emerged in relation to contentions between the claimant and the adjoining local planning authorities with respect to the housing market. Having accepted and endorsed the approach taken in *Zurich Assurance* and *Trustees of Barker Mills*, Sir Ross Cranston concluded that the reasons provided by the Inspector demonstrated that he was fully aware of the disagreement between the council and adjoining local planning authorities in relation to the definition of the housing market area and appreciated the issue. The judge was satisfied that the decision adequately reasoned the conclusions that the Inspector had reached. In paragraph 51 of the judgment Sir Ross Cranston went on to accept the defendant's submission "that once there is disagreement, I would add even fundamental disagreement, that is not an end of the duty to cooperate". He concluded that the duty to cooperate remained active and ongoing "even when discussions seemed to have hit the buffers". Whilst in reaching this conclusion he placed some reliance on a decision of Patterson J in *R(on the application of Central Bedfordshire Council) v SSCLG* [2015] EWHC 2167 (Admin), which the parties in the present case accepted could not be authoritative as it was a permission decision which did not contain a statement that it could be cited in accordance with the Practice Direction on the Citation of Authorities, 9 April 2001 and, furthermore, was overturned by the Court of Appeal in granting permission to appeal.. Nonetheless the observations of Sir Ross Cranston are in my judgment properly capable of being considered as free standing, relevant and reliable, bearing in mind the fact-sensitive nature of the judgment which has to be reached in each individual case in which the duty to cooperate is being examined, and taken in the context of the particular facts of the case he was considering.

#### Submissions and conclusions

38. On behalf of the claimant Ms Saira Kabir Sheikh QC advances the case on four grounds. The first ground is that the Inspector failed when reaching her conclusions to apply the margin of appreciation which ought to be afforded to the claimant pursuant to section 33A of the 2004 Act. It is Ms Sheikh's submission, based upon both the wording of the statute and also the decisions in *Zurich Insurance* and *Barker Mills*, that when

considering whether or not the claimant had discharged the duty to cooperate in preparing the plan the Inspector was required to afford a margin of appreciation to the claimant and she failed to do so. In particular Ms Sheikh relies upon the contention that the Inspector sought to substitute her own judgment for that of the claimant and adjoining authorities where, for instance, in paragraph 29 of her report she concludes that, notwithstanding the fact that the adjoining authorities indicated that there had been regular constructive and cooperative liaison, she was not satisfied that that had in fact taken place. The discarding of the opinions of adjoining authorities demonstrated that the Inspector had failed to afford the claimant the margin of appreciation to which it was entitled.

39. Moreover, Ms Sheikh disputes the contention that the Inspector applied the correct test in reaching her conclusions: whilst the Inspector made assertions about unmet housing need being met elsewhere outside the claimant's administrative area, in reality the claimant was fully aware from its engagement with neighbouring authorities that there was no possibility of unmet housing need being met elsewhere. The Inspector's approach, for instance in paragraph 37 of her report, demonstrates that the Inspector's focus was upon what a local planning authority might do in the event of unmet housing need arising and was not focused on the particular circumstances of the claimant and its own knowledge and judgment as to what might be expected from any dialogue with adjoining authorities. Effectively, the whole tenor of the Inspector's report reflects the substitution of her own judgment for that of the claimant, without affording the claimant the margin of appreciation to which they were entitled.
40. Ms Sheikh also contends that her approach to the statements of common ground illustrated a similar error. The statements of common ground illustrated the depth and extent of the claimant's engagement with adjoining authorities, and her assertion that these had been drafted too late to influence the plan misunderstood both her role and the proper approach to be taken to the duty to cooperate.
41. In response to these submissions Mr Richard Moules, on behalf of the defendant, submits that when the Inspector's report is read as a whole it is clear that she has applied the correct approach. She started from the proposition that the plan had been submitted by the claimant in what it considered to be a legally compliant and sound form. In paragraph 37 of her report she clearly applied the test of what it was "reasonable to expect" the claimant to have done in the circumstances which arose. Fundamentally, Mr Moules submits that the present case had little to do with the margin of appreciation, on the basis that the Inspector's judgment as to what the claimant had done demonstrated that in fact they had done nothing constructive to explore addressing unmet housing need at the appropriate time during the plan's preparation. The Inspector concluded that the claimant could reasonably have been expected to do something in the circumstances which arose when the extent of unmet need emerged, but in fact did nothing.
42. Moreover, Mr Moules maintains that the Inspector was entitled to scrutinise the assertions of the adjoining authorities and if she concluded that, having evaluated all of the available evidence, it was not "reasonable to conclude" that the duty to cooperate had been satisfied then she was entitled to reach the conclusion which she did. Further, in applying the statutory tests at paragraph 26 of the Framework, the Inspector needed to examine whether the claimant had taken reasonable steps to explore meeting its unmet housing need. In doing so the Inspector was not effectively adopting the

