

To Ms Gayle Wootto **CD010**

Head of Planning Strategy
& Economic Development
A B C

Civic Offices
Kareham

PO16 7AZ

5th July 2021

Re: Local Plan Consultation.

To Ms Gayle Wootto,

Thank-you for your
letter dated 18th June 2021

I would like to speak on
the above to the Planning Inspector
please, when the time comes.

I would appreciate you sending
me a copy of Planning and
Compulsory Purchase Act 2004 section 20(6)
as I do not have a computer.

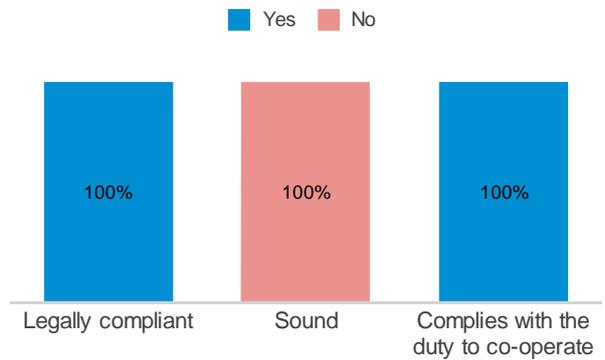
Yours sincerely,
Miss Boyce

Paragraph | 1.14.1

1 Representations



	Legally compliant	Sound	Complies with the duty to co-operate
Total	1	1	1
Yes	1 100%	0 0%	1 100%
No	0 0%	1 100%	0 0%



Respondent: Mr Russell Prince-Wright (277-21943)

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.

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)

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

Your suggested revised wording of any policy or text:

Change all occurrences of 541 to 403

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 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,

Respondent: Mrs Jacky Keyes (307-301031)

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

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

The National Policy Planning Framework states that the local plan must cover a period of a minimum of 15 years. However it could be longer. If the Fareham local plan was set for another 8 years it would take in the whole of the Welbourne contribution and reduce the number of houses built in the strategic gap. Why was this not considered?

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

Extend the period covered to 2045 and adjust all figures accordingly

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

It would be sound because it would accurately take into account a very large development that is already in progress

Your suggested revised wording of any policy or text:

This plan extends to 2045 in order to maximise the contribution of the Welbourne development and minimise building on the Strategic gap

If your representation is seeking a modification to the P..
No, I don't want to take part in a hearing session

FAREHAM Local Plan 2037

Introduction

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

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

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

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

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

What can I make a representation on?

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

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

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

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

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

What happens next?

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

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

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

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

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

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

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

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

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

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

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

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

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: mr

First Name: Andrew

Last Name: Jackson

Job Title: (where relevant)

Organisation: (where relevant)



A3 Please provide the Agent's details:

Title: _____

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

9.51 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the LPA will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes these policies. It is unclear how any development could be contemplated in the Fareham Borough without need for proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust stated the wording needed to be changed to be consistent with the policy "to protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as the policy seeks to enhance and reconnect ecological networks where they have been compromised.

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

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was H Objectively Assessed Housing Need arrived at for this site?

Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift to Finally and critically sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B1c Which part of the Policies Map ?

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

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan. Consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in that housing will be provided through HA1 and other local sites.

The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. If 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contribute 10%. There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). An assessment must be conducted showing the cumulative effect of HA1 in its entirety. This is contrary to Design Framework development within and adjacent to existing settlements and as part of area wide development strategies and are sustainable, appropriately planned and designed".

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

B2 Do you think the Revised Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

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

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

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered deputations and of

It is discriminatory that community-generated evidence carries less weight than that provided by Developer's c Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwat The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests c guidance in Fareham Today which includes the additional areas of" Legal Compliance" and "Duty to Cooperate" the public wishing to provide commentary.

Finally, and critically, sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

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

B4c Your suggested revised wording of any policy or text:

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

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

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

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

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

Thank you for taking part and having your say.

Further comments on the Fareham Local Plan

which I have been unable to include in your too strict formatted comments form

Strategic policy NE2: The Hampshire and Isle of Wight Wildlife Trust considers a wording change to Policy 'NE2: Biodiversity and Nature Conservation' to ensure that the delivery of 'net gains' in biodiversity is the minimum required achievement. New wording to be "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and deliver net gains in biodiversity, where possible." Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. In line with the NPPF and in order to achieve net gain in biodiversity, the following change of wording is proposed by Natural England "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity". The policy states 1 or more dwellings should provide 10% net gain for biodiversity.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated the Natural England advice note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable.

Test of Soundness

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own objectives.

Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary!

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as

well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots.

Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect.

Para 10.14 refers to the Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan?

Para 3.27 fig 3.2 Where are the indicated 8 potential growth areas shown on the map? This map needs more clarity.

Page 158 Policy HP2 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 units?

Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. The previous version of the Publication plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it.

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

Para 11.35 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a sound and effective approach to carbon emissions reduction in the Borough.

Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

Policy CC1 describes 'Green infrastructure' but nowhere in the Borough do we have Green Belt and according to this plan none is planned to be defined as such.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is-designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval."

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

Complies with Duty to Cooperate:

Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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.

Gayle Wooton
Fareham Borough Council
Civic Offices
Civic Way
Hampshire
PO16 7AZ

30th July 2021

BDL010 / JGC

Dear Gayle

FAREHAM DRAFT LOCAL PLAN 2037

Response on behalf of Buckland Development Limited

We are pleased to respond to the above consultation on behalf of our clients, Buckland Development Ltd (Buckland). As you are aware, Buckland are the promoters and master developers of Welborne. The Outline Planning Application for Welborne was submitted in March 2017 and is expected to be determined this later this year, with reserved matters applications and construction to follow in the coming years. It is in this context we write to respond to the above consultation. We have also responded to the online questionnaire with answers supporting the points raised below.

Welborne, as the single largest site in the Borough, is of strategic importance to Fareham and the wider area as a whole. Buckland are committed to delivering Welborne and the aspirations of the Welborne Plan. Therefore, we support the Council's position to not revisit the detailed policies of the Welborne Plan, as the plan remains suitable. We also continue to support the trajectories shown in this local plan for Welborne, as these match Buckland's aspirations.

We look forward to formal confirmation that these comments have been received and processed. If you have any questions or queries regarding the points raised in this letter, please do not hesitate to be in touch with me at your earliest convenience.

Yours sincerely

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JOSEPH CARR
Associate

Email: 

encs

cc.



Dear Sir or Madam,

As members of the Society we don't wish to revisit this in great detail as essentially all our priorities, objections and concerns expressed over numerous consultations remain unchanged. We understand that the goal posts and figures keep changing but the basics remain the same.

We support many of the comments raised by residents across the Northern and Eastern Wards of Fareham Borough in particular. The key issues are listed below. As indicated above this response does not incorporate the level of detail previously supplied as most of the challenges remain unchanged, the comments and objections from previous consultations stand.

1) Infrastructure delivery

We wish to carry forward all previous objections on the infrastructure delivery objections and concerns on roads, health provision, education, services, impact on significantly impacted communities etc.

In summary this is still clearly an immature plan with a lack of joined up approach.

2) Strategic Policies - Strategic Site at Welborne

Ongoing concerns that most of the development is concentrated in the Northern and Eastern Wards. It should be spread more evenly throughout the Borough.

The original justification for such a large development at Welborne was the need for affordable housing. However, these figures have been substantially reduced. So it calls into question the whole premise of building Welborne in the first place. The scale of the development is not borne out by the housing projected figures.

We understand that this is the final stage before the Plan is submitted to a government appointed Planning Inspector. However no other housing options were ever properly and thoroughly explored as an alternative to Welborne and the land to the north of Funtley was offered up by Fareham Borough Council as the only option and presented as a 'fait accompli'. The leadership of the council at the time stated that if Welborne was built, then Fareham's housing needs would be met and there be no need for further development in the rest of the Borough. We now know this to be a complete fallacy.

3) Implementation, Monitoring, Engagement with significantly impacted Communities and review mechanisms

Existing mechanisms are poor. It is well documented that S106 and CIL Developer funding often disappears into a black hole. It is rarely spent in the directly impacted areas and is often siphoned off into pet projects elsewhere. So there is a clear need for far more transparency and accountability from the receivers of these mouth watering sums our Council / County Council.

There is also an urgent need for our council in particular to actively engage with the significantly impacted local communities. Particularly those without a parish council to ensure local views are captured and respected. Rather than purely council driven agendas. Regular reviews with projected funding and deadlines are also required to ensure the objectives are met.

4) In conclusion

No one denies there is a need for more housing. However, it is the sheer scale of development in the Northern and Eastern Wards of Fare Borough that is the issue. There will be very few green spaces left and the impact on the environment is huge and unsustainable.

The Government may need more housing, however, there needs to be a more coherent national policy to move skills north of the country to ensure there is less of a divide. Tarmacking continuously over huge swathes in certain concentrated areas of the South East with identikit houses is not a viable long term plan. Short term developer investment for Councils isn't long term gain, nor can it provide quality life enhancement.

We do not believe that the revised Local Plan is not sound and does not comply with the duty to co-operate.

Yours sincerely,

Edward Morell
Chair
For and on behalf of the Funtley Village Society



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FAREHAM LOCAL PLAN 2037 REPRESENTATIONS

LAND AT NEWGATE LANE (NORTH AND SOUTH), FAREHAM

ON BEHALF OF BARGATE HOMES LTD AND SUSTAINABLE LAND

Prepared by: Daniel Millward

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1. INTRODUCTION

- 1.1 The following representations are made by Pegasus Group on behalf of our clients Bargate Homes Ltd and Sustainable Land. Our clients have interests in an area of land between Newgate Lane and Newgate Lane East (the new relief road) in Peel Common. Applications for outline planning permission (refs. P/18/1118/OA and P/19/0460/OA) have previously been made at 'Land at Newgate Lane' which together will provide for the development of up to 190 homes. Both applications were dismissed at appeal in June 2021. We address how the reasons for refusal given by the inspector can be overcome through a revised approach later in these representations.
- 1.2 Representations have previously been made in respect of the sites in response to the Regulation 18 consultation on the original version of the draft Local Plan in December 2017, and again in July 2019, in February 2020 and December 2020 on subsequent consultations for the new Local Plan. The site continues to be promoted through the Local Plan process as it represents a sustainable and deliverable option to deliver much needed housing in this authority.
- 1.3 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF).
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the Revised Local Plan (RLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. The exceptions are questions A (1,2 & 3) and B5 (parts a & b) where a single response at the beginning and end of the representations is provided, respectively. This is because these responses are common to all questions and our representations.



FIGURE 1 – NEWGATE LANE NORTH



FIGURE 2 – NEWGATE LANE SOUTH

Questions A1, A2, A3 Agent / Client details

	Agent	Client
Title	Mr	Bargate Homes and Sustainable Land c/o Agent
First Name	Chris	
Last Name	Marsh	
Job Title	Principal Planner	
Organisation	Pegasus Group	
Address	First Floor South Wing Equinox North Great Park Road Almondsbury Bristol	
Postcode	BS32 4QL	
Telephone		
Email		

2. PLAN OVERALL

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

2.1 The following comments relate to the overall Local Plan.

B2 Do you think the Publication Local Plan is:

Legally compliant - No

Sound - No

Complies with the duty to co-operate - No

2.2 The Fareham Local Plan is not legally compliant and is unsound as it is not consistent with national policy, effective or justified.

B3 Please provide details you have to support your answers above.

Review of the Welborne Plan

2.3 Paragraph 1.18 of the draft plan indicates that there is no intention to review the Welborne Plan. Our previous comments on this aspect of the plan remain relevant (see December 2020 representations). We have repeated these below for reference.

2.4 The NPPF (paragraph 33) states that plans should be reviewed every 5 years and updated as necessary. Previously the local planning authority indicated that this local plan review would amalgamate the adopted Local Plan Parts 1, 2 and 3 into a single new plan. Part 3 is the Welborne Plan which was adopted in 2015. The total quantum of housing to be delivered at Welborne has reduced over the years, and the date for its commencement has repeatedly slipped back. Recently, serious doubts have been expressed over whether it is deliverable at all given the funding gap of tens of millions of pounds that exists in relation to the required upgrade of M27 junction 10. Certainly, the development is not currently "deliverable" in NPPF terms.

2.5 Taking all of this into account, the Welborne Plan should be reviewed, which it has not (RLP paragraph 4.9). It is also clear that at this stage the Council suggests that it is not intending to review the Welbourne Plan (Local Development Scheme (LDS),

paragraph 1.5). Given the importance of the Welborne Plan to housing delivery this is considered an issue of both soundness and legal non-compliance.

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

2.6 Include a review of the Welborne Plan in this Local Plan review.

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

2.7 Compliance with the NPPF requirement to review plans and provide an up to date framework to ensure housing delivery.

B4c Your suggested revised wording of any policy or text

2.8 Not applicable.

3. STRATEGIC POLICY DS2: DEVELOPMENT IN STRATEGIC GAPS

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

- 3.1 The following comments relate to the Policy DS2, the supporting text and the inclusion of our clients' land between Newgate Lane and Newgate Lane East (the new relief road) in Peel Common within this designation.

B2 Do you think the Publication Local Plan is:

Legally compliant – N/A

Sound - No

Complies with the duty to co-operate – N/A

- 3.2 The Fareham Local Plan is unsound as it is not consistent with national policy, effective or justified.

B3 Please provide details you have to support your answers above.

- 3.3 The RLP, paragraph 3.43, identifies that the:

“...primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities.”

- 3.4 The proposed policy seeks to strengthen the current Core Strategy policy position, contained within Policy CS22 with regards to preventing settlement coalescence. It is stated in the RLP this has been undertaken in response to the NPPF and recent planning decisions (paragraph 3.44). The Council's evidence in relation to this policy is contained within the September 2020 'Technical Review of Areas of Special Landscape Quality and Strategic Gaps' document. Chapter 2, section 4.2, seeks to apply the NPPF to this policy.

3.6 The interpretation of the NPPF in this section is selective and as such misleading. For example, in referencing paragraph 20 of the NPPF it states:

“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for... conservation and enhancement of the natural, built and historic environment, including landscapes.”

3.7 This fails to recognise that strategic policies should also set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development. The Council’s evidence also refers to paragraph 170 of the NPPF noting:

“planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan)”.

3.8 It must, however, be recognised that the strategic gaps do not have any statutory status and, therefore, shouldn’t be unduly restrictive. A tightening of restrictions would be contrary to the NPPF. The policy does identify that development can be accommodated within the Strategic Gap. Indeed, the previous iteration of the plan identified site HA2 and Strategic Growth Areas within the Fareham – Stubbington Strategic Gap. Thus, suggesting that development in the gap is not prohibitive per se.

3.9 Furthermore, the recent appeal decisions for land east of Newgate Lane East (i.e. land previously allocated under HA2)¹ have recently been allowed on the basis that the benefits of delivering housing in a sustainable location outweighed the harm to the strategic gap. This acuteness of the housing requirement can be used at the plan making stage to justify further development in the strategic gap, with specific criteria to ensure that the gap still performs an important role.

3.10 Furthermore, we would also repeat the comments in our previous representations with regard to the soundness of the evidence base and that this land should be excluded from the strategic gap. It remains our view that there is no need for land between Bridgemarky and Peel Common to remain open. The key purpose of a

¹ APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030

strategic gap in this location is to provide a clear break between Stubbington and Bridgemary. Development on our clients' site would have no adverse impact in this regard. We have elaborated on this point within our previous representations.

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

- 3.11 The policy and proposals map should be amended to either exclude our client's site from the strategic gap or it should be identified as a location which could accommodate sensitive development.

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

- 3.12 It would be justified by the evidence and would assist the Council in achieving an appropriate housing requirement.

B4c Your suggested revised wording of any policy or text

- 3.13 See response to B4a above.

4. POLICY H1: HOUSING PROVISION (INCLUDING ALL SUPPORTING TEXT)

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

4.1 Policy H1: Housing Provision and all supporting text.

B2 Do you think the Publication Local Plan is:

Legally compliant - No

Sound - No

Complies with the duty to co-operate - No

4.2 The Fareham Local Plan is not legally compliant and is unsound as it is not consistent with national policy, effective, positively prepared or justified.

B3 Please provide details you have to support your answers above.

4.3 The PPG (ID 2a-003-20190220) is clear that the current standard method should be used, and any other method should only be used in exceptional circumstances. We therefore welcome the Council's decision to amend the minimum housing requirement and we consider this now accurately reflects the figure derived from the Standard Method (541 dwellings per annum).

Unmet Need from Other Authorities

4.4 It is also unclear whether the RLP has planned to adequately accommodate unmet need from other authorities. The PPG (ID 2a-010-20190220) identifies that meeting unmet needs from neighbouring authorities, as set out in a statement of common ground, is one reason why local housing need calculated using the current standard should be exceeded.

4.5 Paragraph 4.4 of the RLP still states that unmet need in the sub-region over the plan period could be "circa 10,750 dwellings". At paragraph 4.5, Fareham's "immediate neighbours" are considered, and it is confirmed that Portsmouth City Council has requested that Fareham contributes 1,000 dwellings towards its unmet need, and that Gosport is "likely to have an unmet need issue, currently estimated to be in the region of 2,500 dwellings...".

- 4.6 In response, the RLP (Table 4.1) proposes to increase their contribution to meeting unmet needs to 900 dwellings.
- 4.7 We note that the Council's latest 'Duty to Co-operate Statement of Compliance' (DtCSoc) indicates that the 1,000 dwellings request from Portsmouth is out of date and the Council is instead 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."*
- 4.8 We also note that the RLP suggests that the actual need from PCC has reduced to 669 dwellings, based on figures released in September 2020. It is not, however, clear where this new figure has come from as it does not appear in any of the housing/cross-boundary background evidence published in 2020.
- 4.9 The issue is that the 900 unmet need figure appears to have arbitrarily been determined with no clear rationale behind it. Given the explicit request from Portsmouth City Council and the scale of Gosport's unmet need, even the boosted 900 dwellings figure appears to be low and not justified.
- 4.10 Contrary to the advice within the PPG (ID 2a-010-20190220) there are currently no statements of common ground identifying if the figure of 900 dwellings is adequate or accepted by other authorities. Rather, the Council continues to speculate that this contribution would be "ratified" by a subsequent Partnership for South Hampshire Statement of Common Ground (Duty to Co-operate Statement of Compliance, paragraph 4.5).
- 4.11 The SoCG published in January 2021 does not comment on this issue in any detail or provide an indication that the 900 dwelling figure that has been identified is acceptable. It would appear that the process of identifying the distribution of unmet need among the PFSH authorities has been deferred to a new Spatial Position Statement which is currently being prepared.
- 4.12 Whilst we acknowledge that Fareham is at least planning to meet its local objectively assessed housing need, the plan still fails to plan to contribute appropriately to meet the unmet housing need of the sub-region. This indicates a failure to work effectively with its neighbouring authorities on cross-boundary strategic planning for housing delivery and a failure "to support the Government's objective of significantly boosting the supply of homes" (NPPF, paragraph 59). Rather, the RLP

proposes to restrict the supply of homes in the plan period in a way which will exacerbate the local housing crisis.

4.13 The RLP is not consistent with the NPPF because:

- It is not planning to adequately meet the unmet housing needs of neighbouring authorities in the sub-region; and
- Its strategy lacks a robust evidential justification.

Phased Provision

4.14 In addition to the issues with the overall requirement, we note that Policy H1 still seeks to identify a 'phased' requirement. Whilst we note that the requirement now correctly identifies the minimum housing requirement, the need to provide for unmet needs from neighbouring authorities has not been robustly justified and, for the reasons set out above, should likely be higher than 900 dwellings. Further allocations may be required.

4.15 Policy H1 seeks to 'phase' this supply identifying the following:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/2024,
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/2037.

4.16 We note that this phasing arrangement has been adjusted since the previous RLP consultation in December 2020; however, it is still clear that this phasing clearly will not meet the overall plan requirement.

4.17 The continued rationale for this phasing is due to an anticipation that many of the housing allocations will begin to deliver later in the plan period. This is simply a factor of the sites chosen rather than an evidence-based approach to need. The net effect is that in the early part of the plan period the full need will not be met. This will mean households will either be unable to form or will be forced to move elsewhere to find appropriate accommodation. This not only has an impact upon

affordability through increased demand but also has implications for social mobility and health for young and old alike.

- 4.18 We also note that the proposed phased approach has a much more significant 'ramping up' toward the later years of the plan than was previously proposed, with almost 100 dwellings anticipated to be delivered per year in the latter years (720 vs 625). Given the historic rates of supply in the have fluctuated between 290-374 over the past few years,² it is not obvious that the 720 dwellings figure is even sustainable or possible. The Viability Assessment Addendum does not comment on whether the proposed phasing could be sustained by the local housing market over the longer-term.
- 4.19 The lack of housing to meet needs in the short-term is exacerbated by recent under-delivery of both market and affordable housing. The Council recognises it has under-delivered in recent years due to the reference to the need for a 20% buffer in accordance with NPPF, paragraph 73 (paragraph 4.16, RLP).
- 4.20 The proposed trajectory is a cynical attempt to try and suppress the Council's housing requirement for the purposes of maintaining a sufficient five-year housing land supply position in the early years of the plan period. The housing requirement in the RLP should not be phased to manufacture a five-year housing land supply in the short-term. The plan should seek to address housing need now and to do otherwise is not justified or effective, especially in the context of the Government's directive to significantly boost the supply of housing.

Housing Supply

- 4.21 The second part of Policy H1 identifies the sources of supply. Whilst our clients do not wish to comment upon individual sites, we do have significant concerns that the sources of supply will not deliver the plan period housing requirement in full. The RLP, paragraph 4.16, acknowledges that many of the chosen sites will not deliver until later in the plan period. Therefore any slippage in timescale could well push delivery beyond the plan period. Furthermore, the Council is heavily reliant upon delivery at Welborne. Within our comments upon the Plan overall we identify the need for delivery from this site to be reviewed and indeed question whether it

² As set out in the most recent Annual Monitoring Reports.

is deliverable at all given the funding gap of tens of millions of pounds that exists in relation to the required upgrade of M27 junction 10.

- 4.22 Furthermore, the Council cannot currently demonstrate a five-year housing land supply. The Council's most recent assessment of its five-year housing land supply suggests a 3.57-year supply. This position was stated in the recently allowed appeals at Newgate Lane East (APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030) as an agreed position for the purposes of the appeals, while the Inspector agreed that it was certainly lower than 3.57 (albeit they did not conclude on the exact figure). However, in the earlier dismissed appeals (ref.) the Inspector indicated upon examination that the supply position was likely much closer to the appellants' stated position in all appeals of 0.95 years. Given these shortcomings it is essential that the RLP seeks to address this under-supply in the short-term.
- 4.23 Our client's sites, SHLAA references 3129 and 3161, should be considered for allocation. Both sites are sustainable being well located in terms of accessibility to services, facilities and employment. They also have good access to public transport opportunities. Furthermore, whilst the sites are located within the Fareham – Stubbington Gap, there are no unsurmountable specific statutory or non-statutory landscape related planning designations.
- 4.24 The SHLAA identifies that both sites are discounted because:
- "Development in this location would not be in keeping with the settlement pattern and would change the settlement character of Peel Common. The site is therefore considered unsuitable for residential development."*
- 4.25 Our clients fundamentally disagree with these points. This is discussed in greater detail within our response to Policy DS2 above. However, in summary the sites are well located in relation to the settlement of Bridgemary, especially following the allowing of appeals APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030, which will bring development up to the edge of Newgate Lane East and our clients' site.
- 4.26 Our evidence, with which the Council is no doubt familiar, also identifies that development in this location would have a limited impact due to the recent completion of the Newgate Lane East site. The proposals could also enhance the strategic gap through the provision of appropriate Green Infrastructure.

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

4.27 The following amendments are necessary to ensure that the plan is legally compliant and sound.

- Provide Statements of Common Ground in relation to unmet need from neighbouring and PfSH authorities. Any agreements will need to be included as additional housing to the minimum 541hpa.
- In any event, plan for a level of housing which contributes to the achievement of sustainable development.
- Undertake SA of all reasonable alternative housing requirements.
- Provide a housing requirement which is not phased and meets needs now.
- Provide additional allocations, including our clients' site, which can deliver in the short-term.

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

4.28 Compliance with the NPPF and PPG requirements to significantly boost the supply of housing and the guidance around establishing unmet needs from neighbouring authorities. To comply with relevant legal and procedural requirements.

B4c Your suggested revised wording of any policy or text

4.29 Not applicable, as this will be dependent upon the outcome of the work identified in response to question B3.

5. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

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

5.1 The following comments relate to Policy HP4 and all supporting text.

B2 Do you think the Publication Local Plan is:

Legally compliant – N/A

Sound - No

Complies with the duty to co-operate – N/A

5.2 The Fareham Local Plan is unsound as it is not effective or justified.

B3 Please provide details you have to support your answers above.

5.3 Aside from the positive wording change from 'may be permitted' to 'will be permitted', we still consider the current wording to be contrary to its stated purpose. The supporting text identifies that this policy is required to provide flexibility if a five-year housing land supply cannot be demonstrated. However, in accordance with the NPPF, paragraph 11d, in such cases the most relevant policies in the plan would be out of date and the presumption in favour of sustainable development would apply.

5.4 It is therefore not justified to seek to apply additional requirements upon developments should a five-year supply not be demonstrable. For example, the requirement for the scale of the site to be relative to the shortfall is not only unclear but could be prohibitive of sustainable sites being brought forward. Furthermore, many of the criteria are replicated from other policies and as such are superfluous.

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

5.5 A more positive policy is justified. Parts a, c, d and e should be deleted to avoid repetition and conflict with the NPPF.

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

5.7 See above.

B4c Your suggested revised wording of any policy or text

5.8 See above.

6. Participation at the examination hearing sessions

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

6.1 Yes, I want to take part in the hearing sessions.

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

6.2 There are several detailed and complex points made within our representations which would benefit from further debate and consideration. It is also important that our clients can respond orally to hearing statements made by the Council and other participants to ensure that the Inspector has a full understanding of our case.

7. LAND AT NEWGATE LANE (NORTH AND SOUTH)

7.1 As mentioned above, the clients control two parcels of land at Newgate Lane. The location of these parcels is provided below.



FIGURE 1 – NEWGATE LANE NORTH



FIGURE 2 – NEWGATE LANE SOUTH

7.2 Officers are likely aware of the recently dismissed appeals on the site. The issues identified in the appeal were as follows:

- Effect on character and appearance of the area;
- Effect on highway safety
- Sustainability of the location
- Effect on the spatial development strategy for the area
- Impact on Housing Land Supply.