approach of asking what a hypothetical authority would have done but was rather discharging the statutory tests on the facts of this particular case. The undoubted existence of the margin of appreciation should not stand in the way or act as a disincentive to local planning authorities working together to help to solve difficult and controversial problems of, for instance, unmet housing needs where the authority areas are the subject of environmental constraints.

43. Turning to Ground 2, Ms Sheikh contends that in reaching her conclusions the Inspector failed to correctly interpret and apply the duty to cooperate and conflated it with the statutory requirement that the plan should be sound. Central to her submission is that the Inspector misdirected herself by working backwards from evidence which might go to the soundness of the plan to reach conclusions on whether or not the duty to cooperate had been discharged. She worked backwards from the existence of unmet need to reach a conclusion that there had been a failure to comply with the duty to cooperate. This confused and conflated the two issues of the duty to cooperate and soundness. The evidence of this error exists, for instance, in paragraphs 17 and 24 of the Inspector's report in which she focusses on the existence of unmet need and the failure to resolve that issue. Ms Sheikh submits that the reality was that at the stage that unmet need was clearly identified it was well known that it could not realistically be met elsewhere. In effect, the Inspector erroneously considered the duty to cooperate in the light of the unmet housing need, rather than examining the requirements of the duty to cooperate itself in order to understand whether it had been discharged. The issue of unmet need and whether the housing figures and delivery proposed by the SDLP were justified was an issue connected with soundness and not the duty to cooperate.
44. In response to these submissions Mr Moules contends, firstly, that the Inspector was careful to distinguish between the duty to cooperate and the requirements of soundness in the substance of her report. Secondly, Mr Moules submits that when the Inspector's decision is properly understood, it correctly distinguished between the duty to cooperate and soundness. The problem, as identified by the Inspector, did not lie in the existence of unmet housing need in and of itself but rather in the claimant's failure to engage with adjoining authorities constructively, actively and on an ongoing basis in order to consider an attempt to find a solution that that unmet housing need at the time when it emerged. The Inspector recognised, in particular in paragraph 39 of her report, that it may not be possible for the claimant's housing need to be met in full, but concluded that earlier and fuller proactive engagement might have made it "significantly more likely to result in an effective strategy for meeting Sevenoaks' unmet need". In truth, Mr Moules contends that the claimant highlights two paragraphs (paragraphs 17 and 24) which in fact exemplify the Inspector addressing and setting out the essence of the claimant's failure to engage in ongoing active and constructive engagement with the neighbouring authorities in relation to the strategic issue of unmet housing need, rather than confusing the questions arising under the duty to cooperate with those which arose in respect of soundness.
45. Turning to Ground 3, Ms Sheikh on behalf of the claimant submits that the Inspector failed to have regard to the available material evidence furnished by the claimant. The evidence demonstrated that the claimant was both aware that there would be an unmet need, but also as a result of its duty to cooperate discussions with adjoining authorities was aware that regardless of the scope of the unmet need neighbouring authorities would not be able to assist. This point is not grappled with, she submits, by the

Inspector, and, in particular, the Inspector fails to grapple with the extensive environmental constraints that each of the authorities have to work with. In addition, Ms Sheikh submits that the statements of common ground ought not to have been disregarded in the way the Inspector did by treating them as too late to influence the SDLP. In fact, that documentation reflected years of discussions between the authorities and was highly relevant to demonstrate that the duty to cooperate had been discharged. Further, the lack of a formal request for assistance from the claimant did not demonstrate non-compliance with the duty to cooperate: the reason that no formal request was made was because as a result of the exercise of the duty to cooperate the claimant was well aware that unmet need could not be met elsewhere.