7.3 The first three bullet points formed the substantive reasons for refusal with the conflict to the spatial strategy being outweighed by the Council's deficient housing land supply position.

7.4 The first three substantive reasons for refusal are considered below.

1. Impact on the character and appearance of the area

7.5 This criticism essentially had two:

- The proposed development would be an island of development, divorced from Bridgemary
- There would be an adverse impact on the character and appearance of Peel Common.

7.6 Taking each point in turn, the 'island' nature of the development was a function of the site coming forward ahead of land to the east, known as Newgate Lane East. This site was a draft allocation in the emerging Local Plan (HA2) but removed inexplicably in a subsequent iteration. An appeal for 99 dwellings was recently allowed on the site (APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030) and this post-dated the appeal decision on our clients' site.

7.7 We would now expect Newgate Lane East to be reinstated as an allocation and, as it comes forward, it will change the context in which our clients' site would be assessed. The development would no longer read as an 'island' of development, rather an extension to the existing urban area, thus overcoming this particular criticism.

- 7.8 Turning to the second criticism, there would certainly be scope to address this issue. This be achieved by viewing development as an extension and enhancement of Peel Common, which we would stress is an unexceptional cluster of mostly post-war bungalows and semi-detached properties with no real identity or core.
- 7.9 Alternatively, a reduced scale could come forward and an appropriate buffer between Peel Common and the westward expansion of Bridgemary could be provided to minimise the potential impacts on the former. Paragraph 23 certainly implies that the impact on the character and appearance of the area could potentially be mitigated through a reduction in the scale of the proposed development.
- 7.10 Either way, there is certainly a landscape/design response to these two criticisms and the significant harm identified to the character and appearance of the area could, therefore, be overcome.

2. Effect on Highway Safety

- 7.11 Whilst the findings of the inspector are strongly disputed by us, solutions which would improve the safety of the proposed access are currently being explored. The potential utilisation of 3rd party land is being explored to deliver a roundabout rather than signalised junction. Assuming that a satisfactory access can be delivered, then this issue can be overcome.

3. Sustainability

- 7.12 The inspector's conclusion on this matter were partly influenced by the site's detached location from the urban area of Bridgemary. This has, to some, degree, been addressed through the granting of permission at Newgate Lane East. This site was ultimately considered to be a sustainable location for development and convenient pedestrian routes can be established through to the existing services and facilities in Bridgemary. This would dramatically improve pedestrian accessibility to/from services in the surrounding area.
- 7.13 Otherwise, the inspector acknowledged that there are a range of employment, education, retail, health, sport, and leisure uses well within the average distances and durations set out in the National Travel Survey, 2019 (NTS).

- 7.14 It also accepted that the site has a range of services within convenient cycle distances and, whilst public transport options were not considered to be particularly good by the inspector, we maintain that there is an opportunity for them to be utilised by future residents.
- 7.15 They ultimately concluded that the proposals complied with Policy CS15 of the Core Strategy.
- 7.16 On the whole we consider the site to be a sustainable location for housing and an excellent candidate for allocation in the RLP.

FAREHAM Local Plan 2037

PERSONAL DETAILS

A1	Is an Agent Appointed?	
	<input type="checkbox"/>	
	<input type="checkbox"/>	No

A2	Please provide your details below:	
	Title: Mr	

Robert :

Marshall

N/A)

The Fareham Society



Paragraphs and Evidence Base

B1a and B1e

Paragraph 1.14

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

Note: it is not paragraph 1.14 I am commenting on. I used this ref. just to proceed to this page. My comments are on paragraphs 1.28 – 1.31. They have not changed but have special relevance given the new housing allocations. The Statement of Compliance with the Duty to Co-operate published in September 2020 does not adequately deal with the cross boundary strategic housing and employment issues. In the absence of an agreed Statement of Common Ground the major new allocations, BL1, HA54, HA55 and HA56 cannot be justified and are therefore not sound.

It is recognised that the Partnership for South Hampshire (PFSH) has not completed its work on a Statement of Common Ground, however in January 2021 it agreed a Statement of Common Ground for Havant. There is no evidence justifying the absence of a similar Statement of Common Ground for Fareham. The Planning Advisory Service advice makes it clear that the Statement of Common Ground should be a 'live' document which is expected to be reviewed and updated on an ongoing basis, and that it should incorporate a section on timetable, review and update

B4a

The preparation and publication of a Statement of Common Ground approved by the Partnership for South Hampshire.

B4b

It would meet the requirement in prepare a Statement of Common Ground and comply with the PAS guidance.

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

Paragraphs and Evidence Base

B1a and B1e

Paragraph 3.3

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

Note: This does not relate to para. 3.3. This was used to pass onto the next stage. It refers to paragraph 3.15. Although this is not a new para. it is relevant

given the new housing allocations. The Plan and its evidence base do not adequately set out the reasons for the selection of sites that are allocated and the reasons for rejecting reasonable alternatives. There is an extensive evidence base, but it is not clear how much of this has been used in site selection. For example, there are sites with low ratings for accessibility or high landscape sensitivity that have been selected for allocation when other sites with better accessibility or low landscape sensitivity have been rejected without adequate justification being set out.

Paragraph 3.15 of the Plan states that, “the need to find sustainable locations for development that are accessible to local facilities and services runs throughout the Local Plan and the revised Development Strategy. Each growth scenario, each potential development area and then each site considered for development has been assessed against the sustainability objectives set by the Council in the Sustainability Appraisal.” However, there is no reference to the Sustainability Appraisal and its findings in the Strategic Housing and Employment Land Availability Assessment (SHELAA) which appears to be the only document that sets out reasons for site selection or rejection.

B4a

Prepare, publish and carry out consultation on comprehensive site assessments that clearly set out the relevant data from the SHELAA and the SA/SEA.

B4b

It would meet the requirement for a comprehensive and up-to-date evidence base.

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society’s views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

BL1: Broad location for Housing Growth

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

This area includes Market Quay, the town centre shopping area and the so called Civic Quarter.

It is accepted that new housing in the town centre would: be sustainably located in terms of access to facilities and public transport; support town centre uses; and reduce the need for greenfield sites for housing. As such some additional housing in this area would be welcomed.

However, there is no evidence to show that the site could accommodate the proposed 620 homes along with all the other commercial and civic uses required now **and** for the future. Reference is made to production of a Town Centre Masterplan SPD to guide development. However, that would be some time off. It is necessary at this stage to have a reasonably clear idea as to how the 620 houses would be accommodated and what form that accommodation would take, i.e. would it be for flats and largely car free. If not largely car free the traffic implications would be substantial. The High Street and Osborne Road Conservation areas would impose constraints on the scale and design of housing and its location.

At the Council's Executive Committee reference was made to redevelopment of this area being to accord broadly with the Council's 2017 Town Centre Vision. However, this very broad-brush document never got beyond consultation stage. All it said on housing on Market Way was that it could be above the shops and cafes (site allocation FTC2 – Market Quay in the previous iteration of the plan suggested a mixed-use development with approx. 100 houses) and that there could be at least 100 new houses in the Civic Quarter. The amount of housing now proposed far exceeds that previously suggested.

The current SHELAA 2021 says that the majority of the Civic Quarter (ID108) is required for the existing use and is not immediately available for development, though it suggests a yield of 100 homes. Thus, there is no suggestion anywhere that 620 homes could be accommodated and even the suggested 100 houses in the Civic Quarter would seem to require the removal of some existing uses. Without knowing what would be proposed the full ramifications of this broad location for housing growth are unknown, and thus it is impossible to make a meaningful comment on it.

Hence it has not been shown that this allocation would meet the environmental objective in the National Planning Policy Framework (NPPF) of protecting and enhancing the built and historic environment. It would thus fail to deliver sustainable development in accordance with the policies of the NPPF and as such be an unsound allocation.

B4a

Given all the observations made above the only modification that could make the Revised Publication Local Plan sound, at this stage, would be the deletion of this allocation and for an agreement that should any consequent shortfall in housing numbers arise that this be dealt with in a later revision to the Local Plan.

B4b

N/A

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA54 Land East of Crofton Cemetery and Peak Lane

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

This allocation is in the Fareham/Stubbington Strategic Gap. For many years this gap has been recognized as essential in providing an effective physical and visual separation between Fareham and Stubbington and preventing urban sprawl. This is valued and strongly supported by the Fareham Society and by residents in the Borough.

There has been support for this gap in various Studies over the years and in previous Local Plan Inspector's reports. The gap was reviewed in a study undertaken for the Council in 2012 and no changes were recommended in relation to the land immediately adjacent to Stubbington. Support is given to this view by the Fareham Landscape Study 2017 which says that the majority of open farmland in the gap between Fareham and Stubbington is critical to maintaining the sense of separation between these settlements. It says that only a few small, enclosed parcels of land around the immediate northern fringes of Stubbington may play a marginally less critical role.

The Inspector's report on the Fareham Borough Local Plan Part 2 (para 15) found that the Council was justified in taking the view that construction of the new Stubbington by-pass and ancillary works did not justify a revision to the Strategic Gap boundary.

The proposed development would be a substantial incursion into the Strategic Gap and the Fareham Society has objected, on these grounds, to recent residential developments of the allocation site. The site is too large to be one of the small parcels of land referred to in the 2017 Study as playing a less critical role.

A further disadvantage of this allocation is its unsustainable location. It has a SHELAA rating of 4/10 for accessibility and there is no suggestion as to how that could be overcome. The Society observed as such in the following observations on the planning applications on the site:

The proposed development would be located adjacent to the existing settlement boundary of Stubbington. It would not, however, be sustainably related to it. Vehicular access to and from the site is to the north. As such vehicular access to Stubbington village centre would be lengthy, and that would especially be the case from the middle and southernmost sections of the site. Footpath links would be provided southwards from the site through Crofton Churchyard and also onto Marks Tey Road. However, they would not provide a particularly direct route to the centre of Stubbington. Moreover, to get to the centre would involve fairly lengthy walking along either Titchfield Road or Mays Road. As these are both busy roads pedestrian movement would be discouraged, as would cycling.

There are, therefore, strong grounds to oppose this allocation.

The latest SHELAA suggests that harm to the integrity of the Strategic Gap could be avoided with a sensitively designed proposal. However, this is difficult to reconcile with the previous 2012 and 2017 Studies and the Inspector's observations above which indicate that any significant incursion into the gap of the type proposed in this allocation would be harmful.

It is accepted that development on this site would afford some advantage in that it would be linked to an area to the north which would remain undeveloped as Brent Geese and Wader habitat and as such protect this land from future development. Harm to the Strategic Gap from this allocation could be reduced if housing numbers were limited to a degree that enabled a much more intensive landscape screen along the boundary with Oakcroft Lane to provide a more self-contained site.

However, such considerations cannot be considered in isolation. They would have to be considered in light of adequately set out reasons for the selection of sites and a need for housing justified in a Statement of Common Ground. For the reasons we have given on the Evidence base this has not been done. Given these concerns this allocation cannot be considered sound.

B4a

For the Plan to be sound the Council would need to justify the allocation with regard to the concerns set out in the final paragraph of **B3** above. It would also need to identify a housing capacity figure that would enable substantially improve screening on the boundary with Oakcroft Lane.

B4b

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

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1a

HA55 Land South of Longfield Avenue

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

This allocation is in the Fareham/Stubbington Strategic Gap. For many years this Gap has long been recognized as essential in providing an effective physical and visual separation between Fareham and Stubbington and preventing urban sprawl. This is valued and has been strongly supported by the Fareham Society and by residents in the Borough.

There has been support for this Gap in various Studies over the years and in previous Local Plan Inspector's reports. The Gap was supported by a study undertaken for the Council in 2012. Support was also given by the Fareham Landscape Study 2017 which says that the majority of open farmland in the Gap between Fareham and Stubbington is critical to maintaining the sense of separation between these settlements.

The Inspector's report on the Fareham Borough Local Plan Part 2 (para 15) found that the Council was justified in taking the view that construction of the new Stubbington by-pass and ancillary works did not justify a revision to the Strategic Gap boundary.

The proposed development of the scale indicated would be a substantial incursion into the Strategic Gap and the Fareham Society has objected, on these grounds, to a recent planning application for the residential development of the allocation site.

Another concern of the Society is the impact of the proposed allocation on the road network in the surrounding area. Other than the suggested access point little is said about the transport implications of the proposal in the SHELAA or the text accompanying the allocation. However, clearly it would affect the existing area north of Longfield Avenue and place an additional burden on the Stubbington by-pass. The implications of this need to be made much clearer.

The Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC) suggests that development on the allocation site could be visually absorbed into the Gap without compromising its function. This is difficult to reconcile with the findings of the previous studies.

In any event even if added weight was given to the 2020 Review it should be noted that it contains significant caveats to the redrawing of the Strategic Gap boundary necessary to accommodate the allocation. The Review states that:

... such adjustment would be driven by more detailed testing of development forms, scale, landscape and GI interventions. Such work would also need to consider the potential reduction of tranquility and dark night skies ratings in the area. Establishing a GI Framework or Strategy is recommended.

There is no indication within the Local Plan of any of the necessary detailed testing referred to above.

There are, therefore, strong grounds to oppose this allocation.

There would be some advantages with the allocation:

the large-scale of development proposed would be capable of absorbing a significant amount of Fareham's housing needs, on a site with a good accessibility rating of 8/10, and spare other land in the Borough from development;

the large scale of the development would have the potential to ensure a good provision of services; and

it also has the potential to protect from future development substantial areas within the allocation labeled as Green Infrastructure areas.

However, standing against the allocation, in addition to the absence of the detailed testing referred to above referred to above, is the absence of adequately set out reasons for the selection of sites and of housing being justified in a Statement of Common Ground. The Society has made observations on this in its statement on the Evidence base. These 3 considerations taken together outweigh the advantages referred to above and thus the allocation is unsound.

The Society also wishes to draw the Inspector's attention to the following detailed concerns on the allocation.

- a) Whilst the proposed developable area would be reasonably well screened from Longfield and Peak Lane, at least in summer months, substantial additional screening would be required for an acceptable level of year-round screening. There is no evidence that this would be provided by Green Infrastructure belt shown on the Land Use Framework Plan. Any widening of this belt could potentially have an adverse impact on the suggested housing yield and place future pressure to add to the suggested developable area.
- b) The southern boundary of the allocation is not demarcated by any natural boundary. A substantial tree belt would be required to limit views from the south from the by-pass and to provide a clear edge to the development.

The Society is concerned about the reference on the Framework Plan to a "Flexible development edge subject to master planning" on this boundary. This is not acceptable. A clear indication needs to be given at this stage on exactly how far to the south this boundary would extend.

- c) The Framework Plan says that within the Green Infrastructure, beyond the developable area, there could be a play space and sports hub and a 4 ha. area incorporating buildings and parking is proposed. Such uses/structures, and floodlighting often associated with them, would intrude unacceptably on the Strategic Gap. Any play space and sports hub would need to be within the developable area.

Were the Inspector minded to allow the allocation he is urged to take these matters, also bearing upon soundness, into account.

B4a

The lack of soundness could only be overcome with the Council:

- a) undertaking the work required on the selection of sites and the justification for housing referred to above;
- b) undertaking the detailed testing required in the Technical Review of the ASLQ and Strategic Gaps 2020 (by HCC), as referred to above; and
- c) making the changes to the Land Use Framework Plan referred to above.

B4b

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

B4c

Not applicable at this stage.

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA56 Land west of Downend Road

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

This is the western part of one of the previously proposed growth areas in a previous iteration of the emerging Local Plan on which the Fareham Society raised strong objections.

The landscape impact of this allocation would be significant and harmful. In plan form this site may appear as a logical extension of the established development to the east extending up the slopes of Portsdown Hill. However, this development is largely unseen from Downend Road and thus does not impinge upon views from it. By contrast the allocation site is clearly visible from Downend Road when driving along it into Fareham or out onto Portsdown Hill. Leaving Fareham the impression on having crossed the railway bridge is of the countryside being entered as you make your way onto Portsdown Hill. And entering Fareham there is the impression of being on the lower slopes of Portsdown Hill until the railway bridge has been crossed. For walkers a path runs around the site from which there are views across onto Portsdown Hill and both the site and the lower slopes of the Hill are seen to merge seamlessly together.

For the above reasons residential development of this land would be most undesirable. Arguments that such development could be screened from Downend Road should carry little weight, for extensive screening would result in the loss of attractive open views from the road.

Support for our concerns may be found in the 2017 Landscape Assessment. This refers to the undeveloped character of the eastern side of the site as being clearly visible on the approach from the north along Downend Road and that the tree lined railway cutting forms a strong urban edge and minor "gateway" to the residential area of Downend. It goes on to say that new visible development in this area may potentially blur the strong definition between town and country.

In addition, the proposed access arrangements raise considerable concerns. First, they are not clearly described on the text to the allocation or on the Framework Plan. The Framework Plan appears to show the access onto the A27 between Delme Roundabout and M27 Junction 11 being an inward access only. It does not indicate, as later explained at Full Council Meeting that it would be a traffic light junction with traffic able not only to enter the site but exit it to both left and right. At the Meeting there was confusion and uncertainty over what was proposed and expressions of concerns were raised. It is the Society's view that the proposed junction onto a busy slip road leading to a major motorway junction would be detrimental to the free flow of traffic on that road and, by causing tailbacks, potentially dangerous.

Nor is it clear from the text to the allocation and the Framework Plan that the proposed road layout is, as explained at the Meeting, to enable traffic existing Junction 11 to travel to Portchester via the allocation site and thence to Downend Road to access the A27. Any advantage of this in terms of reducing the pressure on the Delme roundabout would be outweighed by the increased use of Downend Road over the narrow railway bridge and the A27/Downend road junction. It is assumed that the "multi-modal" improvement works to the

bridge are in effect the traffic light system already put forward for proposed development east of Downend Road. Additional traffic over this bridge from the proposed development and those using the road through the site as a shortcut to Portchester would inevitably add to unacceptable further delays.

The Society also has the following additional concerns on this allocation:

- a) The 2021 SHELAA refers to the potential for noise and air quality issues. A site visit showed quite a considerable noise impact from the M27 on the far northern part of the site. This may have an impact upon the potential housing yield on the site.
- b) The SHLAA says the site has the potential for nationally important archeological remains. If the site is allocated it should be made clear that the indicative housing number may need to be reduced should important finds be made.
- c) On the SHLAA the site has an accessibility factor of only 3/10. As such it is not a sustainable location.

B4a

The deletion of the allocation

B4b

By removing an allocation that would be unsound.

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA48 76-80 Botley Road

B2

Legally compliant – Yes

Sound – Yes, subject to caveat – see B3 below

Complies with the duty to cooperate – No

B3

Re. compliance with duty to co-operate: Not applicable, rather than no. . Re soundness the answer "yes" is caveated, see box B3 below. This is a sustainable site in an area which has recently undergone considerable flattened development and with an accessibility factor of 9/10. As such the Fareham Society has no

objection to this allocation. However, given the site's proximity to existing development the text to the allocation on the indicative yield should be more strongly worded.

B4a

The text to the allocation should be revised to read: "*The quantity of housing proposed shall be as consistent with the indicative yield as site constraints permit*".

B4b

By ensuring that any future development of the site caused no harm to the living conditions of adjoining residents.

B4c

See **B4a** above.

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA49 Menin House, Privett Road

B2

Legally compliant – Yes

Sound – Yes

Complies with the duty to cooperate – No

B3

Soundness is subject to a caveat in box B3 below. Duty to co-operate should really be not applicable. This allocation is supported as a good redevelopment opportunity in a sustainable location with an accessibility score of 8/10. It would result in the replacement of an unattractive run-down block of flats and associated garage court.

The only caveat is that, given the predominance of 2 storey houses in the area and the 3 storey height of the existing flats, achieving a net yield of 26 flats with a 4 storey development would require an especially well designed scheme.

B4a

Sub paragraph c in the allocation text should be revised to address the above concern.

B4b

By ensuring that any future development of the site met the Social Objective of the NPPF of fostering well designed and beautiful places.

B4c

Sub paragraph c be revised to say "*Subject to a good quality design a building height of a maximum of 4 storeys will be permitted.*"

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA50 Land North of Henry Cort Drive

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

Duty to co-operate should really be not applicable. The site is currently occupied by a community hall, multi-use games area, equipped children's play space and a boules court. The SHLAA simply says that the loss of open space and community facilities needs to be addressed. However, no indication is given to if and how that could be done.

The site is within or adjoining Henry Cort School. It is within the Meon Valley Strategic Gap, and adjacent to an ASLQ. No reference to this is made in the SHELAA.

The reference below from the latest (2021) Strategic Gap Review suggest this site is not suitable for development. Retaining trees as suggested in the SHLAA would only provide a screen from the west in summer months. Low rise housing may not be as intrusive as the school but there is no evidence of work having been undertaken to assess this.

"8. There are no proposed changes to the Strategic Gap including Henry Cort School. The existing and proposed Strategic Gap functions well in this location. It provides a valuable recreational resource for residents of the Hill Park. Being on high ground and with sloped valley sides, the strong green woodland structure provides valuable screening between this area and the M27, but also between this area and industrial/retail parks to the West. Development would weaken this valuable GI and make the settlement edge of Fareham more visible. As well as undermining the gap characteristics it would also undermine the ASLQ status of the area and possibly impact on the setting of Titchfield Abbey Conservation Area (Henry Cort Community College is currently the only building along this settlement edge that is visible from the PRow network around Titchfield Abbey)."

B4a

The allocation should be deleted from the Local Plan.

B4b

By removing an allocation which would conflict with the social and environmental objectives of the NPPF.

B4c

N/A.

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new housing allocation site

B1d

HA51 Redoubt Court, Fort Fareham Road

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – No

B3

Duty to co-operate not applicable. The site is at the junction of Longfield Avenue and Fort Fareham Road. Fronting the former are two blocks of unattractive and rundown two storey flats. Redeveloping these in a sustainable location (accessibility score 8/10) would be advantageous.

However, the site also contains a substantial portion of open amenity space fronting Longfield Avenue. The SHLAA clearly sees this as being part of the area to be developed and to obtain the net yield that would have to be the case.

This open land is part of an extensive and attractive larger open area of land fronting Longfield Avenue that leads travelling eastward to the attractive frontage woodland of Fort Fareham. Development of the open space would look intrusive and out of keeping. Moreover, this land appears to be used for recreational purposes by local residents. No evidence has been given on the adequacy, or otherwise, of such space in this area.

Only a development on the existing built-up area would be acceptable.

B4a

The net yield should be reduced and development limited to the area covered by the existing flats.

B4b

By meeting the Social and Environmental objectives of the NPPPF by ensuring well designed places and protecting the built environment.

B4c

Revise sub paragraph A to say "*Development shall be limited to the area covered by the existing housing and of a scale to be identified through a development brief.*"

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new industrial allocation site

B1d

E4a Land north of St Margaret's roundabout, Titchfield

B2

Legally compliant – Yes

Sound – Yes, subject to caveat – see B3 below

Complies with the duty to cooperate – No

B3

Complies with duty to co-operate not applicable. Given the location this is a sensible site for employment use. The only caveat is that its prominent roundabout setting makes it a highly visible site which would make a high standard of building design and good quality and extensive landscape screening on the road frontage essential.

B4a

Insert in the text of the allocation a reference to the above along with an indication that this may affect the sites capacity.

B4b

By meeting the Environmental objectives of the NPPPF by protecting the built environment.

B4c

Revise subparagraph a to say "*The amount of employment floorspace shall be consistent with the site capacity to the extent that that this enables the provision of a high standard of building design good quality and extensive landscape screening on the road frontage.*"

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new industrial allocation site

B1d

E4b Land off Military Road, Wallington

B2

Legally compliant – Yes

Sound – No, but potentially resolvable– see B3 below

Complies with the duty to cooperate – Not applicable

B3

This land is subject of undetermined planning application P/20/0636/OA. The above application is for 3,132 sq m floorspace. At even this level the Fareham Society had concerns on the ability to provide a satisfactory site layout. The indicative floorspace in the allocation is 4,750 sq m. and it is considered that this would constitute an unacceptable overdevelopment.

Traffic surveys with the above application indicated that significant additional traffic would be generated on Standard Way and Pinks Hill. This led to Hampshire County Council highways saying that improvements would be required on the narrow Pinks Hill. The acceptability or otherwise of this allocation would depend upon this.

The text to the allocation should be worded to reflect the above matters.

B4a

It would be necessary to require any application to be accompanied by a development brief to indicate the appropriate floorspace figure and it should be stated that development would be subject to the ability to provide satisfactory improvements to Pinks Hill with costs shared with allocation **E4d**.

B4b

To ensure the protection of the built environment and the provision of necessary infrastructure improvement so as to enable sustainable development in NPPF terms.

B4c

Amend subparagraph a to say “*A development brief shall accompany any planning application to determine the appropriate floorspace figure.*”

A new sub paragraph shall be provided to say that *"Any development of the site must be contingent upon the ability to provide satisfactory improvements to Pinks Hill and the payment of contributions to ensure this."*

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A new industrial allocation site

B1d

Policy E4d Standard Way, Wallington

B2

Legally compliant – Yes

Sound – Yes, but with caveat – see B3 below

Complies with the duty to cooperate – Not applicable

B3

This is the subject of undetermined application P/19/0169/OA for the same floorspace referred to in the allocation. The Fareham Society raised no objection to this.

However, there is one caveat to the soundness of the allocation. As with allocation **E4b** access would be via Pinks Lane and Standard Way. HCC seek on improvements to Pinks Lane with costs shared with allocation **E4b**. The text to the allocation should be worded to reflect this to ensure adequate access arrangements for the development.

B4a

Sub para b should be deleted (NB refence to the site access being onto Military Way must be inaccurate) and replaced with text to reflect the concerns in **B3** above.

B4b

To ensure the provision of save access arrangements to accord with the sustainability requirements of the NPPF.

B4c

Sub paragraph b to read: *""Any development of the site must be contingent upon the ability to provide satisfactory improvements to Pinks Hill and the payment of contributions to ensure this.""*

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A Policy

B1b

HP2 New Small-Scale Development Outside the Urban Areas

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – Not applicable

B3

The Fareham Society objected to this Policy on grounds of unsoundness. The minor changes to the Policy wording do not alter our views.

B4a

N/A

B4b

N/A

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A Policy and Paragraph

B1b

Retail and Community Facilities

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – Not applicable

B3

Para. 7.6 An amendment to this paragraph says that “the majority of new retail and town centre development will be directed to Fareham Town Centre in line with the Council’s Town Centre Vision 2017”. This is too vague a document to be relied upon and is one that has not gone beyond an initial consultation stage.

B4a

Remove the reference to “...in line with the Council’s Town Centre Vision 2017”.