46. In response to these submissions Mr Moules submits that, firstly, the Inspector addressed whether or not there had been discussion of meeting unmet need for a considerable time and concluded on the evidence, as she was entitled to, that there was no evidence to support the claimant's statement that discussions had already indicated that an unmet need of 600 dwellings could not be accommodated in the neighbouring authorities (see paragraph 35). Secondly, Mr Moules submits that the Inspector was clearly aware of the constraints under which both the claimant and the adjoining authorities operated: these were referred to at several points during the course of her report. Thirdly, the Inspector explained clearly her conclusion that the claimant had neither demonstrated that it had constructively and actively pursued solutions to the unmet housing need it had identified with its neighbours at the appropriate time during preparation of the plan, nor that cooperation with its neighbours was an impossibility in respect of meeting any of the unmet housing need arising. Fourthly, Mr Moules submits that, again, the Inspector clearly explained for good reason that the statements of common ground had arrived too late in the process to support the conclusion that the duty to cooperate had been complied with. Fifthly, the claimant's complaint in relation to the Inspector's view on the lack of the formal request to neighbouring authorities is submitted by Mr Moules to be simply another disagreement on behalf of the claimant with the Inspector's planning judgment that it was unreasonable for the claimant to do nothing by way of meaningful exploration of solutions to meet the identified housing need shortfall.
47. Finally, by way of Ground 4, Ms Sheikh submits that the Inspector failed to give adequate reasons for the claimant's failure to comply with the duty to cooperate or, alternatively, the Inspector's conclusion was irrational. In particular it is submitted that the Inspector failed to provide adequate reasons as to why weight was placed upon the claimant's failure to make a formal request for assistance earlier and further failed to adequately reason why she disregarded the evidence of neighbouring authorities in relation to the duty to cooperate, or why she suggested that the statements of common ground did not provide evidence of compliance to cooperate. In the light of the evidence the Inspector's conclusions were irrational.
48. In response to these submissions Mr Moules submits that the Inspector's conclusions on each of the issues relied upon were clear and entirely rational. As the Inspector explained, had formal requests for the adjoining authorities been made as soon as the full extent of the claimant's unmet housing need became apparent then it may have been possible through constructive engagement to achieve a more positive outcome and maximise the effectiveness of the plan (see paragraphs 37-39 of the Inspector's report). The Inspector's reasoning showed that the neighbouring authorities' views were taken



into account, but as the Inspector explains they could not allay the concerns that she had clearly identified. The statements of common ground were, for the reasons the Inspector gave, provided too late to furnish evidence of compliance with the duty to cooperate in relation to the unmet housing need identified. Finally, Mr Moules submits that it is unarguable that the Inspector's conclusion was irrational.

49. In forming conclusions in relation to these competing submissions it is necessary, in my view, firstly to analyse the substance of the legal issues which arise in relation to the duty to cooperate under section 33A of the 2004 Act. Thereafter, secondly, it is important in my view to be clear as to the nature of the decision which the Inspector reached and the specific basis for her conclusions.
50. As described in paragraph 33A(2)(a) the duty to cooperate, when it arises, requires the person who is under the duty "to engage constructively, actively and on an ongoing basis" in relation to the preparation of a development plan document (see paragraph 33A(3)(a)) "so far as relating to a strategic matter" (see paragraph 33A(3)(e)) to "maximise the effectiveness" of the activity of plan preparation. Whilst during the course of her submissions Ms Sheikh points out that activities were undertaken by the claimant in relation to a broad range of strategic issues concerned with infrastructure and wider environmental designations, and she relied upon the numerous strategic matters with which the claimants were concerned in preparing the SDLP, it is in my view clear that the duty to cooperate arises in relation to each and every strategic matter individually. There was, therefore, no error involved by the Inspector in the present case focussing upon one of those strategic matters in reaching her conclusions in respect of the duty to cooperate.
51. I accept the submission made by Ms Sheikh that discharging the duty to cooperate is not contingent upon securing a particular substantive outcome from the cooperation. That was a proposition which was not disputed by Mr Moules. I accept, however, his submission that the duty to cooperate is not simply a duty to have a dialogue or discussion. In order to be satisfied it requires the statutory qualities set out in section 33A(2)(a) to be demonstrated by the activities comprising the cooperation. As Sales J observed in paragraph 110 of *Zurich Assurance*, deciding what ought to be done to meet the qualities required by section 33a(1)(c)(2)(a) "requires evaluative judgments to be made by the person subject to the duty regarding the planning issues and use of limited resources available to them." As Sales J also observed, bearing in mind the nature of the decisions being taken a court reviewing the decision of an Inspector making a judgment in respect of whether there has been compliance with the duty will be limited to examining whether or not the Inspector reached a rational decision, and will afford the decision of the Inspector a substantial margin of appreciation or discretion. It is against the background of these principles that the submissions of the claimant fall to be evaluated.
52. The second issue is, as set out above, to be clear as to the nature of the decision which the Inspector reached. In that connection, in my judgment the submissions made by Mr Moules in relation to Ground 4 are plainly to be preferred. Having carefully examined the Inspector's conclusions they were, in my judgment, clearly expressed and set out in detail the reasons for the conclusions that she reached. I am unable to identify any defect in the reasoning of her report which sets out clearly and in full detail her conclusions and the reasons for them.