B4b

By ensuring that the Plan does not direct development to the town centre on the basis of a document which affords insufficient guidance and which has not undergone appropriate consultation.

B4c

See **B4a** above.

I want to take part in the hearing session. To ensure that the Fareham Society’s views are discussed and an opportunity is given to respond to the views of others

A Policy

B1b

Strategic Policy R4. Community and Leisure Facilities

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – Not applicable

B3

Community and leisure facilities are vital to ensure a strong, vibrant and healthy community. The suggested change would unacceptably dilute the grounds for contesting the loss of a community facility by removing the requirement for any replacement to be equivalent and requiring simply that it be sufficient.

B4a

Retain the requirement for equivalence.

B4b

See **B3** above.

B4c

See **B3** above.

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

A Policy and Paragraphs

B1a and B1b

Policy TIN2 and paragraphs 10.1-10.19

B2

Legally compliant – Yes

Sound – No

Complies with the duty to cooperate – Not applicable

B3

The transport evidence is out of date and incomplete. The Plan introduces a significant new highway proposal in relation to the site West of Downend Road. The proposed link road through the site to a new junction on the A27 (link to M27 J11) is considered in the Downend Sites Highway Review, which relies on a significant body of work carried out during 2017-2020 in relation to planning applications. This work does not appear to be in the public domain. It refers to the use of the Sub-Regional Transport Model (SRTM) and identifies significant changes to traffic flows on key junctions. However, the SRTM (September 2020) included in the evidence base does not include this proposed new link road and junction and there are no references to it in the Strategic Transport Assessment.

B4a

Prepare, publish and carry out consultation on an up-to-date Strategic Transport Assessment and SRTM. Publish the evidence prepared to support the proposal for a link road through the site west of Downend Road to a new junction on the A27 (link to M27 J11) that is referred to in the Downend Sites Highway Review

B4b

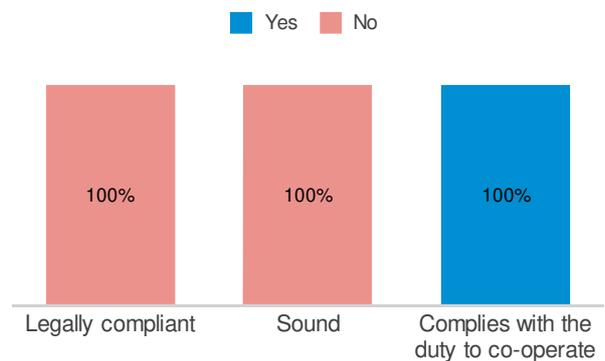
It would meet the requirement for a comprehensive and up-to-date evidence base.

B4c

N/A

I want to take part in the hearing session. To ensure that the Fareham Society's views are discussed and an opportunity is given to respond to the views of others

	Legally compliant	Sound	Complies with the duty to co-operate
Total	1	1	1
Yes	0 0%	0 0%	1 100%
No	1 100%	1 100%	0 0%



Respondent: Mr Joe Maphosa (307-511857)

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

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

Paragraph 1.35 sets out what the council considers to be Strategic Policies contained within the local plan. By the council assessment these policies address the priorities for the development and use of land in the Borough. Policies HP2 , HP4 and HP6 should be included within this list as they have a significant bearing on the development and use of land in the borough.

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

Inclusion of Policies HP2, HP4 and HP6 in the list of Strategic Policies

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

The proposed modification would make the plan sound by making it consistent with national policy.

Your suggested revised wording of any policy or text:

Paragraph 1.35 The NPPF requires that the Local Plan includes strategic policies to address the priorities for the development and use of land in the Borough. The Fareham Local Plan Strategic Policies are identified throughout the plan and for ease are listed below: • DS1 - Development in the Countryside • DS2 - Development in Strategic Gaps • DS3 - Landscape • H1 - Housing Provision • HP2- New Small-scale Development Outside Defined Urban Areas • HP4 - Five-Year Housing Land Supply • HP6: Exception Sites • E1 - Employment Land Provision • R1 - Retail Hierarchy and Protecting the Vitality and Viability of Centres • R4 - Community and Leisure Facilities • CC1 - Climate Change • NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network • TIN1 – Sustainable Transport • TIN4 – Infrastructure Delivery • HE1 - Historic Environment and Heritage Assets

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

Yes, I want to take part in a hearing session

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

The matters raised by our representation have significant implications for the plan and require significant discussion at EiP.

White, Lauren

From: Planning Policy
Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

Just to confirm that, as stated on original email, I **do not** wish to attend to participate in the examination process.

Regards,

Phil Hawkins.

On 29 Jul 2021, at 13:05, Trott, Katherine <KaTrott@Fareham.gov.uk> wrote:

Dear Mr Hawkins

Thank you for submitting your comments for the Revised Publication Local Plan consultation.

The Planning Strategy team will include your comments as part of the submission to the independent Planning Inspector who will examine whether the plan is sound. This examination process is "in public", you can attend the hearing sessions and put your points directly to the Inspector. This is your opportunity to tell us you want to do this. The Inspector will want to know why you are making the comment and whether you wish to see the plan changed in any way. By return of email please let us know whether you consider it necessary to participate in the examination process and why.

Remember that your comments on the Plan must refer to the changes that have been made since the last consultation and relate to the rules of:

- Soundness
- Legal compliance
- The duty to cooperate

Please [visit our website](#) for more information

What happens next?

The consultation closes on 30 July. Following collation of the feedback, we will be submitting the Local Plan to the Independent Planning Inspector for examination.

All of the consultation responses from this consultation will be forwarded, together with the Publication Plan and supporting evidence, to the Planning Inspector for consideration. The Council are not in control of the timings of the examination however it is estimated that it will take place over the winter/spring 2021/2022.

Kind regards

Katherine Trott
Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil [REDACTED]
Subject: FBC Draft Local Plan (Publication Plan) - Comments

Good Morning Mr Hawkins,

I can confirm we have safely received your consultation comments below.

I have forwarded your email onto the Consultation team and they will log your comments.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Eileen & Phil [REDACTED]
Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

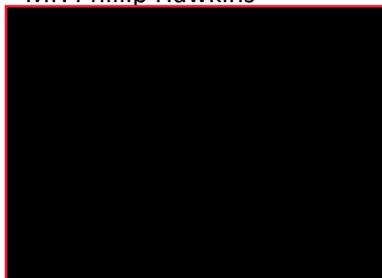
As per my telephone conversation with Mr. Peter Drake of the FBC Planning Department, I am listing my comments on the Draft Local Plan below, as the online documentation does not allow me to include all of my comments due to the limit on the number of 'characters' within the form.

I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

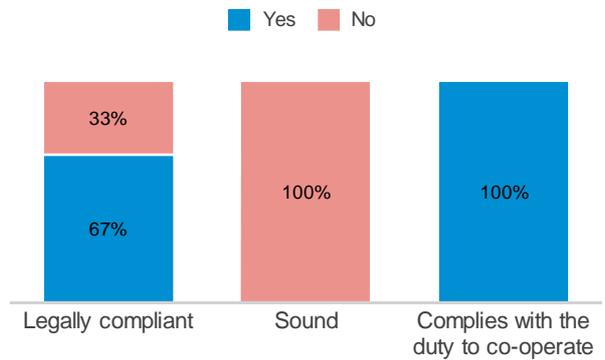
COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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.

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.

	Legally compliant	Sound	Complies with the duty to co-operate
Total	3	3	3
Yes	2 67%	0 0%	3 100%
No	1 33%	3 100%	0 0%



Respondent: Mr Russell Prince-Wright (277-21943)

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

White, Lauren

From: Planning Policy
Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

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Regards,

Phil Hawkins.

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Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil <hawkeyed@btinternet.com>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

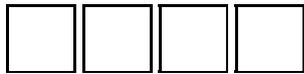
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Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



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Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

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I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

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- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable”.
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.





Historic England

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Date: 30/07/2021

Dear Mr Drake

Fareham Local Plan Regulation 19 (Revised Version)

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

Yours sincerely

Edward Winter

Historic Environment Planning Adviser



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

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



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

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



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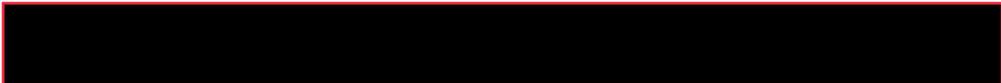
Correspondence or information which you send us may therefore become publicly available.



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



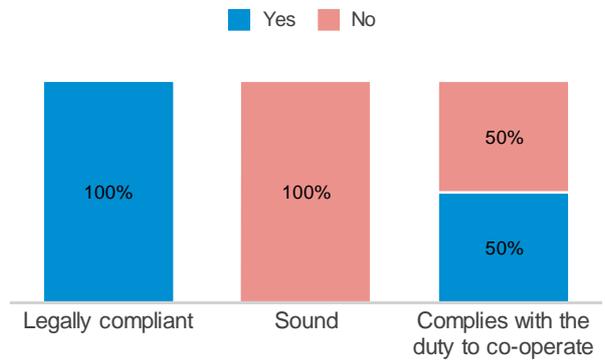
Location	Historic England comments
	<p>development requirement.</p> <p>Our concern is that we have not seen any evidence demonstrating that the whole 10.5-hectare site is available, or how the figure of 620 dwellings plus and undefined amount of other development has been arrived at. Without this detail,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



Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



	Legally compliant	Sound	Complies with the duty to co-operate
Total	2	2	2
Yes	2 100%	0 0%	1 50%
No	0 0%	2 100%	1 50%



Respondent: Mr Russell Prince-Wright (277-21943)

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

Respondent: Mrs Iris Grist (296-121050)

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

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

2.12 "Maximise development within the urban area and away from the countryside"

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

Take any site, east or west of Downend Road out of the plan. It is a lie to say that these two sites are not on Portsdown Hill

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

It actually says that there are no housing allocations on Portsdown Hill, so it is unsound to add HA4 and HA56. So these areas should be taken out of the plan.

Your suggested revised wording of any policy or text:

x

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

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

**REPRESENTATIONS TO THE
REVISED FAREHAM LOCAL PLAN 2037**

On behalf of

Raymond Brown Minerals & Recycling Ltd

Lynne Evans
BA MA MRTPI MRICS
Consultant



Client: Raymond Brown Minerals & Recycling Ltd

Date: July 2021

Ref: F/376/LE/1

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APPENDICES:

- 1) Appeal Decisions: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185
- 2) Text from Petition to Government and Government Response re Prioritising Brownfield Land
- 3) Housing, Communities and Local Government Report: The Future of the Planning System in England and Wales, June 2021
- 4) Rookery Farm: Site Ownership Plan
- 5) Rookery Farm: Concept Masterplan OSP Architecture 17056/C02A
- 6) Rookery Farm: Phase I Environmental Site Assessment TRC Companies Ltd 2017
- 7) Rookery Farm: Phase II Geo-Environmental Site Assessment 2018
- 8) Confirmation of Implementation of P/18/0798/CC (Rookery Farm)



1.0 INTRODUCTION AND SUMMARY

- 1.1 Southern Planning Practice are instructed by Raymond Brown Minerals & Recycling Ltd (Raymond Brown), to submit representations to the Regulation 19 version of the Fareham Local Plan 2037 Revised, published in June 2021 (LP Revised). Raymond Brown is acting on behalf of the two landowners, Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd (please see attached land ownership plan at Appendix 4).
- 1.2 Raymond Brown is part of the Raymond Brown Group, a leading recycling and waste management business and distributor of primary and recycled aggregates for use in construction applications. One of their sites is at Rookery Farm, Fareham. The land is located immediately north of the M27 motorway and to the west of Whiteley. Access is from Botley Road, approximately 100m north of the bridge over the M27.
- 1.3 Raymond Brown submitted representations to the Regulation 19 version of the draft Plan published in November 2020, which was premised on a requirement for a lower housing figure, based on draft methodology produced by the government for consultation purposes, and which has not been proceeded with. This has necessitated a further review of the draft Plan and the publication of this revised Regulation 19 draft. Raymond Brown have reviewed this LP Revised and continue to find it UNSOUND and fails to comply with the Duty to Co-operate.
- 1.4 These representations set out the reasons why: -
1. the Plan is considered to be UNSOUND and
 2. fails to comply with the Duty to Co-Operate
- and sets out the steps that require to be taken to make the Plan SOUND.
- 1.5 Separate representation forms have been submitted against each policy and paragraphs which is considered to be UNSOUND, but the case to be made is set out in full in this document.
- 1.6 In summary, OBJECTION is raised to Strategic Policy H1 Housing Provision on the grounds that the figures promoted are not soundly based or justified. This is addressed in detail in Section 2.0. A detailed objection to Policy HP4 is also raised in the same section. Objection

is raised to the allocation of a number of the housing sites in that they are not suitable, and /or available and/or achievable, particularly within the Local Plan period. This is addressed under Section 3.0.

- 1.7 Section 4.0 sets out why Land at Rookery Farm should be allocated as a Housing Site to start to address the issues identified in Sections 2.0 and 3.0. Section 5.0 draws these matters together with consideration of modifications that are required to be made to the Plan to ensure that it is SOUND and will provide a sound planning framework to deliver the much needed housing over the Plan Period.
- 1.8 It is concluded that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available, achievable and, indeed, deliverable.
- 1.9 Objections are therefore raised to the Development Strategy, Policies H1, HP4, FTC3, FTC4, FTC5, HA7, HA13, HA4, HA55, HA56, BL1 and HA42 and the omission of an allocation for housing for Rookery Farm, Botley Road, Fareham. Objections are also raised to the Development Strategy which is UNSOUND to meet the Council's Vision and Strategic Objectives, as well as the supporting text to Policy H1 (4.1 to 4.20 and tables 4.1, 4.2 and 4.3). An objection is also raised to the SA/SEA in that it should have reassessed the alternatives sites that had previously been considered suitable and appropriate for allocation, such as Rookery Farm, against the new proposed allocations.
- 1.10 All references in these representations are to the revised National Planning Policy Framework (NPPF) published on 20 July 2021.

2.0 OBJECTION to Strategic Policy H1 – Housing Provision

Overview

- 2.1 The objections to this Policy are several and are addressed individually below. The individual and cumulative failings render the policy UNSOUND and as Strategic Policy H1 forms the basis for the provision of much needed housing across the whole Borough, it follows that the whole Plan is rendered UNSOUND. It should be noted that although the issues have been subdivided into several sections, many of the issues interrelate and cumulatively exacerbate the conclusions drawn that the Council is failing to provide properly for its housing need.
- 2.2 The objections to this Policy include:
- (i) Objectively Assessed Housing Need;
 - (ii) Duty to Co-Operate and Unmet Need – Fareham has not undertaken this Duty in a sound manner;
 - (iii) Additional factors Contributing to the Shortfall, including the 5 year Housing Land Supply Position and Contingency Provision;
 - (iv) Over-reliance on Welborne to provide a significant proportion of Fareham’s housing which is considered to be a very high risk strategy, resulting in a need for more sites to be allocated;
 - (v) Inability to meet the identified Affordable Housing Provision;
 - (vi) Over-reliance on Windfall allowance.
 - (vii) Lack of Priority to Brownfield Sites
- 2.3 Before analysing the approach adopted by Fareham, it is first worth reviewing the clear guidance on the approach to be followed as set out under the National Planning Policy Framework July 2021 (NPPF) and the Planning Practice Guidance (PPG). It is important to note that the NPPF makes it clear that “*strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas*” (Paragraph 11 b)).
- 2.4 Paragraph 61 builds on this and states that:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

This clarifies how the housing numbers calculated by the standard method should be considered when preparing a Local Plan. Paragraph: 004 (Reference ID: 2a-004-20190220) of the Planning Practice Guidance confirms that the standard method should be used to calculate a **minimum** (emphasis added) housing need figure.

2.5 In addition to the Borough's own housing needs, as acknowledged by the draft Local Plan, its housing figure needs to incorporate the needs of neighbouring authorities. Paragraph 35 a) of the NPPF sets out that in order for a plan to be sound it must be:

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

2.6 The following sections demonstrate how Fareham has failed to follow this clear guidance with the result that Strategic Policy H1 and the Plan is UNSOUND.

i) **Objectively Assessed Housing Need**

2.7 Since the last Publication Draft in 2020, the Revised Local Plan correctly points out at Paragraph 4.2 that '*Local housing need should be determined by using the Standard Method set out in national Planning Practice Guidance (PPG). This Method currently combines 2014-based household projections with affordability data released in March 2020 to calculate the annual need. Using this method, the housing need for Fareham currently stands at a minimum of 541 dwellings per annum (dpa).*'

2.8 Previously Fareham had chosen to use the new Standard Method set out in the 'Changes to the Current Planning System' White Paper which would have resulted in a woefully

inadequate housing provision. Therefore, we welcome the amendment in the latest Local Plan to provide housing to meet the objectively assessed need as calculated by the up to date Standard Methodology. However, we would like to highlight that there are a few inconsistencies within the Revised Local Plan relating to the housing requirement, which require to be addressed.

2.9 Whilst we are supportive of the Local Plan planning for the homes required by the standard method, we would like to highlight that

*“the standard method for calculating local housing need provides a **minimum** number of homes to be planned for. **Authorities should use the standard method as the starting point** when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.”* (our emphasis). (Paragraph: 001 Reference ID: 68-001-20190722 of the Planning Practice Guidance).

2.10 Fareham have taken the figure calculated by the standard method as an exact, final figure not a starting point. Paragraph 4.3 of the revised Local Plan tries to justify this approach to housing numbers by setting out “

The PPG makes it clear that this is a minimum figure and the Council could adopt a higher figure for its housing requirement. One of the reasons for doing so would be if the need for affordable housing is greater than that likely to be delivered through the delivery of the level of growth aligned with the standard methodology. The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market. Through calculating the affordable housing provision in line with the proposed policy (Policy HP5: Provision of Affordable Housing, see Chapter 5), the Council's affordable need will be met. Therefore, the Council believes it is fully justified in its approach towards meeting affordable need in the Publication Local Plan and there is no further requirement for an adjustment of the need figures for the Borough.”

It is understood from the Revised Local Plan that at present Fareham do not have a sufficient supply of affordable homes and therefore the Local Plan should be looking to make adequate provision for such housing. Fareham's affordable housing provision is discussed in more detail below.

- 2.11 Paragraph 4.4 of the draft Local Plan further attempts to justify taking the housing figure calculated by the standard method as an exact figure,

*“One of the other scenarios why a council could adopt a higher housing figure as its Local Plan ... Through the Partnership for South Hampshire (PfSH), the Council is aware that there is a **significant likelihood of a substantial level of unmet need in the sub-region**. (our emphasis) Figures released in September 2020, suggest that over the plan period, the unmet need in the sub-region could be circa 10,750 dwellings. This figure is derived from eleven councils who are all at different stages of plan preparation, and importantly, is based on the current standard methodology and not the proposed new methodology which will see some levels of housing need fall in the sub-region, while other levels will increase substantially. In addition, while their need figure may be calculated from publicly available data, details of the housing sites that may form part of their Local Plan supply is not entirely known. Therefore, the level of unmet need across the wider sub-region will change as the new standard methodology is introduced and as other Local Plans progress.”*

Given the constraints presented to the neighbouring authorities particularly with both environmental and landscape designations (the sea and National Park), it is believed that the unmet need across the wider PfSH area will only grow. Fareham’s contribution to neighbouring authorities unmet need is discussed in detail below.

ii) Duty to Co-Operate and Unmet Need from Neighbouring Authorities

- 2.12 As acknowledged in the Revised Local Plan, Fareham Borough Council is a member of the Partnership for South Hampshire (PfSH). In September 2019, Fareham Borough Council and Havant Borough Council together with all the authorities of the PfSH published a Statement of Common Ground (SOCG). The SOCG sets out how the local authorities in South Hampshire have successfully worked together on strategic planning matters and how they continue to do so. As part of the Local Plan Review, a Statement of Compliance with the Duty to Cooperate has been produced. This is in accordance with Paragraph 24 of the NPPF. This confirms that the Council is proposing to take the approach that the issue of unmet need is not dealt with as specific to any authority, but as a general contribution (Paragraph 4.5).
- 2.13 Fareham Borough Council is identified as being within the Portsmouth Housing Market Area (HMA). The PfSH Strategic Housing Market Assessment (SHMA) indicates an overall

objectively assessed need figure of 121,500 dwellings, over the whole PfSH area from 2014-2036. It should be noted that the SHMA was prepared in January 2014 and the identified housing need is not based on up to date figures, therefore its housing numbers are considered to be out-of-date. The SOCG acknowledges that the housing need figures within the PfSH Spatial Position Statement (SPS) (2016) are not in accordance with standard methodology set out in NPPF (2019), or the most recent standard method which is now required to be used to calculate housing need. A key role of the SPS has been to consider the capacity of different areas within PfSH to accommodate housing. It is used to inform Local Plans where there is the ability to meet unmet need from the relevant housing market area provided it is reasonable to do so. The SPS is being reviewed to bring it in line with updated development needs. However, there is still no indicative timescale for the SPS review and given the Housing White Paper and the recent changes to the standard methodology, such a statement is unlikely to come out ahead of the submission of the Fareham Local Plan. Therefore, Fareham must take a pragmatic view based on the up-to-date evidence from neighbouring authorities to establish and contribute to their unmet housing needs in the absence of an up-to-date SPS.

- 2.14 One key issue arising for the PfSH Portsmouth HMA/PfSH East (Portsmouth, Havant, Fareham, Gosport, Winchester) is the challenge of delivering sufficient homes to meet the housing need of the area given the significant geographical constraints and nationally important environmental and landscape designations. It is acknowledged that some authorities within the PfSH East area are more constrained than others. Portsmouth, Havant and Gosport are all physically constrained as well as having coastal environmental designations, to varying degrees. Therefore, as Fareham Borough is less constrained and physically has the space to provide housing in addition to its own need, the Borough must look to accommodate unmet need arising from neighbouring authorities as a key part of the Local Authority's duty to cooperate requirement.
- 2.15 It has been acknowledged for some time that Portsmouth cannot meet its housing need and a key role of PfSH has been to consider the capacity of other local authorities in the PfSH area which could contribute to accommodating the unmet need arising from Portsmouth. As acknowledged, Fareham Borough has relatively few constraints compared to its neighbouring authorities, indeed Fareham Borough has been identified as an area which can help to accommodate the unmet need arising from Portsmouth. Portsmouth City Council have written to Fareham to request a contribution of 1,000 dwellings to their unmet need.

Paragraph 4.5 of the revised Local Plan consultation sets out that based on the September 2020 figures the unmet need figure is estimated to be 669 dwellings, however it is understood that this is not an up to date figure and the unmet need housing figure is still being further considered by Portsmouth; this has been indicated by Portsmouth in its draft Regulation 18 Local Plan (considered by Cabinet on 27 July 2021) on 19 July:

At this time, a possible contribution of 1,000 units from other local authorities has been retained while Duty to Cooperate discussions continue and as Portsmouth's final unmet need housing figure is determined.

- 2.16 It should also be noted that at Portsmouth's Full Council meeting on 19 July 2021, a report was considered with a request to review the allocation of the 'Tipner West' site which is allocated for some 4,200 homes. If this allocation were not to come forward or be modified or delayed significantly, this could have major consequential effects on Portsmouth City Council's housing numbers. (A copy of these Committee reports have not been attached as they are publicly available but can be provided if requested.)
- 2.17 Paragraph 4.5 also confirms that there is likely to be an unmet need in the region of 2,500 homes arising from Gosport alone, and Havant cannot contribute to meeting unmet arising from neighbouring authorities as they may struggle to meet their own needs. Therefore, it is apparent that the only authority capable of accommodating unmet need in the PfSH east area is Fareham. As such, Fareham must look to increase the housing requirement over the plan period to accommodate additional unmet housing need arising from neighbouring authorities.
- 2.18 However, in the Revised Local Plan Fareham have only included 900 dwellings in the total housing requirement to contribute to the unmet need of neighbouring authorities when in reality the need is far greater. Whilst this figure seeks to provide an additional 53 homes since the last Local Plan consultation, this figure is alone not enough to provide for Portsmouth's unmet need, never mind the other authorities, particularly Havant and Gosport, within the PfSH East area. It is evident therefore that the plan is not appropriately planning for unmet need arising from neighbouring authorities within the PfSH east area and has not been positively prepared in accordance with paragraph 35 a) of the NPPF. The Revised Local Plan therefore remains **unsound**.

2.19 The following table looks at the housing need per annum for all the authorities within the PfSH East area. It sets out the current local plan requirement, the average delivery rate over the last 3 years and the housing figure under the current standard methodology. It is evident from the figures in Table 1 that all of the Local Authorities housing requirements have increased under the standard method and they are going to struggle to meet their housing requirements if they continue to provide homes at their past delivery rates.

PfSH East	Current Local Plan Requirement	Average Delivery (last 3 years)	New Standard method	Difference between current Local Plan requirement and standard method	Difference between standard method and delivery
Portsmouth	547	328	855	+308	+527
Fareham	147	310	514	+367	+204
Gosport	170	145	238	+68	+93
Havant	315	402	504	+189	+102
Winchester	625	643	692	+67	+49
Total	1,804	1,828	2,802	+998	+974

Table 1 – Housing need per annum and delivery rates for authorities within PfSH East

2.20 It is also pertinent to note that whilst Fareham has now adopted the appropriate Standard Methodology for its own figures, it has not acknowledged the implications arising in terms of the Duty to Co-operate and that there is a significant uplift overall in the housing requirements, including for those authorities potentially already struggling, including Portsmouth, Havant and Gosport.

2.21 In Summary:

- No Local Authority in the PfSH East has been able to deliver their housing need as required by the current standard method in the last 3 years. In fact, most of the Local Authorities have made inadequate contributions to their housing need which has further exacerbated the unmet need issue in the PfSH east area.

- The total housing need in the PfSH East area under the new standard method is far higher than the previously identified housing need and the homes planned for through the current Local Plans.
- No Local Authority is planning enough homes to meet the unmet need arising from the other Local Authorities in the PfSH East area.

iii) Additional Factors affecting Fareham's Housing Numbers, including 5 Year Housing land supply position and Contingency Provision

2.22 Table 1 (Housing need per annum and delivery rates for authorities within PfSH East) confirms that no Local Authority in the PfSH East area has been able to deliver their housing need as required by the current standard method in the last 3 years. There could be several explanations for the authorities not meeting their housing need including reliance on large sites not coming forward or delivering at the rate they should, not appropriately planning for the homes they need and the recent Solent nitrate issue could all be contributing factors.

2.23 In February 2021 Fareham published its housing supply figures claiming a 4.2 housing supply in years, although in June 2020, Fareham had only a supply of 2.72 years. However, the position was considered recently at an appeal under References: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185 on land at Newgate Lane (North) and (South), Fareham. A copy of the decision letter is appended at Appendix 1. Both appeals were dismissed. At paragraph 87 of that appeal decision, the Inspector set out the housing land supply position as required and the assessment by both the Council and the Appellant:

The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on

either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

2.24 *On this matter the Inspector concluded in paragraph 91:*

Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic.

2.25 This supply obviously falls substantially below the government's requirement of a 5 year supply, as set out in Paragraph 74 of the NPPF. The Council therefore needs to be more ambitious in its housing numbers to try and achieve an improved housing land supply position.

2.26 It is also apparent that the Council remains reliant on a few large housing sites coming forward to contribute to the housing land supply in future years. Of even further concern, the Council is relying on sites which clearly cannot start to deliver large numbers of housing until much later in the plan period, including Welborne and the town centre redevelopment, to name just two of the sites.

2.27 To be able to meet the increased housing needs in a sustainable manner, and to maintain a 5 year supply of deliverable housing sites across the Plan period, the Council must look to all tier settlements in the hierarchy to deliver homes through a range of sites. However, it should be noted that strategic sites should not be solely relied on due to lengthy lead in times. Instead, a mix of housing sites should be sought and allocated to enable a 5 year supply to be achieved and maintained.

2.28 In addition to bolstering the supply going forward, Fareham need to seek to address the backlog of unmet need. In particular, the South Coast Nitrate crisis put thousands of homes on hold for some time to resolve the eutrophication issues of the Solent to reduce impact on the protected habitats and species. The Nitrate Neutrality Update Report to PfSH Joint Committee (14 October 2019) acknowledged that *"given that there is a severely reduced number of permissions being granted in the PfSH in the financial year 2019/20, it is not*

unnecessary to assume that the delivery of homes will be suppressed in the years 2020/21 and 2021/22.”

2.29 The submission Local Plan is very conservative in its ambitions for growth in the Borough, especially considering it is under a Duty-to-Cooperate to meet neighbouring authorities' unmet need. It does not allocate many new sites and instead relies heavily on sites that have been allocated previously. Strategic Policy H1 confirms this, as the provision for 10,594 homes comprises the following:

- Around 1000 homes already with planning permission
- Over 4,000 homes on sites with resolution to grant permission (Welborne contributes the large majority of these homes)

2.30 Therefore, around 50% of the housing provision already has planning permission or resolution to grant, despite a very poor housing land supply and a record of under delivery in the Borough. As such, the emerging Local Plan MUST look to allocate further sites accordingly.

2.31 The contingency figure of 15% applied to the previous draft has been reduced to 11% without any explanation (paragraph 4.12 and Table 4.3). Reflecting the above the application of a 11% contingency appears woefully inadequate.

2.32 It is also considered UNSOUND to try and rely on Policy HP4 (Five Year Housing Land Supply) as a strategy to meet a failure to meet the five year housing land supply. Whilst there is no objection to the inclusion of this policy per se, the Plan itself should be planning to ensure that it has an adequate 5 year housing land supply. (Please see paragraph for objection raised to specific policy wording for HP4)

iv) Over Reliance on Welborne Garden Village

2.33 Fareham is relying very heavily on one strategic site to deliver a significant element of its housing provision, namely Welborne Garden Village. Table 4.2 indicates some 3,610 units to be delivered by 2037, approximately a third of the overall housing supply. This is not without significant risks.

- 2.34 The original application (P/17/0266/OA) for some 6000 dwellings together with a wide mix of other uses was submitted in March 2017 and benefits from a number of Committee resolutions to grant outline permission, the most recent of which was on 23rd July 2021, subject to legal agreements. (A copy of the Committee report is not enclosed as held by Fareham BC and publicly available). The application has been beset by problems, not least of which are the escalating costs of the various highway improvements, most notably at Junction 10 of the M27. The County Council has confirmed in its Cabinet Committee report of 13 July 2021 that the value of the M27 J10 improvements scheme in the County Council Capital Programme requires to be increased in value from £4.65m to £97.55 m.
- 2.35 Whilst a mechanism has been arrived at to deliver the scheme and the highway works the County Council is clear in its Cabinet Committee report that there remain many potential risks and delays to delivering the project. Attention is particularly drawn to the small amount of housing that would be delivered in the first part of the Plan and whether the numbers could be achieved after 2027 must remain under doubt given all the uncertainties surrounding the delivery.
- 2.36 There must therefore be a question mark over the number of houses that can be brought forward by Welborne in the Local Plan period.

v) Affordable Housing

- 2.37 Paragraph 4.3 of the Revised Local Plan confirms that *'The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market'*. The Council goes on to state that it is confident that it will meet its affordable housing needs through the provision based on its Policy HP5 and it does not need to make any further adjustments to its overall housing figures. It uses this as a reason why the housing requirement calculated by the standard method has been used as a final figure, not a minimum as required by national policy.
- 2.38 However, paragraph 5.29 of the Revised Local Plan indicates that one of the key issues facing residents in the Borough is the unaffordability of homes to buy or to rent, and that therefore the delivery of homes that are affordable is a priority. The Council's Affordable Housing Strategy 2019 – 2036 (2019), as referenced at paragraph 5.30 of the Revised Local

Plan, indicates that there is a need for some 3,500 affordable homes up until 2036. It goes on to state that the delivery of new affordable homes is a vital part of the overall housing delivery in the Borough. However, it is not clear how the proposed housing numbers can and will meet the identified affordable housing demand. It is also pertinent to note that the additional sites included in the Revised Local Plan are largely very small and would not contribute to Fareham's affordable housing requirement as they fall under the 10 dwellings or more threshold. At the very least, Fareham should revise the Local Plan to seek to allocate sites of 10 dwellings or more which must provide affordable housing.

2.39 Key concerns include:

- The reliance on the number of houses, including affordable housing, to be delivered by Welborne which will be in the latter stages of the plan period. The concerns over the deliverability of housing from Welborne in a reasonable timeframe in the plan period has already been addressed; the issues identified have a consequential impact on the delivery of affordable housing;
- Furthermore and as set out in the Officer's report to Planning Committee on 23 July 2021 on the Welborne development under application reference: P/17/0266/OA, the very significant costs associated with the delivery of the M27 Junction 10 improvements means that the Council is having to accept a minimum of only 10% affordable housing, which could be further reduced to 7.3% if the cost over runs for the highway works are required. This figure is substantially below the 30% target for affordable housing for the Welborne Development set out under policy. There can be no certainty at this stage that even these percentage figures can be achieved.
- The allocation of additional small sites which are firstly not appropriate for allocation in the Local Plan and secondly will not contribute to affordable housing as they fall under the threshold.
- The heavy reliance in terms of the overall housing provision on windfall sites, many of which are likely to fall under the threshold of 10 or more dwellings and therefore not deliver any affordable housing;
- The reliance on a range of allocated sites (Section 3) which appear and are evidenced by recent refusals and dismissed appeals, to be aspirational rather than realistic and therefore again the impact on the provision of affordable housing.

2.40 The Council fully recognises its substantial affordable housing need across the Borough over the Plan period, however it is simply not at all clear that the numbers required can be met under the housing provision being made particularly with the reliance on very small sites which will not contribute towards the affordable housing numbers. The Revised Local Plan has not sought to increase the housing requirement above the standard method figure to try to help this need. It is therefore concluded that the very clear potential that the need for affordable housing in the Borough will not be met leads to a need to increase the overall housing requirement over and above the minimum figure calculated by the standard method.

vi) Windfall Allowance

2.41 The Revised Local Plan sets out that part of the Housing Provision of Fareham Borough is to be met through unexpected (windfall) development. There is no issue in principle with including an allowance for windfall development, however the figure must be realistic and based on evidence as to how many homes can be achieved through such provision.

2.42 The NPPF defines windfall sites as '*sites not specifically identified in the development plan*'. Paragraph 71 of the NPPF sets out that where an allowance for windfall sites is to be made, there should be compelling evidence that they will provide a reliable source of supply, using the strategic housing land availability evidence, historic windfall delivery rates and expected future trends to support such an allowance.

2.43 In this case, the Council is relying on 1,224 new homes to come through windfall development out of total of 9,560 new homes. The number of windfall homes has not changed since the previous draft Local Plan. Whilst it is appreciated that the methodology for calculating windfall allowances have changed over time, it is worth noting that in the current adopted Local Plan Part 2: Development Sites and Policies (2015), the average historic windfall allowance was calculated to be 20 (Appendix F). In the 5 Year Housing Land Supply Position Paper to Planning Committee on 24 June 2020, the Council included a small site windfall allowance of 37 dwellings for each of 2 years (years 4-5).

2.44 In comparison to the current delivery rates of windfall sites, in the Revised Local Plan the reliance on windfall sites has jumped to 1,224 which if crudely divided by the length of the Plan period (16 years) gives an annual figure of 76.5. There is no explanation to justify such an over reliance on windfall figures and no evidence to suggest this figure can be realistically

achieved. It is pertinent to note that due to the increased housing requirement as a result of the revised standard method, the Revised Local Plan has sought to allocate more sites for development to meet this need. However, these sites are largely very small (ie below 10 dwellings) which would usually come forward for allocation through Neighbourhood Plans or would be windfall sites. Therefore, this raises concern over further small sites coming forward as 'windfall' development.

vii) Inadequate Priority to Available Brownfield Sites and Over Reliance on Greenfield Sites

2.45 Paragraph 119 of the NPPF under the heading Making effective use of Land states:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. and

Paragraph 120 c) states:

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

2.46 Previously developed land or brownfield land is defined in the Glossary to the NPPF, as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

2.47 There is a current petition to government to *Prioritise brownfield development in law to protect green belt and farmland* which is open for signatures to be added to 23 August 2021. Whilst the government has indicated in its reply date 3 June 2021 that it has no plans to introduce a legal requirement that all brownfield sites are fully developed before any development is allowed on non-brownfield land, it has once again set out its commitment to making the most of brownfield land where possible and practicable. A full copy of the government's response to the petition together with is set out at Appendix 2 but the following statements are set out below:

The Government is also committed to making the most of brownfield land. The Framework strongly encourages regeneration and re-use of brownfield, especially for housing - helping to level up communities across the country while taking off some of the pressure to consider other land, such as Green Belt, for new homes. The Framework expects local authorities to give substantial weight to re-using suitable brownfield when Plan-making or deciding planning applications. These sites should be given priority where practical and viable, and local authorities should consider building up, and higher densities in towns.

2.48 The Housing Communities and Local Government Committee have published a report on The Future of the Planning System in England and Wales in June 2021 (Appendix 3). With particular reference to the issue of prioritising brownfield land the report has recommended:

- incorporate availability of brownfield sites into calculations for determining housing need
- publish evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to deliver the required homes
- explain why the proportion of new residential address created on previously developed land has fallen in recent years
- enable Local Plans to prioritise the use of brownfield sites for development ahead of other sites.

2.49 Whilst the government has set out why it does not plan to set out in law that brownfield sites should automatically take priority over greenfield sites, the advice is clear that priority should be given to bringing forward such sites wherever possible.

2.50 The Council sets out its Development Strategy in Section 3 yet there is one very limited reference to using previously developed land. However, paragraph 3.21 sets out the development strategy for the Plan to include:

- Provision for at least 9,556 new residential dwellings and 121,964m² of new employment floorspace;
- The strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200 m² of employment floorspace over and above that already planned for;
- Strategic opportunities in Fareham Town Centre that contribute to the delivery of at least 961 dwellings as part of a wider regeneration strategy;
- Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas.

2.51 It will be shown that the Council has not followed its own development strategy in that it has not allocated available previously developed land (including land at Rookery Farm), before resorting to unsuitable greenfield sites.

2.52 The following sections look to analyse the proposed allocations, and in particular the new allocations added since the November 2020 version of the Plan and then Section 4.0 seeks to promote Rookery Farm, which is a sustainably located brownfield site which has been overlooked for allocation. The Plan is clearly **UNSOUND** in that it does not seek to bring forward suitable and achievable brownfield sites ahead of less suitable and achievable greenfield sites.

Conclusions in respect of Strategic Policy H1

2.53 Whilst the Revised Local Plan has used the appropriate standard method to calculate its housing need, it is clear that there are still fundamental concerns over many aspects of the Council's housing provision which have been explored in this Section. Therefore, there can only be one conclusion that the housing provision is woefully inadequate and as a result the Local Plan is **UNSOUND**.

- 2.54 The housing provision also fails to accord with the development strategy set out in the Plan and objection is also raised in this regard.

OBJECTION to Policy HP4 – Five Year Housing Land Supply

- 2.55 As stated at Paragraph 2.32 of these representations, there is no objection in principle to the inclusion of a policy relating to development coming forward in the absence of a five year housing land supply position. However, objection is raised that the detailed wording is UNSOUND and goes beyond the presumption in favour of sustainable development set out at paragraph 11 of the NPPF and in particular the steps to be taken in decision making as set out at paragraph 11 d) in the event that the Local Planning Authority cannot, amongst other matters, demonstrate a five year housing land supply.
- 2.56 The criteria need to be reassessed to accord with the NPPF and a criterion added to promote the re-use of suitable brownfield sites before greenfield sites. It is unreasonable to require that a suitable, available and deliverable site which might come forward should necessarily accord with each and all of the criteria.

3.0 Analysis of Housing Allocations

- 3.1 The Council has amended some of its proposed allocations in this draft LP Revised Plan both in an attempt to meet the higher housing numbers and for a number of other reasons. However, it has failed to allocate Rookery Farm, which was included in the earlier draft Plan in early 2020, despite it being a brownfield site and scoring highly on many key sustainability criteria. The merits of Rookery Farm and the reasons why it should be allocated are set out in detail in the following section (Section 4). This section analyses the other proposed allocations in the LP Revised.
- 3.2 The Council has allocated and is relying on a number of ‘development’ sites to assist in the delivery of and in meeting its housing provision. However, the suitability, availability and achievability of several of these sites needs to be questioned and whether they can and will deliver the number of units proposed. It is acknowledged that these sites are not proposed for delivery of housing numbers in the early years of the Plan but it must still be questioned whether there is sufficient confidence that these sites will be brought forward, that they should be included in the plan.
- 3.3 This analysis has only focussed on the medium to larger of the sites, most of them proposing to bring forward in excess of 50 units and there may well be serious issues of suitability, availability and achievability with some of the smaller sites. It is noted that at least 9 of the sites are indicated to make provision for less than 10 units. It is unusual for sites yielding such a small number of units to be included as specific allocations; it begs the question as to whether the Council has needed to bring in such small sites to secure its numbers.
- 3.4 The number of sites where there are serious concerns and questions over their suitability, availability and achievability total at least 6, which in total would provide some 400 – 500 residential units. These sites are addressed below, and the order selected should not be regarded as implying any weighting in terms of the objections raised.

FTC3 Fareham Station East (Indicative Dwelling Yield: 120) (SHELAA ref: 0211)

- 3.5 There are fundamental questions about the suitability and achievability of this site for the intended development. This site has been carried forward from the adopted Local Plan Part

2 where it was allocated for some 90 residential units, but has now, without explanation, been increased in the draft Plan to accommodate some 120 units. Such an ambitious scheme would appear to depend on a comprehensive approach, particularly given the limited access options. Yet, even the SHELAA assessment identifies that the site is in multiple commercial and industrial uses, including railway related uses which brings into question site assembly issues both in terms of achievability and timing.

3.6 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.7 There appear to have been no changes since the November 2020 Plan.

**FTC4: Fareham Station West (Indicative Dwelling Yield: 94)
(SHELAA Ref: 0212)**

3.8 This is a long and very narrow site sandwiched between the railway to the east and protected trees to the west. The allocation and the SHELAA recognise the multiple constraints facing this site in terms of bringing it forward for development. These constraints include, amongst others, the multiple uses existing on the site, the access constraints including that the existing access crosses land in Flood Zone 2, noise, contamination and amenity issues.

3.9 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.10 There appear to have been no changes since the November 2020 Plan.

**FTC5: Crofton Conservatories (Indicative Dwelling Yield 49)
SHELAA Ref: 1325**

3.11 This site continues to be in active retail use, following the expiry of a temporary permission for retail use and the potential availability of the site is questioned.

3.12 There appear to have been no changes since the November 2020 Plan.

HA7: Warsash Maritime Academy (Indicative Dwelling Yield 100)

SHELAA Ref: 3088

- 3.13 This site has a long history and has been carried forward from the Local Plan Part 2. The site faces considerable issues in terms of bringing forward a suitable and viable housing development, not least of which is that the western part of the site must be excluded from development because of flooding issues and discussions with Natural England would potentially exclude further land to secure appropriate buffers to sites of international nature conservation significance. As a result, the majority of the development and residential units would necessarily be brought forward through the conversion of the existing listed buildings on site, potentially impacting on viability.
- 3.14 The site lies in the countryside and is remote from shops and facilities. There are traffic problems along Newton Road which is the only access solution leading to Warsash Centre and up to Park Gate where permission exists for some 800 residential units.
- 3.15 The viability and achievability of this site for some 100 residential units must therefore be questioned.
- 3.16 Due to the ecological and highway issues the Council has determined that any planning application should be submitted with an EIA.
- 3.17 There appear to have been no changes since the November 2020 Plan.

HA13 Hunts Pond Road (Indicative Dwelling Yield 38)

SHELAA Ref: 305

- 3.18 Under the Local Plan Part 2 this site was allocated under Policy DSP53 for Community Uses as part of a larger scheme to include education and open space. It is understood that the site is no longer required by Hampshire County Council for educational purposes, but there is no confirmation that a proper assessment has been undertaken of the continued need of this land for local community uses.
- 3.19 There appear to have been no changes since the November 2020 Plan.

HA4 Downend (Indicative Dwelling Yield 350)

SHELAA Ref 3030

- 3.20 Site HA4 at Downend for some 350 residential units has been the subject of two planning applications both of which were refused by Fareham's Planning Committee, against officer recommendation on highway and pedestrian safety issues on Downend Road. The first planning application was dismissed at appeal, upholding the council's reason for refusal. The second application (Ref P/20/0912/OA) was refused in November 2020; the Planning Committee's stance in terms of determining both applications on this site brings into question whether the council really support this housing allocation. It is therefore questioned whether the Council should be relying on the site as a housing allocation which the Council has found, in the form of the most recent applications, wholly unacceptable. A further appeal has been lodged with an inquiry in August 2021.
- 3.21 One of the key issues relates to the narrow access over an existing rail bridge and works have been proposed to try and overcome this matter. However, it would appear that there is no contract with Network Rail to date. In respect of the application, Hampshire County Council set out the processes required to be followed to ensure the safe delivery of the scheme:
- It is understood from the applicant and Network Rail's response to this application that discussions are ongoing regarding the parapet height requirements. The required height of the parapets is a matter to be determined by Network Rail and in the absence of confirmation and agreement of these requirements we are unable to confirm that should the parapets need to be raised that these works could be delivered by the applicant and would not be cost prohibitive. The Highway Authority therefore require assurance that these works can be undertaken before we could be sure that the shuttle working arrangement with improved footway provision can be provided. Therefore, the Highway Authority are requesting a pre-commencement condition which requires an Asset Protection Agreement to be in place with Network Rail prior to commencement of any development.*
- 3.22 Access and egress from the site impacts on Downend Road site HA56. It is unclear whether the highway assessment for this application has taken into account the other site HA56 or the proposed allocation HA56 taken account of the issues relating to this site.

HA55 Longfield Avenue (Indicative Dwelling Yield 1250)

SHELAA ref 3153 (part)

3.23 There is a current planning application under Ref: P/20/0646/OA for up to 1200 homes together with 80 bed care home, which is subject to a significant number of objections. The greenfield site is located within the countryside and within a strategic gap. It would be contrary to the Council's own policies for development in strategic gaps.

3.24 In terms of the status of the application, there are

- Holding Objection from Highways
- Ecology and POS objections
- Gosport Borough Council objection

3.25 With regard to the site, the 'Fareham Landscape Assessment' 2017 states: -

So, overall, the sensitivity of the landscape resource within area 7.1a is judged to be high (moderate to high value and high susceptibility to change), with very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character.

While the area does not play a significant role in the topographic setting of the urban area, it is notable for a general lack of development and for providing both physical and visual separation between the settlements of Stubbington to the south and Fareham to the north, and between Stubbington and Gosport to the east. The significant role of the area in separating and preventing coalescence of these settlements is enshrined in policy, with the area designated a Strategic Gap in the Fareham Borough Local Plan.

Overall, however, there is very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings.

3.26 Comments in the 'Technical review of Areas of Special Landscape Quality and Strategic Gaps' 2020 state

Potential Development Impact - As stated earlier, the potential impact of development is high within the Fareham-Stubbington Gap, with the potential to develop large tracts of farmland.

For this section of the Gap, this analysis agrees with the summary findings of LDA in Chapter 3 of the Fareham Borough Landscape Character Assessment 2017 - “The landscape performs a highly effective role in providing a 'sense' of separation and the experience of moving between one settlement and the other.Edges of Fareham and Stubbington are clearly defined by strong boundary vegetation and there is a clear distinction between 'town and country' there is a strong sense of leaving one urban area and moving through open countryside before entering another. Scale of the gap allows the time to appreciate sense of being in open countryside. Being able to see far across the gap and identify the edges, also strengthens the sense of separation.” (page 41) .

- 3.27 Development of the site would clearly undermine proposed policies relating to development in the strategic gaps (Policy DS2). Therefore, the allocation would undermine the plan as a whole

HA56 Downend (Indicative Dwelling Yield 550)

SHEELA ref: 3009

- 3.28 This greenfield site was previously considered and discounted in 2017, largely due to access issues

Site Name: Down End West (Land at Down End Road)	
Allocation Policy: n/a	SHLAA Reference: 3009 (SA assessment 3009)
SHLAA Status: Developable Housing Site	
Overview: This site was considered in conjunction with the preferred site allocation HA4 (SHLAA ref. 3030). SHLAA ref. 3009 relates to Down End West on its own and 3127 considered the wider sites east and west of Down End Road. Overall this site had a reasonable SA result although some double negatives were noted against the SEA Objectives. However, the larger issue with this site was the detailed highway solution was not been established. Furthermore, the extent of highway works to support the scale of development would have a lengthy lead in time and could rely on working with a third party.	
Overall Conclusion of Site:	Developable but not preferred

- 3.29 A key issue with this proposed allocation is the two proposed accesses:

1. Access from the slip road from the motorway. It is not clear if this access would be in and/or out. It would affect the current layby. If egress is allowed then it could result in problems of vehicles trying to get across two lanes to get onto the flyover. In addition any issues with traffic accessing the site the site could result in tailbacks and potentially block the motorway and junction.
2. Egress onto Down End Road would affect use of the bridge that resulted in site H4 being refused. The highways information for site H4 does not have regard to increased capacity resulting from the site allocation. This would put significant pressure on the bridge and the capacity at the junction with Down End Road and the A27.

3.30 Other issues raised by the allocation include: -

- Pedestrian access across the bridge.
- Noise from motorway
- Overhead power lines
- Relationship with urban boundary railway provides a natural break
- Accessibility. The assessment in the SHLAA is only 3/10.

3.31 With regard to the site the 'Fareham Landscape Assessment' 2017 states: -

The open, expansive character of the landscape and its characteristic lack of tree cover would make development difficult to integrate without unacceptable adverse effects. Extensive woodland/ tree planting would be inappropriate, although there is scope for the introduction of some individual blocks or belts of trees as landscape features without creating uncharacteristic enclosure. There may also be scope for some limited small-scale development to be integrated within parcels of land isolated by roads or contained by strong vegetation in the south western corner of the area. Overall, however, the sensitivity of the landscape resource in this area is judged as relatively high, with limited scope to accommodate development and to mitigate the effects of change.

The open, denuded character of areas 11.3a and 11.3c would make development more difficult to integrate than within a more enclosed, diverse landscape.

In particular, the undeveloped character of the eastern side of area 11.3a is clearly visible on the approach to Portchester from the north along Downend Road, with the heavily treed railway corridor currently forming a strong urban edge and a minor 'gateway' to the residential area of Downend to the south. Visible development within this area may potentially blur the strong definition between town and 'country'

Town Centre (Indicative Dwelling Yield 650)

BL 1

- 3.32 This allocation is just a red line around the town centre and is too vague. It is impossible to deduce how the figure of 620 dwellings is arrived at. There is a reliance on sites coming forward but there is no guarantee even over the later stages of the plan. The identification of sites as Broad Locations does not guarantee that they will be released for housing. There should be a reasonable prospect that the site is available and could be viably developed. If the development comes forward in a piecemeal way this could impact on affordable housing provision.

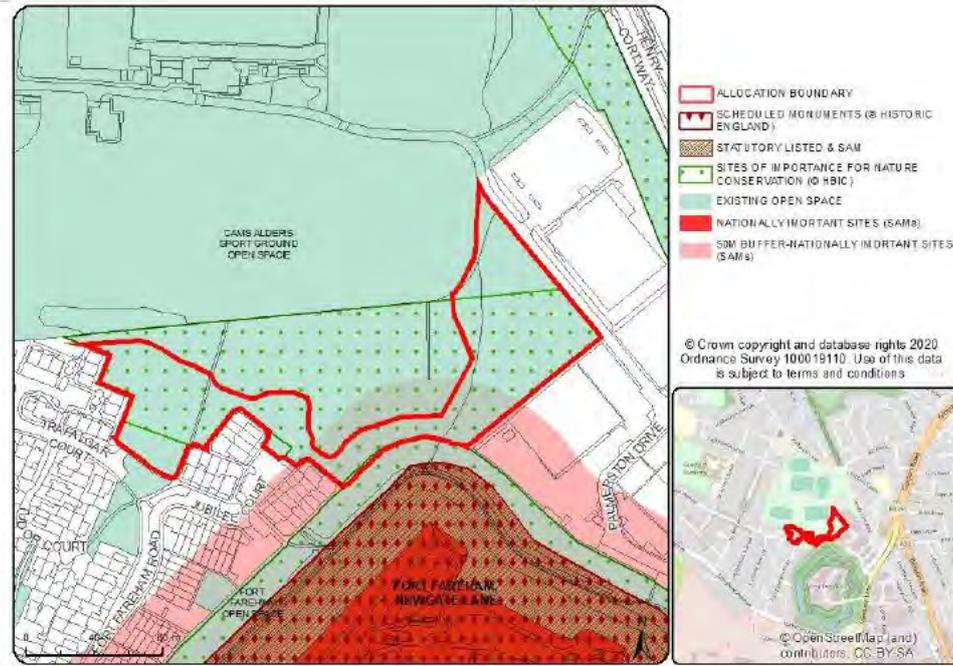
Paragraph 017 Reference ID: 3-017-20190722 of the Planning Practice Guidance states that: *Plan-makers will need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This will provide information on which a judgement can be made as to whether a site can be considered deliverable within the next five years, or developable over a longer period.*

- 3.33 There is no indication within the local plan that the authority have undertaken this exercise and neither does there appear to a sustainability appraisal for the town centre. In addition, these 620 dwellings would not be available, if at all, until later in the plan however Fareham have a significant shortfall at present.