53. It is clear from the report that the conclusions of the Inspector were that the claimant became aware of the detailed extent of its unmet housing need after the Regulation 18 consultation which ceased on the 10 September 2018 (see paragraph 27 and paragraph 35). The first minutes of a duty to cooperate meeting referring to addressing unmet housing need in the claimant's area was on 13 March 2019, after the Regulation 19 consultation on the SDLP, and seven weeks prior to submission of the SDLP for examination (see paragraph 23). The minutes of the duty to cooperate meetings provided "no substantial evidence that the council sought assistance from its neighbours in meeting its unmet housing need" prior to the publication of the Regulation 19 version of the SDLP (see paragraph 24). The claimant did not request assistance from Tunbridge and Malling Borough Council during the course of Regulation 19 consultation on the Tonbridge and Malling Local Plan between 1 October and 19 November 2018 to assist with unmet housing need in the claimant's area (see paragraph 27), and only made formal request to ask whether or not Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council would assist in meeting the claimant's unmet housing need after the Regulation 19 consultation had been completed and just prior to submitting the plan for examination (see paragraphs 27 and 28). The statements of common ground were completed after the submission of the plan for examination and prepared too late to influence the content of the plans preparation (see paragraphs 32 and 33). Whilst the claimant contended that discussions had already indicated prior to the extent of unmet housing need emerging following the Regulation 18 consultation and further engagement was not undertaken because it had already been indicated that an unmet need of 600 dwellings could not be accommodated, the Inspector concluded that there was no evidence to support the assertion that discussions had already indicated an unmet need of 600 dwellings could not be accommodated (see paragraph 35).
54. Thus, the Inspector concluded in paragraph 37 of her report that it was reasonable to expect that the claimant would, after the extent of the unmet housing need emerging following the Regulation 18 consultation, have undertaken constructive engagement in an attempt to resolve the issue prior to the publication of the Regulation 19 version of the plan. Whilst that process may or may not have been fruitful, the Inspector observed that "it is not possible for me to know whether this would have been the case because effective and constructive engagement on this issue did not take place". The peer review process did not assist: the PAS workshop was undertaken at a very late stage the plan process and "if the engagement had occurred as soon as the council was aware of the broad level of unmet need and, in any event, in advance of the Regulation 19 version of the Local Plan, it might have resulted in a more positive outcome" (see paragraph 43). The visiting Inspector raised issues which were not adequately resolved before the plan was submitted (see paragraph 44).
55. From this distillation of the Inspector's conclusions and reasoning it is clear to see that there is no substance in the claimant's grounds. In my view it perhaps makes most sense to start with the claimant's Ground 2, the contention that the Inspector failed to properly interpret and apply the duty to cooperate and conflated it with the requirement for soundness. In my view there is no basis for this contention when the Inspector's conclusions and reasons are properly understood. Firstly, as to the application of the test it is clear from paragraph 37 that the Inspector directed herself to whether, in accordance with the requirements of section 20(7)(a)(ii), it was reasonable for her to conclude that the duty to cooperate had been complied with. She found that once the

extent of the unmet need emerged after completion of the Regulation 18 consultation on the SDLP, the claimant should have contacted its neighbouring authorities and engaged constructively in an attempt to resolve the issues arising from its unmet housing needs. Her conclusion that there was no communication, let alone engagement, in between the emergence of this issue and embarking upon a Regulation 19 consultation underpinned her conclusion that there had not been constructive, active and ongoing engagement in relation to that issue. It is clear from paragraphs 37 and 43, and indeed from the totality of her reasoning, that what she was scrutinising and assessing was not the identification of a particular solution for the strategic issue of unmet housing need, but rather the quality of the manner in which it had been addressed. Her conclusions were, based on her factual findings as to what in fact happened after the Regulation 18 consultation disclosed the extent of the unmet housing need, that no constructive and active engagement was undertaken at the time when it was required in advance of the Regulation 19 version of the SDLP being settled. These conclusions properly reflected the statutory requirements and the evidence which was before the Inspector and do not disclose any misdirection on her part, or confusion between the requirements of the duty to cooperate and the requirements of the soundness with respect to this strategic issue.

56. Turning to Ground 1 there is force in the submission made by Mr Moules that, in truth, this is a clear-cut case based on the findings that the Inspector reached. As set out above, the Inspector concluded (as she was entitled to on the evidence before her) that at the time when the strategic issue in relation to unmet housing need crystallised, there was no constructive, active or ongoing engagement and, indeed, the matter was not raised with neighbouring authorities until after the Regulation 19 consultation on the SDLP and at a very late stage in plan preparation. Requests made of neighbouring authorities on the 11 April 2019 post-dated the Regulation 19 consultation and were shortly prior to the plan being submitted. In those circumstances the Inspector was entitled to conclude that these discussions were not taking place at a time when they could properly inform and influence plan preparation and maximise the effectiveness of that activity. As the Inspector recorded in paragraph 37, she found, as she was entitled to, that had engagement occurred after the Regulation 18 consultation and prior to the Regulation 19 consultation “it might have resulted in a more positive outcome”. Further, as the Inspector recorded, the possibility that it may have led to the same outcome was nothing to the point. Effective, constructive and active engagement had not taken place at the time when it was required. By the time there was communication in respect of the issue it was too late.
57. Although the claimant stressed its belief that whenever called upon to do so neighbouring authorities would have refused to provide assistance, I am not satisfied that this provides any basis for concluding that the Inspector’s conclusions were irrational. Indeed, as she notes, Tunbridge Wells Borough Council noted in its written material that if the request to address the claimant’s unmet housing need had been made at any point prior to the submission of its comments on the Regulation 19 version of the plan then their response would have addressed the issue more fully. There was, therefore, evidence before the Inspector to support her judgment in this respect. In the light of these matters I am unable to accept that there is any substance in the claimant’s Ground 1. There is no justification for the suggestion that the Inspector failed to afford a margin of appreciation to the claimant in reaching her conclusions; the clear-cut nature of the conclusions which the Inspector reached were fully set out and ultimately

the Inspector was required by section 20 of the 2004 Act to reach conclusions in relation to the statutory test which she did.

58. Turning to the submissions in relation to Ground 3, I am unable to accept that the Inspector failed to have regard to the material which was available to her in reaching her conclusions. It is clear to me from the detail of the report that the Inspector had regard to all of the evidence that had been placed before her. The Inspector clearly addressed the detailed material in relation to the duty to cooperate meetings and the preparation of joint evidence. She also engaged with the existence of statements of common ground and the views of the neighbouring local authorities. She gave careful consideration to the peer review which had been undertaken and reflected on the responses from adjoining authorities to request they meet unmet housing need from the claimant and the environmental constraints under which the claimant had to operate. In my view the submissions advanced in respect of Ground 3 effectively amount to a disagreement with the Inspector on the conclusions which she ought to have forged based upon the material which was before her. Ultimately, the availability of this evidence did not dissuade the Inspector from reaching the conclusions which she did in respect of quality and timing of the engagement in the present case: the generality of the position presented by the claimant does not gainsay the detailed conclusions reached by the Inspector as to the nature of the duty to cooperate activities, or lack of them, at the critical point of time when the extent of nature of the unmet housing need emerged at the conclusion of the Regulation 18 consultation. In my view it is clear that the Inspector had careful regard to all of the material which was placed before her and reached conclusions which, I have already set out in respect of my views on Grounds 1 and 2, were lawful and appropriate.
59. I have already expressed my view as to the quality and nature of the reasons provided by the Inspector in respect of the examination. In my view her reasons were clear, full, detailed and justified. In addition, under Ground 4 it is contended that the conclusion which she reached was irrational. In my judgment there is no substance whatever in that contention. For the reasons which I have already given the Inspector's conclusions were clearly open to her and based upon a proper appreciation and application of the relevant statutory tests.
60. It follows that for all of the reasons set out above I am satisfied that there is no substance in any of the grounds upon which this claim is advanced and the claimant's case must be dismissed.