HA42: Land South of Cams Alders

SHEELA Ref: 2843

- 3.34 It is difficult to ascertain how it will be possible to achieve some 60 units within the site, particularly given its very strange physical shape. The site also has significant constraints in terms of ecology and heritage.



Other Sites

3.35 There are potential constraints with a number of the other sites, which may at the very least delay their delivery or even bring into question their achievability. Site FTC6, Magistrates Court at Fareham and allocated for some 45 units is held up by a complicated deal to resolve the nitrates issue, involving land within Winchester District.

Conclusions and Implications Arising

3.36 This analysis demonstrates that there are serious and substantial questions over the suitability, availability and achievability of a number of the allocated sites and whether they will be able to provide the housing figures, either in whole or in part which Fareham is seeking to rely upon. It is therefore contended that it is UNSOUND for Fareham to rely on each and all of these housing sites to deliver all of the dwelling units proposed

3.37 This adds to the strength of the argument, as set out under Section 2, that Fareham needs to bring forward additional sites for allocation to help meet its housing need. The next section focuses on why land at Rookery Farm should be included as a housing allocation in the Local Plan.

3.38 Furthermore, Fareham is relying on greenfield sites to deliver much of the new housing required. Of the larger sites, at least 2,390 new homes would be delivered from greenfield sites, were all the allocations to be taken forward. The Council has not properly sought to bring forward available and deliverable brownfield land, such as Rookery Farm, to assist in securing its housing numbers. The Plan is therefore also UNSOUND in this regard.

4.0 Rookery Farm

4.1 It is clear from Sections 2.0 and 3.0 that not only has Fareham under provided on the housing figures it requires to meet over the Local Plan period, but it is very unlikely that it will be able to deliver even the numbers it is proposing to provide. Fareham therefore needs to allocate further housing sites to improve housing deliverability; Rookery Farm should be allocated as a housing site. This was allocated in the draft Reg 18 Supplement in early 2020 under the Policy Reference HAX (SHELAA ref: 0046) and has been shown to be suitable, available, sustainable and deliverable.

Site Location

4.2 The site is located immediately north of the M27 Motorway and west of Whiteley. Access is from Botley Road approximately 100m north of the bridge over the Motorway. Please see attached site plan showing the land forming part of the proposed development area. It is estimated at this early stage that the site could accommodate in the region of 150-200 residential units including an element of affordable housing and a mix of housing types to accord with Fareham's policies and approach to housing mix.

4.3 146 Botley Road (also known as Rookery Farm) lies to the north of the land and is in separate private ownership. The dwelling is listed. Residential development along Swanwick Lane lies further to the north.

4.4 The residential development of Whiteley is to the east. To the south are the local centre at Park Gate and the railway station at Swanwick, both within easy walking distance of the site.

4.5 Rookery Avenue is opposite the access to the site. At present this is a cul de sac however there is a safeguarded road extension to continue Rookery Avenue into Whiteley, linking Botley Road to the Parkway South roundabout.

4.6 To the south of the site is a vehicular and pedestrian bridge that provides access to residential properties at Bridge Road.

4.7 The following provides an overview of the location of local facilities and services in relation to the site to demonstrate the sites accessible, sustainable location. Please note that these measurements are taken from the entrance to the site.

- 50m (1 min walk) from site entrance to bus stops providing frequent access to Fareham, Swanwick and Hedge End.
- 320m (4 min walk) from site to Swanwick Railway Station which provides frequent links to Southampton, Portsmouth, London and Brighton.
- 300m (4 min walk) from Yew Tree Woodland Park
- 480m (6 min walk) to Pharmacy
- <1km (10 min walk) to Whiteley Primary School
- <1km (11 min walk or 3 min cycle) to Co-operative Food
- 1.1km (10 min walk or 5 min cycle) to Sainsbury's Local
- <2km (24 min walk or 6 min cycle) to Brookfield Community School
- 2km (27 min walk or 7 min cycle) to Whiteley Shopping Centre

In summary, the site is located in a very sustainable location. The sustainability appraisal concurs with this statement.

The Site

4.8 The site as a whole occupies approximately 20.05 Ha of land accessed from Botley Road just to the north of the M27 Motorway. The front part of the site is visible from Botley Road however the access road, which is between an earth bund to the north and embankment to the south, drops to a lower central area where aggregate recycling has, until recently, taken place.

4.9 Adjacent to the motorway is a large embankment created by historic land raising. The central part of the site comprises a relatively flat operational area where recycling materials have been stockpiled. To the north is the Orchard where the land gradually drops towards the rear of properties fronting onto Swanwick Lane.

4.10 At present due to the change in levels and the surrounding housing only the front part of the site adjacent to Botley Road is visible from outside the site.

- 4.11 The site at present has two principal landowners Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd, with Raymond Brown acting on their behalf

Site Planning History

- 4.12 Rookery Farm was originally a fruit farm and some evidence of this former use is still evident in an area of remnant orchard to the north-west of the site. Part of the site adjacent to the M27 has been land raised and restored to grazing land. This forms a large embankment which screens the central part of the site from the M27 and Botley Road.
- 4.13 Planning permission was first granted on appeal in 1987 (APP/Z1700/A/55/049143) for the infilling of agricultural land with c.1.3 million cubic metres of construction and demolition wastes with restoration to agricultural use. Tipping commenced in 1988 and temporary planning permission for waste recovery (recycling) was granted in 1995.
- 4.14 A further temporary planning permission for the inert waste recycling operation was granted in 2006 (P/06/0443/CC), time limited to expire in 2021. This permission introduced an expiry date for land raising operations of 31st December 2026.
- 4.15 In 2014, planning permission (P/14/0857/CC) was granted for the permanent retention of the aggregate recycling facility. In 2016 (P/15/1213/CC) and 2018 (P/18/0978/CC) planning permission was granted which, in effect, extended the validity of the development pursuant to planning permission P/14/0857/CC until 25 October 2020. This date has also since been extended by way of The Business and Planning Act 2020 to 1 May 2021.
- 4.16 Details pursuant to the remaining pre-commencement conditions were submitted to Hampshire County Council for approval in January 2021 and have since been discharged. The planning permission for permanent aggregate recycling was acknowledged by Hampshire County Council as having been implemented on 13 April 2021 (please see Appendix 8). The site has subsequently, in planning terms, predominately formally become previously developed (brownfield) land.
- 4.17 Note there have been no minerals operations at the site and any changes to the landscape are as a result of land raising, not from extraction activities.

- 4.18 The main body of the site is currently safeguarded for aggregates recycling in the Hampshire Minerals & Waste Plan. Hampshire County Council have indicated that there is overcapacity for inert waste recycling at present. As such if the site was to be allocated for housing then the safeguarding status would be reviewed.
- 4.19 It should be noted that in its comments on the draft Plan 2020 (Regulation 18 Draft Local Plan 2036 Supplement) when the site was allocated for residential development, Hampshire County Council as Minerals and Waste Authority advised:

Hampshire County Council has concluded that sufficient aggregate recycling capacity is currently in place to deal with the additional waste and as such no objection to this allocation will be raised

Site Appraisal

- 4.20 It is noted that the site was found to be a developable housing site within the Fareham Local Plan 2036 Strategic Housing and Employment Land Availability Assessment (SHELAA) December 2019, but subsequently discounted as unsuitable in the Fareham Local Plan 2037 Strategic Housing and Employment Land Availability Assessment (SHELAA) September 2020 (and in the 2021 Update).
- 4.21 In considering the site developable, the SHELAA (2019) makes the following comments regarding suitability of the site:

'Overall suitable for housing development. Further work required to ascertain an appropriate development structure and net developable areas, having regard to site ground conditions, drainage, habitat surveys, movement connections and retention of existing cover of woodlands, trees and hedgerows. Eastern part of site has good pedestrian accessibility to existing local services. Potential scope to include a small convenience store to improve sustainability of main core of the site. Suitable highways improvements required, with linkages to surrounding movement networks. Potential impact of noise and air quality to be assessed and appropriately mitigated'.

- 4.22 In subsequently discounting the site, the SHELAA (2020) makes the following comment regarding reason for discounting the site as un-developable:

'Site topography and boundary likely to create isolated cul de sac development. Main developable area of the site is not well related to existing settlement and is relatively isolated from local services'.

4.23 The reasoning behind the change in conclusion reached by the SHELAA (2020) is unclear as there has been no substantive change in circumstances or new information related to the site not previously provided to the Local Planning Authority. Furthermore, the SHELAA (2020) attributes the same 8 out of 10 score for accessibility to facilities from the site as the SHELAA (2019), recognising the inherently sustainable location adjacent the urban area of Swanwick, the proximity to Swanwick Railway Station and nearby shops/amenities. As identified in the SHELAA (2019) suitability summary, if necessary, sustainability of the main core of the site could further be improved via development of a small convenience store in-situ.

4.24 Paragraph 4.28 of the SHELAA (2020) states that *'the information from the SHELAA forms an important part of the evidence base for the Local Plan 2037, providing a source of developable sites which are suitable for future development needs, available within the plan period and viably achievable. Developable sites which can be brought forward under the Council's development strategy will contribute to the housing and employment supply for the Local Plan 2037...'*

4.25 Paragraph 3.21 of the Publication Version of the Fareham Local Plan 2037 states:

'3.21 The development strategy proposed by the Local Plan includes:

Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas'.

4.26 As the site should be considered to be previously developed/brownfield land, it is sequentially preferable for development based on the Council's Local Plan development strategy and the 'great weight' afforded to the redevelopment of previously developed land set out in the NPPF. Furthermore, paragraph 4.18 (Assessing Site Suitability) of the SHELAA (2020) states that 'sites outside the urban area will not necessarily be excluded as they could be

considered alongside a review of urban area boundaries as part of Local Plan development...’.

4.27 Paragraph 3.3 of the Background Paper: Settlement Boundary Review (September 2020) states that ‘the reasons for establishing settlement boundaries include:

- *Directing development to more sustainable locations in terms of accessibility and proximity to public transport, and in terms of being well served by existing essential services and facilities’....*
- *‘To assist in urban regeneration, by encouraging the re-use of brownfield land’.*

4.28 Considering the proximity of the existing Settlement Boundary to the site (approximately seven metres distance on the opposite (eastern) side of Botley Road), Rookery Farm site would represent an entirely reasonable and logical extension to the established urban area which would be in accordance with the development strategy contained within the Local Plan.

4.29 Cul de sac type development formats are well established and entirely functional residential layout present in the vicinity of the site. Discussion with the Council’s Policy and Urban Design Officers in July 2020 indicated that the Council was prepared to accept a cul-de-sac development. Such a development format would therefore reflect the prevailing development pattern and design vernacular and be sympathetic to existing communities. Indeed a number of the sites put forward in the current draft plan would potentially result in cul de sac developments, including:

FTC3 – Fareham Station (120 dwellings)

FTC4 – Fareham Station West (90 dwellings)

HA3 Southampton Road (348 dwellings)

HA4 Downend Road (350 dwellings)

4.30 The site presently benefits from permanent planning permission for development and use for aggregate recycling. This is significant in terms of both vehicle movements and future development potential. Current planning permissions contain conditions limiting HGV movements to 240 per day, all of which utilise the current site access point on Botley Road. These authorised HGV movements would be replaced by domestic vehicle movements, substantially mitigating any perceived increase in road traffic on Botley Road. In addition, the

imminent completion of the North Whiteley Link Road is anticipated to reduce vehicle movements on Botley Road. Without wanting to pre-empt the outcome of any Transport Feasibility Assessment, development of the site could also facilitate the development of the western end of the Rookery Avenue extension as there is space within the site to accommodate a roundabout.

- 4.31 Planning permission P/18/0978/CC includes for considerable earthworks to create extended and raised bunding to re-model the site and mitigate against noise impacts from the recycling use. A significant proportion of this re-modelling is on the south western boundary of the site. Such earthworks would be very similar in scale and form to those likely to be required to reduce noise levels from motorway traffic to appropriate levels for inhabitants of any future residential development on the site.
- 4.32 The Council has previously been furnished with a Phase 1 Contaminated Land Assessment and Slope Stability Assessment for the site, identifying that the embankment/land raise slope adjacent to the M27 is stable and that the site could be suitable for re-development in accordance with the indicative masterplan previously submitted.
- 4.33 Any future development scheme pursuant to an allocation would also include mitigation to address potential air quality concerns associated with proximity to the motorway. Such issues can be effectively managed through building design and layout amongst other techniques.
- 4.34 The site comprises circa 20 hectares of land with a net developable area of circa 10 hectares. Significant land is therefore available within the land ownership for biodiversity enhancement, on-site nitrate mitigation and dedication to public open space.
- 4.35 The following points detail the benefits of residential development on the Rookery Farm site:
- Now the permanent recycling permission has been implemented the site has become previously development land/brownfield and its development will reduce the need for more sensitive (greenfield) sites within the Borough;
 - The site is in a highly sustainable location in proximity to a railway station and amenities, is deliverable and would provide necessary housing capacity within the Plan;

- It should be noted that in its response to the draft 2020 Plan (Regulation 18 Draft Local Plan 2036 Supplement) showing the inclusion of Rookery Farm, the County Council responded as follows:

This allocation is close to Swanwick railway station. The County Council supports the opportunity for this site to provide high quality walking and cycling routes to Swanwick station. This may include a new active modes bridge over the motorway and enhanced interchange at Swanwick Station with new local bus services. The development brief also needs to include provision for off-site improvements to address the inadequate bus, walking and cycling connections to the Segensworth business parks.

- Provision of Public Open Space on a former land raise site and access to it from existing footpath routes;
- Removal of a 'heavy industry' use from an otherwise residential setting;
- Could facilitate the Rookery Avenue extension. This would provide better access to the motorway, the industrial area of Whiteley and Whiteley District Centre;
- Opens up pedestrian links across the motorway to Addison Road;
- The site would not be visually prominent and would form a logical urban extension. Development could enable biodiversity enhancements associated with long-term habitat management plans and the re-instatement of a pre-existing stream across the site;
- The development would be offset by the loss of 240 HGV vehicle movements a day.

4.36 Please see Appendices 4, 5 6 7 and 8 in respect of further information provided in respect of Rookery Farm.

5.0 Modifications Required to the Plan to Make it Sound

- 5.1 There is no need to revisit the arguments and issues which have been set out at length in the earlier sections and which demonstrate that the Plan as drafted is UNSOUND. The Plan as drafted will not and cannot deliver the Council's stated Vision set out at 2.10 and its Strategic Priorities at 2.12 and in particular the Strategic Priorities 1 and 2. The Development Strategy as set out in section 3 is flawed
- 5.2 The modifications required are set out below in bullet form. It will be immediately clear that the required work to ensure that the Plan is SOUND extends well beyond detailed amendments to drafted policy wording; a fundamental review of the Plan and the basis upon which it has been prepared is required.
- 5.3 The revised approach to the preparation of the Plan, with consequential implications for the redrafting of **Strategic Policy H1**, requires:
- a) The Duty to Co-operate has not been undertaken properly and thoroughly; Fareham has underprovided in terms of meeting the needs of the adjoining authorities who are struggling to meet their housing needs, including Portsmouth, Gosport and Havant all of which are geographically very constrained. The exercise needs to be undertaken again to ensure that Fareham properly plans to accommodate the needs arising from surrounding authorities.
 - b) The Council has a history of under delivery of housing figures and its 5 year housing land supply figure currently stands at under 3 years and potentially at under 1 year. On the basis that the NPPF and PPG are both clear that the housing provision numbers should be regarded as minimum, and reflecting the above position, Fareham requires to be considerably more ambitious in terms of its overall housing provision figures.
 - c) There is a very concerning over reliance on the achievability of so much of the housing provision from one site, namely Welborne Garden Village. The amount of reliance that can properly be placed on the delivery of housing numbers from this one development needs to be reviewed and significantly reduced.

- d) There is also a potential over reliance on windfalls to deliver a significant proportion of the overall housing figures; this requires to be revisited with a downward adjustment.
- e) The Council is in very real danger of not being able to meet its affordable housing requirements, given all the constraints identified. The housing numbers and potential affordable housing provision requires to be recalculated with the need to increase the overall housing numbers if the affordable housing needs are to be met.
- f) There is an over reliance on the allocation unsuitable greenfield sites, whilst suitable, available and achievable brownfield sites have been overlooked.

5.4 The Council also needs to review its approach to housing provision alongside its development objectives; the approach fails to meet its Vision and Strategic Objectives.

5.5 In addition to the above the Council also requires to re-address a number of its allocated housing sites, including at the very minimum **Sites FTC3, FTC4, FTC5, HA4, HA7, HA13, HA42, HA55, HA56 and BL1**. This reassessment in terms of suitability, achievability and availability is likely to reduce substantially the number of new dwelling units that can be achieved from these allocations.

5.6 The Council is clearly underproviding in terms of its overall housing numbers and the reliance it is placing on sites that face constraints and may not be achievable. The Council needs to make further allocations, and this should include Land at Rookery Farm which is suitable, available and achievable and subject to planning, deliverable within a 5 year period. The site has been considered suitable, available and achievable and was allocated in the Local Plan Supplement; the principal reason why it no longer appears as an allocation is because of the Council's unsound change in the methodology it is applying to calculate its housing numbers. **Rookery Farm should be reinstated as a housing allocation.**

5.7 The Council also needs to review the detailed wording of **Policy HP4** to bring it into line with government guidance in the NPPF.

5.8 It follows that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be

allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available and achievable and, indeed, deliverable.



Appeal Decisions

Inquiry Held on 9-12, 16-19 and 23-25 February 2021

Accompanied site visit made on 13 April 2021

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th June 2021

Appeal A Ref: APP/A1720/W/20/3252180

Land at Newgate Lane (North), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Fareham Land LP against Fareham Borough Council.
 - The application Ref. P/18/118/OA, is dated 19 September 2018.
 - The development proposed is demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Appeal B Ref: APP/A1720/W/20/3252185

Land at Newgate Lane (South), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bargate Homes Ltd. against Fareham Borough Council.
 - The application Ref. P/19/0460/OA, is dated 26 April 2019.
 - The development proposed is demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Decisions

1. Appeal A is dismissed and the outline planning permission sought is refused.
2. Appeal B is dismissed and the outline planning permission sought is refused.

Procedural matters

3. In each case, the planning application subject of appeal is in outline, with all detailed matters except access reserved for future consideration. While the application subject of appeal B was with the Council for determination, the scheme was revised with the agreement of the Council by limiting the unit numbers to 'up to 115 dwellings', rather than 'up to 125 dwellings' as identified on the planning application form. The change was supported by amended plans. I have considered the appeal on the basis of the revised scheme and reflected the details in the summary information above.
4. Following the submission of the appeals, the Council's Planning Committee determined on the 24 June 2020 that, were it still in a position to do so,

- it would have refused to grant planning permission in both cases. In support of its view, the Council cited 15 reasons for refusal in each case (a)-o)). The reasons for refusal were the same with the exception of: appeal A reason e), which relates to the loss of best and most versatile agricultural land; and, appeal B reason i) related to the protection and enhancement of Chamomile. Prior to the Inquiry, the Council confirmed that, in each case, 3 of the other reasons for refusal had been satisfactorily addressed: appeal A reasons f), g) and i); and, appeal B reasons e), f) and h).
5. Each of the schemes is supported by a formally completed unilateral undertaking (UU): appeal site A-UUA; and, appeal site B-UUB, which seek to secure a number of financial contributions, Affordable Housing and sustainable travel measures. In addition, the appellants have provided a unilateral undertaking related to off-site mitigation for the loss of a low use Solent Wader and Brent Goose site (UUC). I have taken those UUs into account.
 6. Reasons for refusal j) and k) relate to the absence of appropriate measures to mitigate likely adverse effects on the integrity of European Protected Sites. The appellants and the Council are content that those matters have now been satisfactorily addressed by mitigation measures secured by the unilateral undertakings. Nonetheless, there is no dispute that if I were minded to allow the appeals, I would need to re-consult Natural England and undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017*.
 7. Reasons for refusal k)-o) relate to the absence of legal agreements to secure other necessary mitigation measures. However, the Council now considers that those reasons have been satisfactorily addressed by the submitted UUs or could be addressed through the imposition of suitable conditions.
 8. Insofar as appeal A reason for refusal h) and appeal B reason for refusal g) relate to the capacity of the Newgate Lane East junction with Newgate Lane, the Council withdrew¹ that aspect of its case before the appellants presented their evidence on the matter². Therefore, I have not considered it further.

Main Issues

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

Reasons

10. Appeal site A comprises 3.95 hectares of agricultural land, which is bounded by a small area of agricultural land to the north, Newgate Lane to the west and Newgate Lane East to the east. The site shares a small proportion of its southern boundary with Hambrook Lodge and the remainder is shared with appeal site B. The appeal A proposal would involve the development of up to 75 dwellings within the site as well as other associated works. Appeal site B comprises 6.1 hectares of agricultural land, which is bounded by Woodcote Lane to the south, Newgate Lane to the west and Newgate Lane East to the

¹ Including the evidence given by Mr Whitehead.

² Inquiry document no. 23.

east. Part way along its length, the northern boundary of the site wraps around the western, southern, and eastern boundaries of the grounds of Hambrook Lodge. Otherwise appeal site B shares its northern boundary with appeal site A. The appeal B proposal would involve the development of up to 115 dwellings within the site as well as other associated works.

11. Vehicular, cycle and pedestrian access to each site would be provided by an access road leading from Newgate Lane. A pedestrian/cycle route is also proposed from appeal site A through appeal site B to Woodcote Lane, leading to the proposed Toucan crossing of Newgate Lane East and Bridgemary. The proposed Toucan crossing would be funded through the provision of a contribution secured by UUB. The *Statement of Common Ground-Linked Delivery* (SoCGLD) has been agreed between the appellants and the Council. It indicates that it would be possible to ensure that the appeal A scheme cannot come forward independently of the appeal B scheme through the imposition of a Grampian condition, thereby ensuring the provision of those proposed access links.
12. The appeal sites form part of an area of countryside situated between the urban settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north. The settlement referred to as Peel Common in the evidence of the main parties is limited to the residential and commercial properties located off Newgate Lane, Woodcote Lane and Albert Road, within the administrative area of Fareham Borough Council (the Council). Under the terms of the Development Plan, Peel Common does not have a defined settlement boundary and it is also situated in the area of countryside that includes the appeal sites. Furthermore, it does not include the 'Peel Common' housing estate located further to the east within Gosport Borough Council's administrative area. The closest urban boundary to the appeal sites is to the east and is associated with a number of areas within Gosport, such as Bridgemary, Woodcot and the 'Peel Common' housing estate. For simplicity, those areas have been jointly referred to in the evidence of the main parties as Bridgemary. I have taken the same approach in these decisions.
13. Policy CS14 of the *Fareham Local Development Framework Core Strategy, 2011* (LP1) indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function. Policy DSP6 of *the Local Plan Part 2: Development Sites and Policies, 2015* (LP2) indicates that there will be a presumption against new residential development outside the defined urban settlement boundaries (as identified on the Policies Map) and that proposals should not result in detrimental impact on the character or landscape of the surrounding area.
14. The area of countryside situated between the settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north also forms part of the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gap (Fareham-Stubbington Gap), shown on the LP2 Policies Map Booklet. LP1 Policy CS22 indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
15. However, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

The reasoned justification for LP2 Policy DSP40 indicates that the Council is committed to delivering the housing targets in the Core Strategy, and so it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery. To that end, Policy DSP40 indicates that where it can be demonstrated that the Council does not have a five-year supply of land for housing, additional sites, outside the urban area boundary, within the countryside and Strategic Gaps, may be permitted where they meet a number of criteria (the DSP40 contingency). Those criteria are not as restrictive as the requirements of LP1 Policies CS14 and CS22 or LP2 Policy DSP6. To my mind, it follows that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced and would be outweighed by compliance with LP2 Policy DSP40.

Character and appearance of the area

16. Criterion (ii) of LP2 Policy DSP40 requires that the proposal is well related to the existing urban settlement boundaries and can be well integrated with the neighbouring settlement. To ensure that this is the case, the reasoned justification for the Policy indicates that sensitive design will be necessary. The Council and the appellants agree that the existing urban settlement boundary of Bridgemary is relevant in this context. Criterion (iii) of Policy DSP40 requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps. In this context the main parties agree that both Bridgemary and Peel Common are relevant neighbouring settlements. The reasoned justification for LP1 Policy CS22, which deals with development in Strategic Gaps, indicates that they do not have intrinsic landscape value but are important in maintaining the settlement pattern. I consider therefore, that the Strategic Gap designation is of little relevance to this particular main issue. I deal with the effect on the Fareham-Stubbington Gap later in this decision.
17. Peel Common would be the closest settlement to both appeal sites. The pattern of built development there is characterised, for the most part, by ribbon development that fronts onto the western side of Newgate Lane, with small spurs eastwards along the southern side of Woodcote Lane and westwards along Albert Road. Along Newgate Lane the ribbon of development only extends northwards to a point just beyond the alignment of the southern boundary of appeal site A on the opposite side of the highway. I consider that the only notable development to the west of appeal site A, on the western side of Newgate Lane, comprises: Peel Common Wastewater Treatment Works, which is set well back from the highway and is screened from view by landscaping; and, Newlands' Solar Farm, which is relatively low profile. Peel Common is described by the *Fareham Landscape Assessment, 2017* (FLA) as an isolated small settlement and, in my view, given its scale, pattern of development and location in the countryside, that is a reasonable assessment.
18. Both appeal sites are divided into an eastern and western section by the River Alver, which runs in a north-south direction through the sites. To the east of the river the land within the appeal sites is predominantly arable and to the west grassland. The latest Illustrative Masterplans submitted in support of the schemes indicate that, in both cases, the proposed dwellings would be clustered on the eastern side of the River Alver and the land to the west would comprise public open space. To my mind, the absence of residential

development from the western sections of the sites would be necessary, due to the environmental constraints associated with the land to the west of the river, and it could be secured by condition. The constraints include areas at high risk of surface water flooding and of particular ecological value.

19. As a result, and in stark contrast to the existing settlement pattern of Peel Common, none of the proposed residential properties would front onto Newgate Lane or be directly accessed from either Newgate Lane or Woodcote Lane. Links between appeal site B and Woodcote Lane would be limited to a pedestrian/cycleway connection. In each case, the main access to the proposed residential areas would comprise a single access road between Newgate Lane and the eastern section of each site. The sections of these roads through the proposed public open space, in the western sections of the sites, would be devoid of roadside development for the reasons set out above, which would further weaken the relationship between the proposed residential areas and the existing settlement. I understand that in terms of dwelling numbers, the appeal B scheme would be larger than the size of the existing settlement of Peel Common and the appeal schemes together would be approximately double its size. I consider that, with particular reference to their size and location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Peel Common, contrary to the aims of LP2 policy DSP40(iii). Furthermore, in my judgement, due to the site constraints, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
20. The area of Bridgemarky, which is situated to the east of the appeal sites, is primarily residential in character, with a variety of building styles generally of 1 to 2-storeys in height. A network of roads and footways provides for ease of movement within that residential area and closely integrates it with the much larger urban area of Gosport. The appeal proposals would also be residential in character and proposed buildings of a similar scale could be secured by condition. However, the appeal sites would be set well apart from that existing urban area, beyond agricultural fields and a recreation ground. The most direct access route between them would be along Woodcote Lane, across Newgate Lane East and along Brookes Lane; a route unsuitable for cars. In my judgement, the appeal schemes, whether considered on their own or together would comprise and would be perceived as islands of development in the countryside set apart from the existing urban settlements. They would not amount to logical extensions to the existing urban areas. I consider that, with particular reference to their isolated location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Bridgemarky. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemarky or well-integrated with it. In these respects, the proposals would conflict with LP2 Policy DSP40(ii) and (iii). In my judgement, due to the location of the sites, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
21. In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and

development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment.

22. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal sites are not the subject of any statutory or non-statutory landscape designations. Nonetheless, *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA)* by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued. Furthermore, insofar as it seeks to minimise any adverse impact on the countryside, I consider that LP2 Policy DSP40 is consistent with the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
23. As the planning applications the subject of these appeals are in outline, a full assessment of the landscape and visual impacts of the proposed schemes cannot be carried out at this stage. Nonetheless, the illustrative layout plans indicate that, in each case, the proposed dwellings would be set back from the perimeter of the site beyond relatively narrow areas of landscaping. To my mind, the scope for landscaping would be unlikely to be significantly greater, given the number of dwellings proposed and that it would not be reasonable to seek to use a condition to modify the developments to make them substantially smaller in terms of unit numbers than that which was applied for. In my view, that would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. Whilst the Design and Access Statements indicate that the proposed buildings may be up to 3-storeys in height, the appellants have indicated that they could be limited to 1-2 storeys, in keeping with the surroundings, through the imposition of conditions and without reducing the numbers of units proposed.

Landscape impact

24. GLVIA indicates that the assessment of landscape effects involves assessing the effects on the landscape as a resource in its own right. This is not just about physical elements and features that make up the landscape; it also embraces the aesthetic³, perceptual and experiential aspects of the landscape that make different places distinctive/valued.
25. Natural England's *National Character Assessment* places the appeal sites within the South Coast Plain National Character Area, the characteristics of which include that the plain slopes gently southwards towards the coast and there are

³ CD138 page 84 Box 5.1 'scenic quality...landscapes that appeal primarily to the visual senses', perceptual aspects...perceptual qualities, notably wilderness and/or tranquillity', 'experiential 'evidence that the landscape is valued for recreational activity where experience of the landscape is important'.

- stretches of farmland between developed areas. At a county level, the sites form part of the Gosport and Fareham Coastal Plain Landscape Character Area, as identified by the *Hampshire Integrated Character Assessment 2012* (HICA), and within that area part of the Coastal Plain Open Landscape Type. Its characteristics include, amongst other things, extensive and flat or gently sloping plain, often associated with arable land uses and some of the most densely developed areas in Hampshire have occurred in this landscape. The HICA informed the *Fareham Landscape Assessment, 2017* (FLA), which was commissioned by the Council to inform emerging Local Plan policy.
26. The FLA identifies the area within which the appeal sites are situated as Landscape Character Area 8 (LCA 8), Woodcot-Alver Valley. LCA 8 forms part of the easternmost extent of the Fareham-Stubbington Gap and is divided into 5 Local Landscape Character Areas (LLCAs). More specifically appeal site A and the majority of appeal site B, with the exception of the strip of land to the west of the River Alver, fall within LLCA 8.1a. This area is generally bounded by Newgate lane to the west, Woodcote Lane to the south, the western edge of Bridgemary to the east and Speedfields Park Playing Fields to the north. Outside of this LLCA, to the west and south are the main residential sections of the Peel Common settlement, which fall within LLCA 8.2: *Peel Common and Alver Valley*, as does the western section of the appeal B site. Newlands' Solar Farm and Peel Common Wastewater Treatment Works, which are sited to the west of the appeal sites, fall within LLCA 7.1: *Fareham-Stubbington Gap*.
27. The FLA comments both on the character of LLCA 8.1a prior to the completion of Newgate Lane East and on the likely implications of that highways scheme.
28. Prior to the completion of Newgate Lane East, the FLA recognises that LLCA 8.1a is not covered by any current national or local landscape designation, its scenic quality is not exceptional and it is affected by some localised intrusion of urban features around its periphery. It indicates that LLCA 8.1a shares the typically flat, low-lying character of the coastal plain landscape and whilst it lacks the very open, expansive character of other parts of the coastal plain (including adjacent land within the Strategic Gap to the west), it nevertheless has a relatively open and large-scale character. More specifically, it is generally devoid of built development (apart from buildings at Peel Farm⁴), retains a predominantly open, rural, agricultural character, and tree belts along its boundaries to the north, east and south give the area a sense of enclosure from surrounding urban areas and contribute to its aesthetic appeal. The FLA indicates that overall, the landscape value of LLCA 8.1a is moderate to high. Furthermore, the FLA identifies that the landscape resource has a high susceptibility to change, as it has very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character. Whilst these judgements are not disputed, the Council and appellants disagree over the impact that the construction of Newgate Lane East has had.
29. Regarding Newgate Lane East, the FLA anticipated that as the road corridor would be relatively narrow, unaffected land within the rest of the area should be of sufficient scale to maintain its essentially rural character. In my view, this is the case notwithstanding that the roadside planting, which has the potential to reduce the visibility of the highway and associated fencing, has yet to

⁴ Around Hambrook Lodge.

mature. Furthermore, given the relatively low profile of the road scheme, the openness of the area is largely unaffected. Under these circumstances, I consider that whilst the landscape value of LLCA 8.1a has been reduced by the road scheme to medium, the susceptibility of the landscape to change remains high, rather than low/medium identified by the *Landscape and Visual Impact Assessments* submitted in support of the applications (LVIAs). Support for this judgement is provided by the FLA, which indicates that significant further development in addition to the road scheme would almost certainly have an overwhelming urbanising effect, potentially tipping the balance towards a predominantly urban character. Overall, I regard the sensitivity of the landscape resource within LLCA 8.1a to be medium/high, consistent with the Council's Landscape and Visual Assessment findings, and contrary to the low/medium findings set out in the LVIAs.

30. In both cases, the proposals would replace a significant proportion of the agricultural land within LLCA 8.1a with residential development. Whether single-storey or taller buildings are proposed, the massing of each development would add to the sense of enclosure of this LLCA, greatly diminishing its open character and the duration of the impact would be long term. Considering each scheme on its own, the size and scale of the change, taken together with the existing limited intrusion from surrounding urban influences and the effect of Newgate Lane East, would be sufficient in my judgement to tip the balance towards a predominantly urban character. I acknowledge that the impact would not extend beyond LLCA 8.1 to affect a wider area of landscape. Nonetheless, I judge the magnitude of change as medium and the significance would be moderate to moderate/major adverse, even after mitigation. In my view, the effect would not be as low as the minor/moderate or minor adverse significance of effect identified by the LVIAs, which the appellants suggest would be considered acceptable and would not constitute an overall 'harm' to the landscape.
31. As I have indicated, the only section of the appeal sites that falls within LLCA 8.2 is the western section of appeal site B, the development of which would be constrained by its ecological value. Therefore, I give little weight to the view set out in the FLA regarding LLCA 8.2 that there may be potential for some modest, small scale development associated with the existing built form at Peel Common.
32. I consider overall that the proposals would each cause significant harm to the landscape of the area.

Visual impact

33. There is no dispute that the area from which the proposed developments would potentially be visible, the visual envelope, would be limited. This is due to a combination of the flat topography of the surroundings and the effects of vertical elements such as neighbouring settlement edges and some tall vegetation. As a result, the visual receptors identified by the Council and the appellants are relatively close to the appeal sites and the associated assessments of visual effects provided by those parties are broadly comparable, finding a number of adverse impacts of moderate or greater significance.
34. As regards the users of Newgate Lane, I consider them to be of medium sensitivity to change, consistent with the position set out in the LVIAs and by

- the Council. However, the proposed development would significantly alter views eastwards. Currently long views can be enjoyed from some vantage points across relatively open countryside, Newgate Lane East being low profile infrastructure, towards the tree lined edge of Bridgemary and the 'big skies' noted by the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* (2020)(TR). As a result of either appeal scheme on its own, residential development would become a prominent feature in the foreground of such views, notwithstanding the proposed setback beyond an area of open space between the highway and the proposed dwellings. From some vantage points, the long rural view would be interrupted entirely, being replaced by a short suburban view of one of the appeal schemes, which would be likely to break the existing skyline and greatly reduce the sense of space. I regard the magnitude of impact as high and the significance of impact as major/moderate adverse, in common with the Council.
35. The LVIA's did not consider vantage points along Newgate Lane East, which was under construction when the assessments were undertaken. I consider users of Newgate Lane East to be of medium sensitivity to change, in common with users of Newgate Lane. It is anticipated that the proposed buildings would be set back from Newgate Lane East beyond a strip of landscaping, within the sites and along the edge of the highway. Nonetheless, given the likely scale and disposition of the built development, I consider it likely that it would still be visible to some extent from that neighbouring road. In my judgement, when travelling between the built-up areas to the north and south, the respite provided by the surrounding countryside along Newgate Lane East is of notable value. That value would be greatly diminished as a result of either scheme. Both would foreshorten views to the west and tip the balance from a predominantly rural to suburban experience. The magnitude of impact on that receptor would be medium and the significance of impact moderate adverse.
36. Overall, I consider that the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area.
37. The FLA sets development criteria to be met in order to protect the character and quality of landscape resources, views, visual amenity, urban setting and green infrastructure. Whilst the aim of LP2 Policy DSP40 is to minimise, rather than avoid, any adverse impact, I consider that they are of some assistance when judging the extent to which there would be an impact and whether it can be regarded as being minimised. I acknowledge, that in the context of making some provision for housing land supply in the countryside, it would be unrealistic to expect the open, predominantly agricultural and undeveloped rural character of area LLCA 8.1a to be entirely protected as the FLA suggests. However, the proposals would cause significant harm in that regard. Furthermore, rather than situating the proposed developments to the east of Newgate Lane East, next to existing urban areas, the schemes would amount to the creation of substantial new pockets of urbanising built development within existing open agricultural land.
38. I conclude that, in each case, the proposal would cause significant harm to the character and appearance of the area, having had regard to the location, disposition, likely scale and landscape treatment, each would fail to minimise the adverse impact on the countryside. The proposals would conflict with LP2 Policy DSP40(ii) and (iii).

Highway safety

39. The *Statement of Common Ground on Transport (SoCGT)*, agreed between the Council and the appellants, states it is agreed that the individual and cumulative impacts of the northern and southern sites would have a detrimental impact on the operation of the existing right turn lane priority junction between Newgate Lane and Newgate Lane East. Furthermore, this cannot be mitigated by priority junction improvements and so a signalised junction is proposed.
40. The proposed signalised junction would introduce a flare from 1 to 2-lanes on the northbound Newgate Lane East approach to the junction and a merge back to 1 lane some distance after the junction. Furthermore, the SoCGT indicates, in relation to southbound vehicles seeking to access Newgate Lane from Newgate Lane East across 2 lanes of on-coming traffic, the proposed signal method of control would be the provision of an indicative arrow right turn stage. Under the proposed signalling arrangement, right turn movements from Newgate Lane East into Newgate Lane could occur at three points in the cycle of the signals: firstly, turning in gaps in the free flowing northbound traffic; secondly, during the intergreen period when the northbound flow is stopped and before the Newgate Lane traffic is released; and, then if right turners are still waiting after the cycle, the indicative arrow would be triggered to allow them to turn unopposed. The SoCGT confirms that the appellants are proposing an indicative arrow arrangement rather than the provision of a fully signalised right turn stage, as the latter would operate unacceptably in terms of capacity.
41. The appellants' *Stage 1 Road Safety Audit (RSA)* identifies a potential problem with the proposed right turn lane arrangement, with reference to CD 123 of the *Design Manual for Roads and Bridges (DMRB)*. In the context of right turning traffic movements at signal-controlled junctions, CD 123 indicates that where the 85th percentile approach speed is greater than 45 mph, there is an increased risk of accidents between right-turning vehicles seeking gaps and oncoming vehicles travelling at speed. It confirms that where the 85th percentile approach speed is greater than 45 mph, right hand turns should be separately signalised. Against that background, the RSA raises the concern that higher northbound vehicle speeds (particularly in off-peak traffic conditions) may mean that gap acceptance by the drivers of right turning vehicles could lead to right-turn collisions or to sudden breaking and shunt type collisions. It recommends that, at detailed design stage, signal staging/phasing should incorporate a separately signalled right-turn into Newgate Lane and that it would be appropriate to measure northbound vehicle speeds to design signal staging and phasing arrangements accordingly.
42. DMRB CA 185 sets out the approach to vehicle speed measurement on trunk roads where existing vehicle speeds are necessary to set the basis for the design of signal-controlled junctions. CA 185 confirms that 85th percentile vehicle speeds shall be calculated where designs are to be based on measured vehicle speeds. It is common ground that, whilst this standard is intended for use in relation to trunk roads, in the absence of any other reference, it can be used to guide the measurement of vehicle speeds on other roads, such as Newgate Lane East.
43. The SoCGT identifies 3 speed surveys whose results are relevant to the consideration of northbound speeds on Newgate Lane East. They were

undertaken in: September/October 2018; February/March 2020; and November 2020. All three surveys include measurements undertaken at weekends, contrary to the CA 185 protocol which indicates that speed measurements shall not be undertaken at weekends. Nevertheless, they were not limited to weekend measurements. Each survey included measurements on other days of the week, and I have not been provided with any evidence to show that the 85th percentile speeds derived from the surveys are not reasonably representative of the weekdays surveyed. However, the last survey was carried out during a period affected by movement restrictions associated with the coronavirus pandemic and the recorded average flow rates are noticeably lower than those recorded at the same times of day in the other two surveys. I consider that, under these circumstances, greater weight is attributable to the results of the earlier two surveys.

44. CA 185 indicates that a minimum number of 200 vehicles speeds shall be recorded in the individual speed measurement period and speed measurements should be taken outside of peak traffic flow periods. The peak hours identified by the *Transport Assessments* submitted in support of the appeal planning applications are 08:00-09:00 hrs (AM peak) and 17:00-18:00 hrs (PM peak). Whilst CA 185 indicates that non-peak periods are typically between 10:00-12:00 hrs and 14:00-16:00 hrs, I share the view of the Highway Authority (HA) that this does not rule out consideration of other non-peak periods, so long as a minimum number of 200 vehicles speeds are recorded in the individual speed measurement period as required by CA 185. Having regard to the results of the September/October 2018 and February/March 2020 surveys for northbound traffic on Newgate Lane East, in addition to the typical periods identified above, the period from 05:00-06:00 hrs meets these criteria, falling outside of the peak hours and having a recorded average flow greater than 200 vehicles.
45. The September/October 2018 and February/March 2020 survey results record 85th percentile speeds in the periods 10:00-12:00 hrs and 14:00-16:00 hrs in the range 41 mph-44.8 mph when a wet weather correction is applied. The upper end of this range being only marginally below 45 mph. In the period 05:00-06:00 hrs the results exceeded 45 mph. CA 185 indicates that where there is a difference in the 85th percentile speeds derived from the individual speed measurement periods, the higher value shall be used in the subsequent design.
46. I give little weight to the view of the appellants that the introduction of traffic signals, as proposed, would be likely to result in drivers being more cautious and so reduce their vehicle speeds. Even if that were the case, it is not clear that it would reduce 85th percentile speeds in the period 05:00-06:00 hrs to below 45 mph or that this undefined factor should be taken into account in the design. The appellants have suggested that in the absence of any demand over-night, the signals would revert to an all red stage, which would further slow the speeds of vehicles. However, it appears that there would be likely to be demand in the period 05:00-06:00 hrs. Furthermore, the HA has confirmed, for a number of reasons, that is not the way multi-arm junctions are set up on its network. Firstly, for junction efficiency, the signals would be expected to rest on green on Newgate Lane East, allowing traffic to proceed unimpeded on the main arm. Secondly, this approach reduces the likelihood of drivers, who wrongly anticipate that the lights will turn from red to green on their approach,

- proceeding without slowing and colliding with others. In light of the HA's established approach, I give little weight to the appellants' suggestion.
47. I consider that the proposals, which would not include separate signalisation of the right-hand turn, would conflict with CD 123.
48. The operation of the existing priority junction involves some drivers turning right from Newgate Lane East into Newgate Lane across a single northbound lane and there is no dispute that at present the junction operates safely. However, the proposed junction arrangement would give rise to the possibility of right turning vehicles gap-seeking across 2 opposing lanes, a practice which the HA considers would be unsafe. I note that Rule 180 of the *Highway Code* indicates that right turning drivers should wait for a safe gap in oncoming traffic. However, the basis of the HA's concern is that a right turning driver may not be able to see an oncoming nearside northbound vehicle, due to screening by offside northbound vehicles, until it is too late to avoid a conflict. The Rule 180 illustration is of a single opposing lane and it does not grapple with the potential for unsighted vehicles in a two opposing lanes scenario. In support of its concern, the HA has identified other junctions where the frequency of accidents involving right turning vehicles has been reduced by moving from a situation where gap-seeking across 2 lanes is allowed to a fully signalised right turn phase.
49. With respect to the modified junctions drawn to my attention by the HA, I agree with the appellants that, in the absence of data with respect to traffic flows, speeds and percentage of right turners at those other junctions, it cannot be determined that they are directly comparable to the appeal junction in those respects. However, nor can it be determined that they are not. Nonetheless, the improved accident record at those other junctions following the introduction of a fully signalised right turn phase appears to me to support, for the most part, the HA assessment that the practice of gap-seeking across 2 lanes was previously a contributory factor to the incidence of accidents⁵. In relation to this matter, I give greater weight to the assessment of the HA, as it is likely to be more familiar with the historic operation of its network, than that of the appellants' highway witnesses.
50. The appellants consider that an arrangement which allows vehicles turning right across two opposing lanes by gap-seeking is common. In support of that view, they have identified 2 junctions in the area where the HA has not prevented right turning vehicles from crossing 2 lanes without signalling: A27/Ranvilles Lane; and, A27/Sandringham Road. However, the HA has indicated that there is a history of accidents associated with right turn manoeuvres at the A27/Ranvilles Lane junction, the most recent having occurred in 2020, and the junction will be taken forward on the HA's provisional list for safety remedial measures during 2021/2022. The A27/Sandringham Road junction is located close to the point at which the speed limit reduces from 40 mph to 30 mph on the A27. Furthermore, Sandringham Road is a cul-de-sac serving far fewer dwellings than would be the case at Newgate Lane as a result of either of the appeal A or B schemes, and so the number of daily or peak hour right turning movements associated with it would be likely to be much lower than the appeal junction. To my mind, the circumstances associated with these two junctions do not lend support to the appeal schemes.

⁵ Whether a 3-year or 10-year accident record period is considered.

51. The appellants argue that in circumstances where a vehicle is waiting at the proposed junction for an approaching northbound offside vehicle to pass before turning right onto Newgate Lane, it is likely that a nearside vehicle screened from view by that offside vehicle would also have passed when the waiting vehicle starts to cross the lanes. To my mind, that would not necessarily be the case, as it would depend on the degree to which the pair of northbound vehicles are staggered and their relative speeds. Some screened vehicles may be slowing to turn left into Newgate Lane causing a right turning vehicle to pause in the offside lane when that previously screened nearside vehicle comes into view and that would potentially bring it into conflict with other approaching offside vehicles. Furthermore, it is foreseeable that right turning drivers seeking gaps may be faced with a stream of traffic in both opposing lanes and with some variation in approach speeds. A nearside vehicle moving past an offside stream of traffic may be unsighted until a late stage and may be closing the gap faster than the right turning driver had anticipated, leading to conflicting movements.
52. With reference to the appellants' *Transport Assessment Technical Note-Junction Modelling Results (TATN)*, by the 2024 design year, the cumulative impact of each appeal scheme and other developments would be likely to result in a marked increase in the total number of right turning vehicles into Newgate Lane. Furthermore, the appellants' traffic modelling predicts that in the AM peak there would not be any suitable gaps in free-flowing northbound traffic for right turning vehicles to cross. However, the proposed signalling arrangement would not prevent drivers from gap-seeking and they may still attempt to do so, if they thought that they could get across, rather than waiting for the intergreen period or the indicative arrow. The modelling predicts that in the PM peak almost all of the right turning traffic would cross in gaps in free-flowing northbound traffic.
53. Against this background, I share the concern of the HA that right turning vehicles gap-seeking to cross 2 oncoming lanes at the proposed junction poses a far greater risk of collisions than the existing arrangement and a significant risk to highway safety.
54. I conclude that the proposed junction arrangement, whether one or both of the appeal schemes were to proceed, would have an unacceptable impact on highway safety. Furthermore, in my view, this harm could not be reduced to an acceptable level through the imposition of a condition(s). As I have indicated, the Council and appellants agree that a fully signalised right turn stage would operate unacceptably in terms of capacity. The proposals would conflict with LP2 Policy DSP40(v), which seeks to ensure that development would not have any unacceptable traffic implications, and it would not fit well with the aims of LP1 Policy CS5(3) insofar as it supports development which does not adversely affect the safety of the local road network. These Policies are consistent with the Framework, which indicates that development should only be prevented or refused on highway grounds in limited circumstances, including if there would be an unacceptable impact on highway safety. This weighs very heavily against the schemes.

Sustainably located, with reference to accessibility

55. LP1 Policy CS15 indicates that the Council will promote and secure sustainable development by directing development to locations with sustainable transport

- options. LP1 Policy CS5 indicates that development proposals which generate significant demand for travel and/or are of high density, will be located in accessible (includes access to shops, jobs, services and community facilities as well as public transport) areas that are or will be served by good quality public transport, walking and cycling facilities. LP2 Policy DSP40(ii) seeks to ensure that proposals are sustainably located adjacent to the existing urban settlement boundaries.
56. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and identifies that this should be taken into account in decision-making. I acknowledge that the appeal sites are in the countryside. However, they are situated in a relatively narrow countryside gap between urban areas, rather than a larger rural area where opportunities for sustainable transport could reasonably be expected to be limited. In any event, consistent with Development Plan Policies CS15, CS5 and DSP40, the Framework also indicates that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
57. The appeal sites are not near to, but are set well apart from: the western, urban area boundary of Bridgemary, as defined by the *Gosport Borough Local Plan 2011-2029 Policies Map*, which is to the east of the appeal sites on the far side of an area of agricultural land that adjoins the eastern side of Newgate Lane East; and, further from the southern settlement boundary of Fareham, which is defined by the LP2 Policies Map Booklet and is located some distance further north at the edge of HMS Collingwood and Speedfields Park. Peel Common does not have a defined urban settlement boundary. As such, I consider that the sites are not adjacent to any existing urban settlement boundary, contrary to the requirement of LP2 Policy DSP40(ii).
58. I acknowledge that the Council appears to have taken a flexible approach to the 'adjacency' requirement in a number of other cases. However, in the cases drawn to my attention, with the exception of the site to the south of Funtley Road, development has taken place or been approved between the application site and the nearest existing urban settlement boundary. In the case of the site to the south of Funtley Road, it abuts a highway on the opposite side of which is some of that other development and the site boundary is a relatively short distance across undeveloped land from an existing urban settlement boundary. The circumstances are not directly comparable to those in the cases before me, in relation to which the sites would be set further apart across undeveloped land from the nearest existing urban settlement boundary. In any event, each case must be considered primarily on its own merits and in my view, the Council's approach elsewhere would not justify harmful development of the appeal sites. I give little weight to those decisions of the Council. Furthermore, appeal decision Ref. APP/L3625/X/16/3165616 considered adjacency in the context of the relationship between a highway and gates set back from it by around 1 metre. The circumstances are not comparable to those in the cases before me and are of little assistance.
59. I turn then to consider the accessibility of the sites with reference to modes of transport. The *National Travel Survey, 2019* (NTS), identifies, amongst other things, the average trip length and duration in England by all modes of travel for the trip purposes of: commuting; education; personal business; shopping; sport (participate); and, entertainment/public activity. There are a range of

- employment, education, retail, health, sport, and leisure uses well within those average distances and durations of the appeal sites. This indicates that there are likely to be some opportunities for residents of the proposed developments to travel less when compared to the national average journey distances and durations, and in this context, the locations of the appeal sites limit the need to travel. However, the NTS 'all modes of travel' includes, amongst other modes, car travel and so it does not automatically follow that the proposed developments would be served by good quality public transport, walking or cycling facilities.
60. The *Manual for Streets* indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 800 metres walking distances of residential areas which residents may access comfortably on foot. However, it indicates that this is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres. This is echoed by the Department for Transport *Local Cycling and Walking Infrastructure Plans (2017)*, which indicates that for walking, 'the distances travelled are generally...up to 2 kilometres'.
61. The Institute of Highways and Transportation's (now CIHT) *Guidelines for Providing for Journeys on Foot, (2000)* (PfJoF) gives more detailed guidance, setting out, with reference to some common facilities, suggested desirable, acceptable and preferred maximum walking distances which range up to a preferred maximum of 2 kilometres for some facilities. The approach is consistent with CIHT's more recent *Planning for Walking, April 2015* (PFW), which indicates that most people will only walk if their destination is less than a mile away (equivalent to around 1.6 kilometres) and about 80% of journeys shorter than 1 mile are made wholly on foot, the power of a destination determining how far people will walk to get to it. To illustrate the point it indicates that while for bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point, people will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.
62. Having regard to the Department for Transport's NTS (Table NTS0303-2020 update), there have been no significant changes in the average walking trip length in the period 2002-2019. To my mind, this indicates it is unlikely that attitudes towards walking trip length have altered to any great extent since the publication of PfJoF. This is consistent with the position taken by my colleague who dealt with appeal Ref. APP/A1720/W/19/3230015, which related to a site elsewhere, in Portchester. I am content therefore, that the PfJoF guidance on acceptable walking distances is not out of date and it provides a reasonable basis for the assessment of whether, having regard to the locations of the appeal sites, walking can be regarded as a genuine choice of transport modes. In addition, PFW indicates that propensity to walk is not only influenced by distance, but also by the quality of the experience, having regard to factors such as the attractiveness and safety of the route.
63. I note that the Council's position regarding the accessibility of the sites is not based on an objection in relation to that matter raised by the Highway Authority, but rather an assessment undertaken by a planning professional with reference to PfJoF, amongst other things. In my view, it does not follow that the weight attributable to the Council's assessment should be reduced. As reported by the appellants, the PfJoF states it is the task of the professional