## 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**

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**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*".
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### 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 dealt 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 authorities<sup>1</sup>.
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 boundaries<sup>2</sup>. 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.

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<sup>1</sup> The SHS later became informally adopted by the partnership authorities in October 2012

<sup>2</sup> 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."*<sup>3</sup>

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 decisions<sup>4</sup>. 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.

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<sup>3</sup> PPG 3-030 (emphasis added)

<sup>4</sup> 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'<sup>5</sup>. This is

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<sup>5</sup> 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 units<sup>6</sup>.

*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 dwellings<sup>7</sup>. 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.

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<sup>6</sup> 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

<sup>7</sup> 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 here<sup>8</sup>. 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

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<sup>8</sup> 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)<sup>9</sup>. 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 LCA<sup>10</sup>; 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

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<sup>9</sup> Fareham Borough Landscape Assessment : Scott Wilson Resource Consultants, May 1996

<sup>10</sup> 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 tests<sup>11</sup>.
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.

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<sup>11</sup> 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**

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**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.
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### 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.
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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 judgement<sup>1</sup> 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

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<sup>1</sup> 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 decision<sup>2</sup>, 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 PUSH<sup>3</sup> 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. PPG<sup>4</sup> 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

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<sup>2</sup> APP/A1720/A/14/2220031.

<sup>3</sup> Partnership for Urban South Hampshire.

<sup>4</sup> 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 law<sup>5</sup> 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. PPG<sup>6</sup> 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

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<sup>5</sup> 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).

<sup>6</sup> 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 land<sup>7</sup>. 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 viable<sup>8</sup>. PPG<sup>9</sup> 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

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<sup>7</sup> Table AB 1 submitted by the lpa at the inquiry.

<sup>8</sup> Footnote 11, National Planning Policy Framework.

<sup>9</sup> 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 land<sup>10</sup> (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.

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<sup>10</sup> Annex 2, National Planning Policy Framework.

29. CS Policy CS16 was predicated on guidance contained in PPS7<sup>11</sup>, which the Secretary of State in his 2006 decision<sup>12</sup> 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

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<sup>11</sup> Planning Policy Statement 7: Sustainable Development in Rural Areas.

<sup>12</sup> 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 law<sup>13</sup> 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

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<sup>13</sup> 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 lpa, 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 lpa 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 regulations<sup>14</sup> 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.

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<sup>14</sup> 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 legislation<sup>15</sup>. 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

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<sup>15</sup> 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 evidence<sup>16</sup> 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 Court<sup>17</sup> 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.

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<sup>16</sup> Planning Policy Guidance, Paragraph: 004 Reference ID: 23b-004-20150326.

<sup>17</sup> 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)<sup>18</sup>. 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

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<sup>18</sup> 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 Jezeph 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 Jezeph 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).

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## 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: 10<sup>th</sup> September 2018**

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**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'.
- 

### 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





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## 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: 12<sup>th</sup> April 2019**

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**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 Judgement<sup>1</sup>. 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 I 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:

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<sup>1</sup> 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

### FOR THE APPELLANT:

Christopher Boyle QC	Instructed by Woolf Bond Planning LLP
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He called:

Jeremy Smith BSc	SLR Consulting Limited
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(Hons), DipLA, CMLI

Ignus Froneman	Heritage Collective UK Limited
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B.Arch.Stud, ACIfA,

IHBC

Stephen Brown BSc	Woolf Bond Planning LLP
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(Hons) DipTP MRTPI

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Stinchcombe QC & Richard Wald	Instructed by Southampton and Fareham Legal Partnership
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He called:

Andy Blaxland BA	Adams Hendry Consulting
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(Hons), DipTP, Dip Mgt,

MRTPI

Lucy Markham MRTPI	Montagu Evans
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IHBC

Philip Brashaw BSc	LDA Design
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(Hons) BLD, CMLI

### FOR THE TITCHFIELD NEIGHBOURHOOD FORUM :

David Phelan	Titchfield Neighbourhood Forum
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### INTERESTED PERSONS:

Nick Girdler	Chairman Titchfield Village Trust
Robert Marshall	Member of Fareham Society
William Hutchison	Chairman Hillhead Residents Association
Linda Davies	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 Hutchinson

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



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## 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**

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**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'.
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### 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 PF117 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 road<sup>1</sup>, with a two-way, daily flow of the order of 6,800 vehicles per day<sup>2</sup>. 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.