- planner or engineer to decide if a lower standard is acceptable in given circumstances.
64. There is no dispute that there are a range of services and facilities within 2 kilometres of the appeal sites. However, to my mind, in the absence of any consideration of the 'power of the destinations' and the quality of the experience that is of little assistance. Applying the PfJoF approach, which reflects the 'power of destination', facilities and amenities within its 'acceptable' walking distances of the southern and linked appeal sites are limited to a primary school, a church, and a recreation ground. Within its 'preferred maximum' walking distances there are additionally a college campus (CEMAST), a limited number of small shops and a pub in Bridgemary, an employment area (HMS Collingwood) and four other schools.
 65. However, the appeal sites only fall within the catchment area of one of the five schools, Crofton Secondary School, which is barely within the preferred maximum walking distance. Whilst I understand that Crofton Anne Dale Infant and Junior School, which would serve the appeal sites, is within the maximum walking distances for schools identified by the Department for Education, it falls outside the PfJoF preferred maximum walking distances.
 66. Although PFW indicates that in residential areas, 400 metres has traditionally been regarded as a cut-off point, the CIHT's more recent *Buses in Urban Developments, January 2018* (BUD) provides more detailed guidance. It identifies maximum walking distances between developments and bus stops with the intention of enabling the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability. It recommends a maximum walking distance of 300 metres to a bus stop served by a service which is less frequent than every 12 minutes.
 67. The SoCGT indicates that the closest bus stop to the appeal sites is on Newgate Lane East and only the southern site would meet that BUD recommendation. Furthermore, the buses return approximately with a frequency of every 75 minutes in each direction and the first northbound bus in the morning, towards Fareham, departs from the bus stop at 09:12 hrs. Notwithstanding that the bus trip duration to the train station may be shorter than the national average trip time by local bus of 36 minutes, to my mind, the start time and frequency of the service would limit the attractiveness of the service as far as northbound commuters are concerned. Whilst there is a bus stop on Tukes Avenue served by a more frequent service, it is significantly further away from the sites than the maximum walking distance for high frequency services recommended by BUD.
 68. The SoCGT indicates that the closer of the 2 appeal sites is some 3.7 kilometres from Fareham Railway Station, a distance well beyond the 800 metres identified by PFW.
 69. I note that the PfJoF was one of the documents that informed the accessibility standards set out in the Council's *Fareham Local Plan 2037 Background Paper: Accessibility Study 2018*, the application of which in the cases before me appears not to result in a significant difference in outcome compared with the application of the PfJoF guidance.
 70. The appellants have applied a Walking Route Audit Tool to the local walking routes, which assesses the attractiveness, comfort, directness, safety, and

coherence of the routes. Whilst a number of the findings are disputed by the Council, I consider that the current condition of the likely route east of the sites to the limited number of shops and the pub referred to in 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 possible⁶. In any event, this matter could be satisfactorily addressed, in relation to both sites, through imposition of conditions that required reserved matters applications to be made within 12 months of the grant of planning permission and the commencement of development within 12 months of the approval of reserved matters, as suggested by the appellants. Under the circumstances, I am satisfied that the proposals would not conflict with criterion iv) of LP2 Policy DSP40. Nonetheless, they would conflict with criteria ii), iii) and v) and I consider overall that each proposal would conflict with LP2 Policy DSP40 taken as a whole.
86. I conclude that each of the schemes, which would conflict LP1 Policy CS22 and LP2 Policy DSP40, would not accord with and would undermine the Council's Spatial Development Strategy.

Housing land supply

87. The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated

⁶ Michelmores LLP letter dated 20 January 2021 and Lester Aldridge LLP letter dated 3 February 2021.

against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

88. A significant proportion of the difference between the supply figures of the Council and the appellants is associated with applications with a resolution to grant planning permission (709 units) and allocations (556 units).
89. In respect of the majority of the sites with resolutions to grant planning permission, which date from 2018, it remains necessary, before planning permission could be granted in each case, for the Council to complete Appropriate Assessment (AA) to establish whether the scheme would have a significant effect upon European Protected Sites. To inform the AA, it is necessary for the developers to demonstrate that their schemes would not increase the levels of nitrates entering the Solent. In order to facilitate that process, in September 2020, the Council established a legal framework through which developers/applicants can purchase nitrate credits associated with land use at Little Duxmore Farm (LDF). However, at the Inquiry, the Council was unsure whether there would be sufficient capacity at LDF to provide mitigation in relation to all the identified sites and whilst it is seeking to secure additional capacity elsewhere, the associated negotiations are not yet complete. Furthermore, since September 2020, only a relatively small number of dwellings have been taken through this process culminating in the grant of planning permission. With respect to the other sites, which together account for over 500 units, I consider that in the absence of favourably completed AAs there is significant doubt about the deliverability of housing within the five-year period on those sites. Furthermore, AA is not the only issue. In a number of the cases, while some progress has been made, necessary planning obligations have yet to be formally secured. This adds to the uncertainty.
90. The Welborne allocation accounts for 450 units included in the Council's assumed supply figure. The site was subject to a resolution to grant outline planning permission for up to 600 dwellings in October 2019, subject to planning obligations being secured. Although the Council expected the planning obligations to be secured pursuant to section 106 of the *Town and Country Planning Act 1990* by the end of the summer 2020, this was not achieved. In December 2020, the developer submitted amended plans for the site. Whilst in January 2021, the Council resolved to grant planning permission for the revised scheme, it would also be subject to planning obligations and a pre-commencement condition would be imposed to ensure that funding had been secured for the improvement of junction 10 of the M27. At the Inquiry, the Council confirmed that whilst funding sources have been identified, not all the necessary agreements are in place to secure the funds. In light of the limited progress made since October 2019 and the outstanding areas of

uncertainty, I consider it likely that housing delivery on that site within the five-year period will fall well short of that assumed by the Council.

91. Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic⁷.
92. The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come.
93. The appellants anticipate that around 123 of the 190 proposed appeal dwellings could be completed within the current five-year period. Against this background, I consider it likely that each of the appeal schemes would make a modest contribution towards reducing the significant shortfall in housing land supply. Having had regard to other appeal decisions drawn to my attention⁸, I give those contributions substantial weight.

Other matters

Planning obligations

94. Each of the schemes is supported by a formally completed unilateral undertaking: appeal site A-UUA; and appeal site B-UUB. Amongst other things, they include provisions for: a Solent Recreation Mitigation Strategy contribution; on-site open space and play area provision and maintenance contributions; an education contribution; provisions to secure on-site Affordable Housing delivery, sustainable travel measures as well as the implementation of a Travel Plan. UUB also makes provision for: the implementation of a Chamomile Management Plan, for the purpose of conserving the ecological features in the Chamomile and Meadow areas of the site, consistent with the aims of LP2 Policy DSP13; and, a Toucan crossing contribution. Having had regard to the Council's *Community Infrastructure Levy Regulations Compliance Statement, February 2021*, I consider that the UUs would accord with the provisions of Regulation 122 of the *Community Infrastructure Regulations 2010* and the tests of obligations set out in the Framework. Furthermore, I conclude that the infrastructure provisions referred to above would accord with the aims of LP1 Policy CS20.
95. With reference to the ecological assessments submitted in support of the applications, the appellants have indicated that, subject to mitigation measures which would be secured either by the submitted UU's or by condition, the schemes would each provide moderate ecological benefits for the sites, consistent with LP1 Policy CS4 and LP2 Policy DSP13. Furthermore, measures would be incorporated in the design of the schemes to limit energy and water consumption as well as carbon dioxide emissions, which could be secured by condition and would amount to minor environmental benefits, consistent with

⁷ Statements of Common Ground, January 2021 (paragraphs 7.14).

⁸ Such as APP/A1530/W/19/3223010, APP/G1630/W/18/3210903, APP/E5900/W/19/3225474, APP/N1730/W/18/3204011 and APP/G1630/17/3184272.

LP1 Policy CS16. I have no compelling reason to take a different view. However, in my judgement, they do not weigh significantly in favour of the schemes, as the benefits would be only moderate/minor and the Framework commonly requires the provision of net gains for biodiversity, minimisation of energy consumption and the prudent use of natural resources.

96. UUC would secure off-site mitigation for the loss of a low use Solent Wader and Brent Goose site. Having regard to the measures secured by UUA, UUB and UUC and with reference to the 'Shadow Habitat Regulations Assessments' submitted in support of the applications, the appellants have indicated that the proposals would not have an adverse effect on the integrity of any European Protected Sites, consistent with the aims of LP2 Policies DSP14 and DSP15, and this would weigh as neutral in the planning balance. These matters are not disputed by the Council.
97. It is common ground that there is an unmet Affordable Housing need in Fareham Borough. The shortfall appears to be sizeable. Looking forward, the Council's adopted *Affordable Housing Strategy (2019)* identifies a need for broadly 220 Affordable Homes per annum over the period to 2036. This can be compared to the delivery of an average of 76 Affordable Homes per annum in the period 2011-2019, well below the need identified for that period by the Council's *Housing Evidence: Overview Report (2017)*. 40% of the proposed dwellings in each case would comprise Affordable Housing, consistent with the requirements of LP1 Policy CS18. Furthermore, I understand that the commercial profits of Bargate Homes Ltd, which is owned by Vivid and has contractual control of both sites, are reinvested in Vivid's wider Affordable Housing Programme. I consider that the proposals would amount to meaningful contributions towards addressing the identified need and the Affordable Housing benefits attract substantial weight in each case.
98. The Council considers that the public open space provision shown on the illustrative masterplans submitted in support of the applications would be sufficient to meet the requirements of LP1 Policy CS21 and I have no reason to disagree. Whilst I acknowledge that the proposed public open space may be of some value to existing local residents, given the accessibility of the countryside thereabouts, I consider that any benefit in that regard would be small and I give it little weight.

Economic benefits

99. The Framework gives encouragement to development that would support economic growth. The proposals would be likely to give rise to a range of economic benefits. For example, the appellants have estimated that the proposed households would be likely to generate expenditure in the region of £6.4 million per annum, some of which would be spent locally. Furthermore, the proposals could support an estimated 191 jobs during the three-year build programme and could generate an additional £33.8 million of gross value added for the regional economy during that period. The proposals would help to support the growth of the economy, which has been adversely affected by the current coronavirus pandemic. I give the economic benefits likely to result from the proposals in each case substantial weight.

Best and most versatile agricultural land

100. Appeal site B contains land classified as best and most versatile (BMV) agricultural land, which would be lost as a result of the scheme, contrary to the aims of LP1 Policy CS16, which seeks to prevent the loss of such land. However, with reference to the Framework, which indicates that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land, I consider that LP1 Policy CS16 is unduly onerous. Furthermore, as BMV agricultural land makes up only a very small proportion of the site, I share the view of the appellants that the weight to be given to the loss is very limited.

Privacy

101. At present, Hambrook Lodge occupies an isolated position in the countryside, set well apart from other dwellings. In this context the proposed developments on land adjacent to that property would be likely to have some effect on the privacy of the existing residents. However, the elevations of the dwelling that contain the majority of its habitable room windows are set back from the boundaries shared with the appeal sites. I consider that it would be possible to ensure, through careful design and layout of the schemes controlled at the reserved matters stage, that reasonable levels of privacy would be maintained in keeping with the aims of LP1 Policy CS17.

Community services and facilities

102. I do not share the concerns raised by a number of residents of the Borough of Gosport that the proposals would adversely affect their community services and facilities. As indicated above, it is likely that spending associated with the schemes would benefit the local economy. As regards facilities, I understand that the appeal sites are not within the catchment area of Gosport schools. Whilst some future residents may wish to use the recreation ground situated to the southeast on the other side of Newgate Lane East, there is no compelling evidence before me to show that the numbers would be large or that such activity would be problematic.

Planning balance

103. The Framework indicates, with reference to succinct and up-to-date plans, that the planning system should be genuinely plan-led. For decision making this means approving development proposals that accord with an up-to-date Development Plan without delay. The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and so in these cases the relevant policy for determining the acceptability of residential development on the site is LP2 Policy DSP40. I consider that each of the schemes would conflict overall with LP2 Policy DSP40. However, in these cases, that is not the end of the matter.
104. LP1 Policy CS2 sets out the housing development needs in the plan period, and Policy CS6 establishes the settlements and allocations to deliver development needs. However, Policy CS2, which pre-dated the publication of the Framework, does not purport to represent an up-to-date Framework compliant assessment of housing needs. The housing requirement set out in the Development Plan has not been reviewed within the last 5 years and so the

five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This generates a higher figure. To my mind, it follows that LP1 Policies CS2 and CS6 are out-of-date. Furthermore, against this background, I consider that the weight attributable to conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6, which place strict controls over development outside settlement boundaries, is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements⁹.

105. Furthermore, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, under the terms of paragraph 11 of the Framework it follows that the policies which are most important for determining the appeals are deemed out of date. The Framework indicates that decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, this means granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This approach is reflected in LP2 Policy DSP1.
106. Under these circumstances, I consider that little weight is attributable to the identified conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6. This is reinforced by my earlier finding that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced.
107. LP2 Policy DSP40 is also deemed out of date for the purposes of paragraph 11 of the Framework. However, I consider, for a number of reasons, it does not automatically follow that conflicts with this Policy also attract little weight, contrary to the approach of my colleague who dealt with appeal decision Ref. APP/A1720/W/18/3209865.
108. Firstly, the DSP40 contingency seeks to address a situation where there is a five-year housing land supply shortfall, by providing a mechanism for the controlled release of land outside the urban area boundary, within the countryside and Strategic Gaps, through a plan-led approach. I consider that in principle, consistent with the view of my colleague who dealt with appeal Ref. APP/A1720/W/18/3200409, this approach accords with the aims of the Framework.
109. Secondly, consistent with the Framework aim of addressing shortfalls, it requires that (i) the proposal is relative in scale to the demonstrated supply shortfall and (iv) it would be deliverable in the short-term.
110. Thirdly, criteria (ii) and (iii) are also consistent with the Framework insofar as they: recognise the intrinsic character and beauty of the countryside by seeking to minimise any adverse impact on the countryside; promote the creation of high quality places and having regard to the area's defining characteristics, by respecting the pattern and spatial separation of settlements;

⁹ CDK5-Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37, para 63.

and, seek to ensure that development is sustainably located. They represent a relaxation of the requirements of Policies LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6 in favour of housing land supply. However, I consider that the shortfall in the Framework required five-year housing land supply, which has persisted for a number of years and is larger than those before my colleagues¹⁰, indicates that the balance they strike between those other interests and housing supply may be unduly restrictive. Under these circumstances, in my judgement, considerable, but not full weight is attributable to conflicts with LP2 Policy DSP40(ii) and (iii).

111. Fourthly, insofar as LP2 Policy DSP40(v) seeks to avoid an unacceptable impact on highway safety, with particular reference to traffic implications, it is consistent with the Framework and conflict with that requirement would be a matter of the greatest weight.
112. Whilst the proposals would accord with criteria i) and iv), they would conflict with criteria ii), iii) and v), causing significant harm to the character and appearance of the area, having an unacceptable effect on highway safety, they would not be sustainably located with reference to accessibility and they would fail to minimise any adverse impact on the Strategic Gap. I have found that the proposals would conflict with LP2 Policy DSP40, undermining the Council's Spatial Development Strategy. I consider overall that these matters weigh very heavily against each of the proposals.
113. In each case the proposals would provide a mix of housing types and styles. They would make meaningful, albeit modest, contributions towards addressing the shortfall in the five-year supply of deliverable housing land as well as the need for Affordable Housing supply. The appeal schemes would also be likely to provide employment opportunities and economic benefits to the area. In these respects the proposals would be consistent with the Framework, insofar as it seeks to significantly boost the supply of homes, provide for the size, type and tenure of housing needed for different groups in the community and to support economic growth. I give those benefits substantial weight. I give little weight to other identified benefits, such as the proposed measures to secure net gains for biodiversity, the minimisation of energy consumption and the prudent use of natural resources. Although I give a number of the benefits substantial weight, in my judgement, it would fall well short of the weight attributable to the harm identified.
114. I consider on balance that, in each case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the schemes would not represent sustainable development under the terms of either LP2 Policy DSP1 or the Framework. In light of these findings, it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued, it would not have affected the planning balances or my conclusions on these appeals.

Conclusions

115. Whilst acknowledging that appeal scheme A would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case

¹⁰ APP/A1720/W/18/3199119, APP/A1720/W/18/3200409

would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal A should be dismissed.

116. Whilst acknowledging that appeal scheme B would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal B should be dismissed.

I Jenkins

INSPECTOR

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Hampshire County Council

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Pegasus Group

Pegasus Group

Red Wilson Associates

Pegasus Group

WYG

Pegasus Group

Pegasus Group

INTERESTED PERSONS:

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The Crofton Division of Fareham

Mrs A White

Mr A Thomas

Borough Councillor J Forrest

The Stubbington Ward

Mr B Marshall

County Councillor S Philpott

The Bridgemary Division

Mrs A Roast

Borough Councillor C Heneghan

The Stubbington Ward

Interested party

Local resident

Local resident

Interested party

Fareham Society

Interested party

Lee Residents' Association

Interested party

DOCUMENTS

- 1 Letters notifying interested parties of appeals A and B.
- 2 Appeals notification responses
- 3 Councillor Philpott-updated proof of evidence
- 4 Ms Parker-revised appendices to proof of evidence and errata
- 5 Council-opening statement
- 6 Appellants-opening statement
- 7 Councillor Forrest-proof of evidence
- 8 Statement of Common Ground (Transport)
- 9 Fareham Society-updated proof of evidence
- 10 Councillor Philpott-updated proof of evidence
- 11 Mr Thomas-email dated 10 February 2021
- 12 Red Wilson Associates-Delay Tables Summary Note
- 13 Mr Thomas-email dated 11 February 2021
- 14 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)
- 15 Community Infrastructure Levy Regulations Compliance Statement (including education contributions email dated 9 November 2020 and Planning Obligations Supplementary Planning Document
- 16 Bargate Homes-Delivery Rate Update, dated 16 February 2021
- 17a Composite masterplan
- 17b Settlement boundaries proximity plan
- 17c Land south of Funtley Road Committee Report Ref. P/18/0067/OA
- 17d Consolidated conditions schedule
- 18 Mrs White-proof of evidence
- 19 Natural England guidance documents and Conservation Objectives.
- 20 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)-references included.
- 21 Land south of Funtley Road Committee Report Ref. P/18/0067/OA, dated 18/07/2018.
- 22 Ms Parker- response to Inquiry document 16
- 23 Council's letter withdrawing reason for refusal (h)-appeal A and (G)-appeal B insofar as they relate to the capacity of the junction of old Newgate Lane/Newgate Lane East
- 24 Fareham Society-proof of evidence summary
- 25 Ms Hoskins-Linsig model results, junction layouts note and extract from the Highway Code
- 26 Highway Authority-Note dated 18 February 2021 regarding highway capacity point raised by Gosport Borough Council
- 27 Councillor Philpott-supplementary notes
- 28 Councillor Hayre-proof of evidence
- 29a Mrs White-proof of evidence summary
- 29b Mrs Roast-proof of evidence summary
- 30 Updated Report to inform HRA Stage 1 and Stage 2
- 31 Plan-Gosport Road Fareham Air Quality Management Area 2017 (A)
- 32 Gosport Borough Council Ward Maps-Peel Common and Bridgemary North

- 33 Pegasus-1) Traffic Flows at the old Newgate Lane and Newgate Lane East Junction and 2) 21 and 21A Bus Service
- 34 Birds Unilateral Undertaking-update
- 35 Appeal A-Main Unilateral Undertaking
- 36 Highway Authority-Note in response to new information provided by the appellants under cross examination of Ms Hoskins, Ms Parker-note on settlement terminology and Mr Gammer-updated proofs of evidence.
- 37 Councillor Philpott-email dated 19 February 2021, air quality clarification
- 38 Tetra Tech-Note on Winter Bird Mitigation Area Nitrogen Budget, 23 February 2021
- 39 Council-email dated 23 February 2021, consultation responses
- 40 Council/appellants-Consolidated Conditions Schedule
- 41 Council-Boundary plans related to Brookers Lane
- 42 Pegasus-Newgate Lane East Capacity note
- 43 Ms Parker-Status and weight of Local Plan Evidence Based Landscape Documents
- 44 Mr Sibbett-Note on qualifying features
- 45 Fareham Society-closing statement
- 46 Highway Authority-Note addressing queries relating to the southern site Unilateral Undertaking
- 47 Planning Inspectorate-contaminated land model conditions
- 48 Councillor Heneghan-consultation response, dated 29 October 2018
- 49 Lee Residents Association-Closing statement
- 50a Council/appellants-additional conditions
- 50b Pegasus-scale and density note
- 51 Councillor Heneghan-proof of evidence
- 52a The Civil Engineering Practice-Technical Note on Flood Risk and Discharge Restriction
- 52b Appeal A-Main Unilateral Undertaking-tracked changes
- 53 Pegasus note-Ownership and status of the Brookers Lane shared footway/cycleway between Newgate Lane East and Bridgemary
- 54 Ms Parker-Further advice on the consultation responses to the Fareham Landscape Assessment (FLA)(2017)(CDG15)
- 55 Tetra Tech-Report to inform Habitats Regulations Assessment Stage 1 and stage 2-updated
- 56 Acon Uk-Air Quality note
- 57 Birds Unilateral Undertaking-update (tracked changes)
- 58 Council-closing statement
- 59 Council-email confirmation, dated 25 February 2021, of the red line site boundary drawing numbers for the applications
- 60 Birds Unilateral Undertaking-update
- 61 Appellants-closing statement
- 62 Formally completed unilateral undertakings

Petitions UK Government and Parliament

<https://petition.parliament.uk/petitions/575169>

Petition

Prioritise brownfield development in law to protect our green belt and farmland

Enshrine in law all brown field sites to be fully developed within a 25 mile radius of green belt or farmland before any development is allowed on non-brownfield land. Ensure in law the democratic wishes of local residents and local authorities as a precedent and limit ministerial powers to suit.

More details

The Government has a duty to protect the environment against climate change, protect local areas of outstanding beauty and natural habitat. Preserve today's biodiversity and bio abundance for the generation of tomorrow. Nature and wildlife is at threat of extinction at the detriment of unnecessary housing development and where today's generation may still have the benefit of existing wildlife tomorrow's generation will only have the benefit of wildlife pictures.

Sign this petition

13,680 signatures

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100,000

Government responded

This response was given on 3 June 2021

The Government has no plans to introduce a legal requirement that all brownfield sites are fully developed before any development is allowed on non-brownfield land.

Read the response in full

This Government is committed to protecting and enhancing the natural environment, as well as mitigating the effects of climate change. This commitment is stated in the National Planning Policy Framework and supporting guidance, to which all local planning authorities should have regard when drawing up local plans, or determining planning applications. The Framework expects local authorities to not only protect landscapes, soils and sites of biodiversity but go further by enhancing these valued surroundings. The Framework also outlines that the character and beauty of the countryside, including trees and woodland, should be recognised in the planning of future development. Strong protections are in place for Areas of Outstanding Natural Beauty, Green Belt, Sites of Special Scientific Interest and other designated land. The Government will continue to apply policy and law as appropriate to prevent harm to wildlife-rich habitat, and to restrict development in open countryside.

The Government is also committed to making the most of brownfield land. The Framework strongly encourages regeneration and re-use of brownfield, especially for housing - helping to level up communities across the country while taking off some of the pressure to consider other land, such as Green Belt, for new homes. The Framework expects local authorities to give substantial weight to re-using suitable brownfield when Plan-making or deciding planning applications. These sites should be given priority where practical and viable, and local authorities should consider building up, and higher densities in towns.

However:

- the term 'brownfield' comprises almost all types of previously developed land, including inhabited housing and land occupied by functioning businesses and industry;
- not all vacant brownfield is in the right place for sustainable residential use;
- some is valuable for ecology;
- some has high upfront costs for demolition or decontamination;
- each local authority is already required by law to publish a register of brownfield land in its area that would be suitable for housing-led development;
- not all owners will wish to develop or release sites, for different reasons; and
- the rules on compulsory purchase of building sites are strict, and generally require compensation for the owner, reflecting the current land value.

Elected local authorities are responsible for deciding the right location and type of sustainable future development in each area, in accordance with national policies in the Framework. Rightly, planning decisions are not made on the basis of the number of objectors or supporters. Instead, each local authority is responsible for preparing a vision for future development in its area using a Local Plan. The Local Plan outlines how land should be used and takes account of any necessary restraints on development. The Plan is created in consultation with the local community, and submitted for rigorous independent examination by a planning inspector. If the Plan is judged to be properly prepared, justified, and consistent with national policy in the Framework, it can come into effect.

The Government is clear that to help make home ownership affordable for more people, and help more people rent their own home, we need to deliver more homes. To get enough homes built in the places where people and communities need them, a crucial first step is to plan for the right number of homes. Local housing need introduced in 2018 is a measure of an area's housing need, against which councils must then consider their local circumstances and supply pipeline. Local authorities draw up a local housing target, taking into account factors including land availability and environmental constraints such as Green Belt. Following consultation to changes to the method (from August to October 2020) on 16 December 2020 we changed the formula to increase need in the 20 most populated urban areas.

Protecting the Green Belt remains a priority and our national planning policy reinforces regenerating previously developed land, known as brownfield sites, and prioritising urban areas. The uplift in local housing needed within our biggest cities and urban centres in England will direct homes to where they are better served by infrastructure, and therefore protect our countryside. It also supports our wider objectives of regenerating brownfield sites, renewal, and levelling up. Green Belt decisions as outlined above will remain with local authorities and communities, ensuring they have influence over development, location and design.