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<sup>1</sup> Paragraph 6.24 of Mrs Lamont's PoE

<sup>2</sup> 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 development<sup>3</sup>. 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 witnesses<sup>4</sup> 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 NTS2018<sup>5</sup>. 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

<sup>3</sup> Page 2 of CD10A and Paragraph 2.3.9b of Mr Wall's PoE

<sup>4</sup> Mr Wall for the appellant and Mrs Lamont for the Council

<sup>5</sup> 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 situation<sup>6</sup>. 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 work<sup>7</sup>.
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

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<sup>6</sup> Page 5 of CD10A

<sup>7</sup> Ie 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 rail 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 Council<sup>8</sup> 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 authority<sup>9</sup>.

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<sup>8</sup> Letter of 29 August 2018 (contained within CD2)

<sup>9</sup> 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 bridge<sup>10</sup>. 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 (CD2<sup>11</sup>). 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'<sup>12</sup>, 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 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 bridge<sup>13</sup>. 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.

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<sup>10</sup> As clearly depicted in the cross section contained in Image 3.2 and drawing ITB12212-GA contained in CD29

<sup>11</sup> The summary of HCC's comments to the Council included as Appendix 2 of the Council's committee report of 24 April 2019

<sup>12</sup> Paragraph 3.3.6 in CD29

<sup>13</sup> 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'<sup>14</sup> 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.

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<sup>14</sup> 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 (ID5<sup>15</sup>) 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 evidence<sup>16</sup>. 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 footways<sup>17</sup>.
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 seconds<sup>18</sup>.
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

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<sup>15</sup> Designing for pedestrians a level of service concept

<sup>16</sup> Appendix X of Mr Wall's PoE and ID11

<sup>17</sup> Paragraph 2.4.2 of the Transport Assessment (CD15)

<sup>18</sup> Page 9 of CD10A

as option 3 because of an issue of dealing with '... the lag times once a vehicle is in the narrowing ...'<sup>19</sup>. 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 suitable<sup>20</sup>, 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 ago<sup>21</sup>, and which has a specific module capable of modelling road narrowings<sup>22</sup>. 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 minutes<sup>23</sup>.
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'<sup>24</sup> 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)<sup>25</sup>. 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 evidence<sup>26</sup>. In response to the critique of PDV22 the Council has supplemented its evidence through the submission of a video file for its

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<sup>19</sup> Email from Jim Binning of TRL to Mayer Brown of 23 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

<sup>20</sup> Email from Jim Binning of TRL to Mayer Brown of 9 August 2019, included in Appendix RVL4 appended to Mrs Lamont's rebuttal statement

<sup>21</sup> Mrs Lamont in during cross examination

<sup>22</sup> Matter of agreement stated on page 8 of CD10A

<sup>23</sup> Mrs Lamont's rebuttal statement

<sup>24</sup> Email of 23 September 2019 to the Planning Inspectorate from Mrs Mulliner on the appellant's behalf

<sup>25</sup> Appendix K to Mr Wall's PoE

<sup>26</sup> 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, Systra<sup>27</sup>.

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 seconds<sup>28</sup>.
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

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<sup>27</sup> Mrs Lamont's Rebuttal Statement, including Appendix 3, ID9, ID10 and ID14

<sup>28</sup> 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 completely 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 seconds<sup>29</sup>. 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

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<sup>29</sup> 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 seconds<sup>30</sup>.

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 ID6<sup>31</sup>, 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.

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<sup>30</sup> Table 3.1 in CD29

<sup>31</sup> 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 appellant's 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 years<sup>32</sup>.
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 2024<sup>33</sup>.

#### *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

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<sup>32</sup> Having regard to the figures quoted in paragraphs 1.18 and 1.19 in the Housing Land Supply SoCG (CD14)

<sup>33</sup> 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



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## 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: 8<sup>th</sup> June 2021**

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### **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.
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## **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 withdrew<sup>1</sup> that aspect of its case before the appellants presented their evidence on the matter<sup>2</sup>. 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

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<sup>1</sup> Including the evidence given by Mr Whitehead.

<sup>2</sup> 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 Bridgemary, 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 Bridgemary. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemary 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 aesthetic<sup>3</sup>, 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

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<sup>3</sup> 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 Farm<sup>4</sup>), 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

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<sup>4</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 accidents<sup>5</sup>. 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.

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<sup>5</sup> 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 Bridgemarky 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 possible<sup>6</sup>. 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

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<sup>6</sup> 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 optimistic<sup>7</sup>.
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 attention<sup>8</sup>, 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

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<sup>7</sup> Statements of Common Ground, January 2021 (paragraphs 7.14).

<sup>8</sup> 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 requirements<sup>9</sup>.

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;

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<sup>9</sup> 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 colleagues<sup>10</sup>, 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

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<sup>10</sup> 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:

**Mr D Lintott**

Of Counsel

He called

**Mr I Dudley**

BSc(Hons) MICFor CEnv CMLI

**Mr C Whitehead**

BEng CEng

**Mr J Mundy**

MSc IMICE

**Mr N Sibbett**

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:

**Mr C Boyle**

QC

He called

**Mr J Atkin**

BSc(Hons) DIP LM CMLI

**Mr N Tiley**

ARTPI

**Miss M Hoskins**

BA(Hons) MCIHT

**Mr A Jones**

BSc(Hons) MCIHT

**Mr D West**

MEnv Sci(Hons) CEnv MCIEEM

**Mr D Weaver**

BA(Hons) MA MRTPI

**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 Bridgemark 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**

*8<sup>th</sup> July 2021*

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## **1. Introduction**

- 1.1. This Housing Land Supply ("HLS") Statement of Common Ground ("SoCG") has been prepared by Mr Steven Brown (of Woolf 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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 1<sup>st</sup> January 2021 to 31<sup>st</sup> 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*

	<b>Fareham Borough Council</b>	<b>Appellant</b>
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**

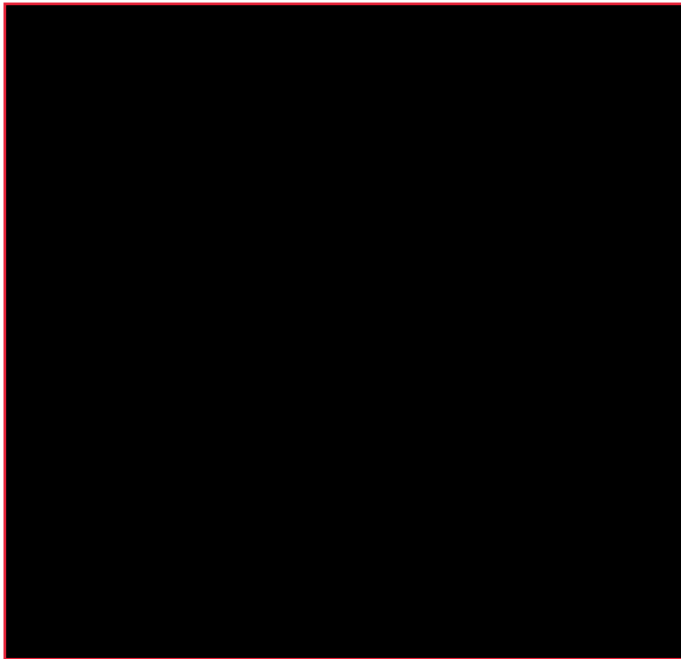
- 5.1. The agreed position between the Council and Appellant is that the Council is not able currently to demonstrate a five year supply of deliverable housing land for the period 1st January 2021 to 31st December 2025.
- 5.2. As such, it is common ground between the Council and Appellant that the Council 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:



Woolf Bond Planning obo Foreman

Name: Richard Wright MRTPI Fareham Borough Council

Date: 8<sup>th</sup> July 2021

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## 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 <sup>1</sup>	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 <sup>2</sup>	269
Resolution to Grant Planning Permission – Large (5+ dwellings) (exc Welborne)	742 <sup>3</sup>	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
<b>Total</b>	<b>2,310</b>	<b>600</b>	<b>1,710</b>

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<sup>1</sup> Supplementary Statement to Newgate Lane East Appeal (3269030)

<sup>2</sup> 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)

<sup>3</sup> Paragraph 5.8 of the Council's Supplementary Statement for Newgate Lane East Appeal indicates that this figure should be 663.