While continuing to apply strong policies to limit harm to Green Belt and the countryside, this Government is encouraging local authorities to make the most of their brownfield land. We are providing extensive financial support for this. For example, in 2020 the Prime Minister announced that seven Mayoral Combined Authorities would receive a share of the £400 million Brownfield Housing Fund. This will help unlock 26,000 homes across England by bringing under-utilised brownfield land back into use. In addition we are investing £75 million in a Brownfield Land Release Fund for authorities not eligible for the Brownfield Housing Fund. This is new capital funding to accelerate release of local authority-owned land for housing. The Brownfield Land Release Fund is expected to release land for 7,000 homes by 2024.

Ministry of Housing, Communities and Local Government

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

**The future of the
planning system in
England**

First Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 27 May 2021*

Housing, Communities and Local Government Committee

The Housing, Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Housing, Communities and Local Government.

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*)

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[Andrew Lewer MP](#) (*Conservative, Northampton South*)

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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.

Publication

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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).

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You can follow the Committee on Twitter using [@CommonsHCLG](https://twitter.com/CommonsHCLG)

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Summary

This report considers the Government's proposed reforms to the planning system announced in August 2020. It also builds on our predecessor committee's report into land value capture. We will continue to examine future proposals for reforming the planning system, and stand ready to undertake pre-legislative scrutiny of the Planning Bill.

We heard consistently in our evidence that there was a need for greater detail about how the Government's proposed reforms would work. There were concerns about the omission of various important issues relating to housing and to non-housing elements of the planning system.

The Government's three areas proposal

The Government has proposed that local areas will be divided (through Local Plans) into three parts: growth, renewal and protected, with different planning rules applying in each. We have sympathy with the Government's wish to enhance the importance of Local Plans, but we are unpersuaded that the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system.

The Government should reconsider the case for the three areas proposal.

If the Government does proceed with the principle of the three areas proposal, consideration should be given to the inclusion of additional categories. Further details also need to be provided—particularly around how much detail will be needed in Local Plans, the impact of the three areas proposal on vital infrastructure, and who will be determined if Local Plan requirements have been met.

Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people.

Public engagement and reforms to Local Plans

The Government proposes to shift public engagement from individual planning applications to the Local Plan stage. We found that far more people engage with individual planning proposals and fear that the proposed change will reduce public involvement in the planning process.

All individuals must still be able to comment and influence upon all individual planning proposals.

To ensure that public engagement throughout the planning process is facilitated we welcome the Government's plan to expand the role of digital technology. The benefits of virtual planning meetings have been demonstrated during the Covid-19 pandemic and

should be retained. This needs to sit alongside exploring new methods of interaction such as citizens assemblies; ensuring the public is consulted about the draft Local Plan before rather than concurrently with Secretary of State; and through retaining more traditional methods of notification about planning proposals such as signs on lampposts.

We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area.

We welcome the introduction of a statutory obligation that requires that all local authorities have a Local Plan. We also support a timeframe for introducing the new Local Plans. But we heard it would be impractical to deliver them within the Government’s proposed thirty-month timeframe, and in particular for statutory consultees to comment on each plan during its development. To ensure there is effective cooperation between local authorities the Government also needs to explain how it plans to replace the duty to cooperate that places a legal duty on councils to work together on planning issues that cross their borders.

The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation.

Housing formula

In August 2020 the Government proposed reforms to the current formula (the ‘Standard Method’) used to determine housing demand in each local authority. Whilst our evidence endorsed the principle of having a nationally set formula, the majority disapproved of this new proposed formula. In December 2020 the Government announced a new approach, preserving the existing formula whilst adding an ‘urban uplift’ to the demand figures for twenty major town and cities. This would greatly increase the numbers in those areas. We would like clarity from the Government on how these major towns and cities can deliver the housing demanded given restrictions on the availability of land, both in terms of brownfield sites and constraints posed by seas, rivers and protected green spaces.

We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice.

Housing delivery

To meet the Government’s 300,000 housing unit target there is a need to speed up the delivery of housing. The problem of ‘build out’ rates needs to be tackled, with a mixture of carrots and sticks needed to achieve this.

The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

To command public support there also needs to be greater clarity on why and how the housing target needs to be delivered, including why relying on brownfield sites alone would be insufficient.

The Government should lay out the evidential basis for its 300,000 housing units a year target and how it will achieve it, both by tenure and by location.

We support measures to promote specialist, affordable and social housing. Given the failure of the previous Starter Homes programme, a clear timeframe is also needed for delivering First Homes without adversely affecting other housing tenures. To reflect local circumstances, local authorities should have discretion over what proportion of affordable houses must be First Homes.

Funding infrastructure

The Government has proposed replacing the current Section 106 and Community Infrastructure Levy with a national infrastructure levy. We find that there is a case for replacing the latter, but not the former. Preserving Section 106 will protect against a possible loss of affordable housing. We think that the proposals of the 2017 review into the Community Infrastructure Levy and our predecessor committee's recommendations for greater land value capture represent the best way of ensuring sufficient revenue. If the Government does proceed it will need to charge various local rates and provide additional funding for the infrastructure that will not be met out of the levy revenues.

Resources

There is a need for additional resources for planning departments, and specialist skills. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as local planning authorities are also operating the current system.

The Ministry for Housing, Communities and Local Government should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

Design and beauty

We welcome the Government's commitment to enhance the place of design and beauty in the planning system. It was emphasised to us that this enhancement needs to consider

a broader definition of design than one focused on aesthetics, important though that is. This should include ensuring innovations in design are not unduly stifled and the subjective nature of beauty is recognised.

Green Belt, and environmental and historical protections

One of the most contentious issues in planning is the status of the Green Belt. We heard passionate defences of it; whilst also hearing calls for a review of its status.

A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate.

A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.

We recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites.

1 Our current planning system

Our inquiry

1. Against the backdrop of the COVID-19 pandemic the Government has proposed reforms to the planning system in England. The Ministry of Housing, Communities and Local Government (MHCLG) launched six consultations in August 2020, including a new White Paper,¹ and consultations on significant changes to the planning system.²

2. Given the strong public and planning sector interest in this subject we decided to hold an inquiry to inform the development of government planning policy. Our aims were to assess the Government's proposed reforms and to take stock of the planning system. The inquiry was launched on 8 October 2020. It built on previous committee inquiries into land value capture and social housing.³ We received 154 pieces of written evidence and held three virtual oral evidence sessions. We heard from fourteen different witnesses representing stakeholders from across the planning system; and our third and final oral evidence session involved questioning the Minister of State for Housing, the Rt Hon Christopher Pincher MP, and the Director of Planning at MCHLG, Simon Gallagher. We also wanted to hear the views of the wider public, knowing how important planning is to many individuals. Accordingly, we undertook a survey to provide a snapshot of wider public views on planning and held an online public engagement event. The findings from these activities are set out in the appendices to this report. We are grateful to everybody who has contributed to this inquiry. We are also grateful for the support and advice throughout this inquiry from our two specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics at the London School of Economics and Political Science, and Kelvin MacDonald, Senior Fellow at the Department of Land Economy, University of Cambridge.

3. The remainder of Chapter 1 deals with views about the current planning system and the Government's proposed reforms. Chapter 2 then concentrates on the Government's three areas proposal. Chapter 3 scrutinises the Government's proposals for reforms to Local Plans alongside the wider question of planning that crosses local authority boundaries. Chapter 4 considers the potential impact of reforms on public engagement. Chapter 5 examines the Government's proposals for reform of the housing formula and the housing delivery target. Chapter 6 then considers the Government's commitment to deliver 300,000 housing units a year. Chapter 7 turns to consider omissions from the White Paper, particular the non-residential aspects of the planning system. Chapter 8 looks at the Government's proposed replacement for the Community Infrastructure Levy (CIL) and Section 106 agreements.⁴ Chapter 9 examines the argument for additional

1 MHCLG, [White Paper: Planning for the Future](#), August 2020. Although termed a White Paper it was not presented to Parliament and does not have the customary command number.

2 MHCLG, [Changes to the current planning system](#), August 2020

3 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766; Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173

4 Planning obligations, also known as Section 106 agreements (based on that section of the Town & Country Planning Act 1990) are private agreements made between local authorities and developers and can be attached to a planning permission to make the development acceptable. The agreement refers to the land which is being developed and must be directly relevant to the proposed development. The agreements can prescribe the nature of the development (e.g. requiring a proportion be affordable housing), they can compensate for the loss or damage caused by the development (e.g. the loss of open space), and to mitigate the impact of the development (e.g. through increasing public transport provision).

resources and specialist skills in local planning authorities (LPAs). Chapter 10 focuses on the potentially enhanced role for design and beauty in the planning system. Chapter 11 considers the future of the Green Belt. Chapter 12 examines historical and environmental protections.

Attitudes to the current planning system

4. The Government’s White Paper laid out nine criticisms of the current system:

- “It is too complex”,
- “Planning decisions are discretionary rather than rules-based”,
- “It takes too long to adopt a Local Plan”,
- “Assessments of housing need, viability and environmental impacts are too complex and opaque”,
- “It has lost public trust”,
- “It is based on 20th-century technology”,
- “The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear”,
- “There is not enough focus on design, and little incentive for high quality new homes and places”,
- “It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest.”⁵

5. The current planning system received some praise and support in the evidence. Specific aspects of the planning system that witnesses singled out for praise included neighbourhood plans,⁶ the “flexibility and democratic accountability” of the planning system,⁷ and the protection of the natural and historic environment.⁸ Hackney Council declared that “The UK’s planning system is the envy of many other countries. At its core are the principles of sustainable development, social equality and cohesion and balance and fairness.”⁹ Planning lawyer Claire Dutch defended aspects of the current system and argued against wholesale reform:

Since I have been in planning, everybody always criticises the planning system, but it is robust. We have a robust legal framework in this country and, by and large, it works. It is not resourced properly ... Some of it needs to be simplified. We do not need to throw the baby out with the bath water. The main things is resourcing to make the current system work.¹⁰

5 MHCLG, [White Paper: Planning for the Future](#), pp 10–12

6 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Locality ([FPS0086](#))

7 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

8 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#))

9 London Borough of Hackney ([FPS0091](#))

10 [Q91](#) (Claire Dutch)

6. There were also stinging criticisms of the current planning system. PricedOut declared that “Our planning system is broken.”¹¹ The specialist housing provider Anchor Hanover declared: “the current planning system is not fit for purpose. It is often convoluted, varies wildly in policy-terms from area to area, and results in outcomes and decisions that are often questionable.”¹² Several submissions argued that the failure of the planning system was demonstrated by the housing crisis and a lack of house building to address it.¹³ The system was criticised for not delivering enough affordable housing,¹⁴ and housing for disabled people.¹⁵ It was blamed for having reinforced economic imbalances, favouring London and other high growth areas.¹⁶ Other criticisms included that it had failed to provide sufficient replacement minerals;¹⁷ that it incentivised car dependence;¹⁸ provided only imperfect protection for the environment;¹⁹ and did not ensure clean air.²⁰ Our public engagement survey also highlighted unhappiness at a perceived lack of effective enforcement of planning conditions.²¹

7. Another strand of criticisms in the written evidence concentrated on local authorities, with submissions arguing that Local Plans were either absent or outdated,²² that there was a lack of regional and strategic planning,²³ that the system was excessively politicised,²⁴ and that local planning authorities (LPAs) were under-resourced.²⁵ The process of the planning system also attracted the ire of some. There were allegations of a fixation with process,²⁶ and widespread complaints that the system was too complex, obscure and slow.²⁷ Accessible Retail stated that: “The three characteristics most associated by our members with the current system are cost, delay and uncertainty, all of which impact deleteriously

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- 11 PricedOut ([FPS0129](#))
- 12 Anchor Hanover ([FPS0074](#))
- 13 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)) Homes for the South West ([FPS0070](#)) Adam Smith Institute ([FPS0085](#)) PricedOut ([FPS0129](#))
- 14 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))
- 15 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 16 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 17 CLA ([FPS0049](#)), Mineral Products Association ([FPS0050](#)) Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 18 Cycling UK ([FPS0123](#)) Sustrans ([FPS0151](#)). This echoed concerns expressed in the final report of the Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 13–15
- 19 David Eagar ([FPS0009](#)) Woodland Trust ([FPS0045](#)) Water UK ([FPS0140](#))
- 20 Clean Air in London ([FPS0087](#))
- 21 See also Mrs Allyson Spicer ([FPS0162](#)) who commented “It has become apparent what LPAs are actually doing is not enforcement but mitigation.”
- 22 Tamworth Borough Council ([FPS0013](#)) South Worcestershire Councils ([FPS0015](#)) Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 23 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#)), UK2070 Commission ([FPS0128](#))
- 24 Liam Clegg (Lecturer at University of York) ([FPS0019](#)), Peel L&P ([FPS0094](#)), Land Promoters and Developers Federation ([FPS0138](#)), [Q90](#) (Steven Quartermain)
- 25 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Bartlett School of Planning, University College London ([FPS0097](#)), [Q.90](#) (Steve Quartermain)
- 26 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 27 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Accessible Retail ([FPS0053](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Hills Homes Developments Ltd ([FPS0084](#)), Lifestory Group ([FPS0116](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), Land Promoters and Developers Federation ([FPS0138](#)), GL Hearn ([FPS0141](#)), National Housing Federation ([FPS0158](#)), [Q.65](#) (Philip Waddy)

on the development industry's ability to provide the buildings the nation needs."²⁸ The consequence of these problems, according to Midland Heart, is that planning applications for large and complex sites that should take 13 weeks to resolve can take up to a year.²⁹

8. Criticisms of the current system sometimes incorporated criticism of the Government's past measures and new proposals.³⁰ The expansion of permitted development rights and permissions in principle received particular censure.³¹ Highgate Society described it as "the disastrous widening of permitted development which means that "planning" for communities is almost impossible."³² Other critiques of recent changes argued there had been an excessive focus on housing delivery.³³ Furthermore, the result of proposals supposed to simplify and speed up the planning system had been to make it more complicated.³⁴ This view was supported at our public engagement event, where we were told:

Our experience is that the system is complex, though that is largely due to a decade and more of ill-considered bolt-on legislation, particularly the widening of permitted developments, which has made a basically sound system hugely more complex, certainly for communities and local authorities, through making it much more difficult for them to holistically plan their areas. (*Participant B, Room 2*)

9. Our public engagement survey and event included various assertions that the system was biased towards developers.³⁵ This was reflected in several submissions.³⁶ We were also told a reason for the slowness of the current system were the "overly long or incomplete documentation submitted by developers."³⁷ There were complaints that the system favoured homeowners and secure tenants.³⁸ Our engagement event heard complaints that councillors lacked expertise; and that Planning Inspectors had become more risk averse, for instance through demanding more documentation and rejecting more planning proposals at appeal.

10. These various criticisms suggest that there can be improvements to the planning system. At the same time, in considering the Government and others' proposals for changes, we also bear in mind the salutary warning made by Pocket Living: "Planning is a highly complex eco-system and the history of planning reform includes well-intentioned reforms leading to unintended consequences."³⁹

28 Accessible Retail ([FPS0053](#))

29 Midland Heart ([FPS0152](#))

30 Tenterden Town Council ([FPS0003](#)), Mark Stevenson ([FPS0083](#))

31 Tamworth Borough Council ([FPS0013](#))

32 The Highgate Society ([FPS0155](#))

33 Ashford Borough Council ([FPS0016](#))

34 NALC ([FPS0021](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Paul G. Tucker QC ([FPS0153](#)), The Highgate Society ([FPS0155](#))

35 See Appendix 1 Para 10; Appendix 2 Para 5

36 London Borough of Hackney ([FPS0091](#)) London Tenants Federation ([FPS0112](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

37 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

38 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

39 Pocket Living ([FPS0023](#))

The Government's proposed reforms

11. The Government's reforms to the planning system have taken two forms. The first set of reforms took place during and resulted from the Covid-19 pandemic. There were immediate changes to certain aspects of planning policy. These included extensions to permitted development rights, permitting the demolition and rebuilding of unused buildings for residential or commercial purposes, and the extension of new homes. The stated aim was to revive high streets and town centres.⁴⁰

12. The second, longer-term, set of reforms were proposed in the six consultations the Government launched in 2020–21.⁴¹ Key proposals in the White Paper and associated consultations include:

- Moving to a threefold designation of land as growth, renewal, and protected areas.
- Quicker, simpler Local Plans produced to a statutory deadline, with the duty to cooperate abolished.
- A National Design Guide and a “fast track to beauty” of “high quality developments where they reflect local character and preferences.”
- Replacing Section 106 and the Community Infrastructure Levy (CIL) with a nationally set value-based charge, the Infrastructure Levy.
- Greater use of digital technology in the planning process.
- ‘Streamlining’ the opportunity for consultation at the planning application stage.

13. The extent to which the changes represented a revolutionary overhaul was a matter of disagreement. Planning lawyer Claire Dutch said:

There are the bare bones of what the White Paper is saying. We still have plans. We still have planning applications. We still have permitted development rights. The bare bones are still there, but what is being proposed is radical. It is almost utopian. It is broad-brush. It is quite crude and simplistic.⁴²

In contrast, Ingrid Samuel from the National Trust remarked that “I do not think it is particularly revolutionary. It is still based on local planning and local decision-making.”⁴³

40 [“New laws to extend homes upwards and revitalise town centres”](#), MHCLG Press Notice, 21 July 2020. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 ([SI 2020/755](#)); Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 ([SI 2020/756](#))

41 MHCLG, [White Paper: Planning for the Future](#), August 2020; MHCLG, [Changes to the current planning system](#), August 2020; MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020; MHCLG, [Raising accessibility standards for new homes](#), August 2020; MHCLG, [Supporting housing delivery and public service infrastructure](#), December, 2020; MHCLG, [National Planning Policy Framework and National Model Design Code](#), January 2021

42 [Q91](#) (Claire Dutch)

43 [Q93](#) (Ingrid Samuel)

14. There was considerable criticism of the lack of detail about elements of the Government’s proposals, which we expand upon in Chapter 5.⁴⁴ Several submissions claimed that the White Paper was more akin to a Green Paper, a discussion document rather than a document detailing proposed legislation.⁴⁵ This lack of detail led former Chief Planner Steve Quartermain to comment that it was unclear what the Government considered to be the purpose of planning.⁴⁶ When this was raised with the Minister, he stated the planning system should be “able to engage communities effectively”, that it should work “speedily and efficiently ... ensure that design and quality are embedded ... so that it can deliver the numbers of houses that our country needs”. He was challenged that planning involved more than housing. This he accepted this whilst reaffirming the main focus on housing: “[t]here are a great many considerations other than housing, but housing is the central aim of the White Paper that we are producing.”⁴⁷

15. The Minister acknowledged that would need to be legislation, for instance to make Local Plans compulsory.⁴⁸ The Bill was subsequently announced in the Queen’s Speech in May 2021.⁴⁹ We asked the Minister about the timetable for a possible Planning Bill to make the necessary changes to primary legislation required to implement the proposed reforms. He answered that “We will need to work with the business managers to work out the appropriate timetabling of the Bill. It will be a big Bill and I suspect, therefore, it will take some time.” Asked about pre-legislative scrutiny, he said that would be a matter for those business managers in the two Houses of Parliament, “but I note the appetite of the Committee for its work.”⁵⁰ In January 2021 the Government published a revised draft of the National Planning Policy Framework (NPPF), whilst acknowledging that “A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.”⁵¹

16. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen’s Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.*

44 St Albans Civic Society ([FPS0057](#)), Civic Voice ([FPS0076](#)), [Q84](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel), [Q111](#) (Steve Quartermain)

45 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Shelter ([FPS0154](#))

46 [Q 90](#) (Steve Quartermain)

47 [Qq118–119](#) (The Minister)

48 [Q123](#), [Q134](#), [Q141](#), [Q173](#) (The Minister)

49 HM Government, [The Queen’s Speech 2021](#), 11 May 2021, pp 9, 61–2

50 [Qq173–174](#) (The Minister)

51 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021

2 The Government's three areas proposal

17. A key part of the Government's proposal is that every local authority, through its Local Plan, would allocate land into three areas: growth, renewal, and protected areas. These are defined as:

- *Growth areas* are places “suitable for substantial development”, including “land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites ... [and possibly] sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses.” Proposals in these areas “would automatically be granted outline planning permission for the principle of development ... Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.” The Government also stated that detailed planning decisions would be delegated to planning officers.
- *Renewal areas* are places “suitable for development”, including “gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as growth or protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area”. Pre-specified forms of development that meet the design and other conditions of the Local Plan would then receive automatic consent. Other proposed developments would have a faster planning application, being judged against the Local Plan and NPPF, or could be agreed through a local or neighbourhood development order.
- *Protected areas* are places “which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability ... such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space ... it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas.” Proposals would continue to come through the same planning application process as presently, except where there permitted development rights or development orders.⁵²

18. There was some support for the three areas proposal. The Centre for Cities praised the proposals because they could end the housing shortage and unaffordable prices in cities and large towns.⁵³ Other arguments advanced in favour of the proposals were that it would facilitate the construction of housing on brownfield sites,⁵⁴ could support self and

52 MHCLG, [White Paper: Planning for the Future](#), pp 24, 29, 32

53 Centre for Cities ([FPS0144](#))

54 National Grid ([FPS0088](#))

custom built housing,⁵⁵ ensure quicker and better quality planning proposals,⁵⁶ and could help (through strict rules) to reduce polluted air and ensure low carbon emissions.⁵⁷ The Adam Smith Institute commented that:

The White Paper has rightly concluded that transitioning to a more predictable and efficient rules-based system—with locally-selected zones of different kinds—can reduce the costs of development, and that strengthening design quality can help build popular support for a good supply of homes.⁵⁸

19. However, the majority of our submissions expressed opposition to the proposals. The Town and Country Planning Association (TCPA) were among those who expressed outright opposition to the proposals. They stated that

we do not support the overall proposals for a three zone system in England. The implementation of these three zones will not necessarily improve outcomes for people but they will be highly disruptive to deliver and will, along with other measures outlined in the White Paper, reduced democratic accountability.⁵⁹

The Local Government Association (LGA) reflected a wider body of opinion when they said that the proposed areas “are too restrictive and do not reflect the complexity of the areas that Local Plans need to plan for.”⁶⁰ Southwark, Bristol and Newcastle councils all argued there were particular problems in cities owing to the complex nature of their neighbourhoods.⁶¹ To resolve these issues, Pocket Living suggested that there could be an ‘urban regeneration’ area. This would capture small brownfield sites where infills could be included in otherwise protected parts of urban areas.⁶² London School of Economics (LSE) London noted that whilst the Government is proposing to rely on 4 or 5 pages of rules, in America, with its zonal system, the design code can run to 1,410 pages.⁶³ Consequently, several submissions suggested that there might need to be a great number of areas or sub-categories to cope with the diverse situation on the ground.⁶⁴

20. Four other sets of problems with the three areas proposals were expressed to us. First, various organisations argued that the proposed reforms would not address the

55 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

56 Association of Convenience Stores ([FPS0069](#))

57 Clean Air in London ([FPS0087](#))

58 Adam Smith Institute ([FPS0085](#))

59 TCPA ([FPS0034](#))

60 Local Government Association ([FPS0056](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

61 Southwark Council ([FPS0110](#)), Bristol City Council ([FPS0119](#)), Newcastle City Council ([FPS0159](#))

62 Pocket Living ([FPS0023](#))

63 LSE London ([FPS0139](#))

64 Woodland Trust ([FPS0045](#)), CLA ([FPS0049](#)), Historic England ([FPS0092](#)), Aldersgate Group ([FPS0120](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#)), [Q4](#) (Philip Barnes)

housing shortage and high houses prices, and might be counter-productive by raising land prices and delaying the bringing forward of housing developments.⁶⁵ Secondly, some submissions wished to know how the reforms would interact with, and avoid hindering, other priorities such as promoting sustainable transport,⁶⁶ and bolstering town centres.⁶⁷ Thirdly, the planning lawyer Claire Dutch told us that the level of detail that would be given in the prospective Local Plans would be insufficient for developers. It would be less than that currently given for outline permission. Consequently, developers feared the plans “might have a bare outline. They think the plans might be too conservative,” forcing them to resort to the alternative option of proceeding by traditional planning permission.⁶⁸ Fourthly, there is need to clarify the role of statutory consultees and vital infrastructure. The National Grid warned the removal of existing checks would “increase the likelihood of incompatible development being allowed”.⁶⁹ The Nuclear Legacy Advisory Forum emphasised that nuclear legacy sites “may not respect zonal boundaries” and that it is unclear how they would be addressed in the new system.⁷⁰ Similarly, Water UK highlighted concerns that the frontloading of processes in growth areas would make it hard to assess issues such as integrated water management.⁷¹ This reflects the fact that the statutory consultees who must be consulted for planning permissions of certain types or in certain locations,⁷² do not have to be consulted at the Local Plan stage. LPAs only need to consult those bodies they “consider may have an interest in the subject of the proposed local plan”.⁷³

Growth areas

21. Developers, the Royal Town Planning Institute (RTPI), and Centre for Cities all expressed support for the Government’s proposed automatic permission in principle in growth areas, as this could provide “greater certainty.”⁷⁴ One benefit highlighted was that it would encourage self-builders, particularly through the proposal to permit LPAs to identify sub-areas for self-build.⁷⁵

65 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Woodland Trust ([FPS0045](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Rutland County Council ([FPS0071](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)) London Borough of Hackney ([FPS0091](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Southwark Council ([FPS0110](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Housing Federation ([FPS0158](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

66 The Smith Institute ([FPS0038](#)), London Gypsies and Travellers ([FPS0067](#)), Association of Convenience Stores ([FPS0069](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q6](#) (Kate Henderson)

67 Association of Convenience Stores ([FPS0069](#))

68 [Q95](#) (Claire Dutch)

69 National Grid ([FPS0088](#))

70 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

71 Water UK ([FPS0140](#)) see also Anglian Water ([FPS0146](#))

72 MHCLG, [Consultation and pre-decision matters](#), December 2020, Table 2

73 The Town and Country Planning (Local Planning) (England) Regulations 2012 ([SI 2012/767](#)), Part 6, Regulation 18 para 2(a)

74 Peel L&P ([FPS0094](#)), Stonewater ([FPS0103](#)), Royal Town Planning Institute ([FPS0113](#)), Centre for Cities ([FPS0144](#))

75 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

22. On the other hand, we were told that land placed in growth areas would have higher prices, making affordability of housing harder, and favouring large developers over smaller builders.⁷⁶ Another set of objections focused on the outline planning permission envisaged for growth areas. Pocket Living worried that were the same level of evidence and assessments currently needed for outline planning permission required under the new system it would “slow down the preparation of local plans.”⁷⁷ Alternatively, it feared that less information would be required from developers and once an area was designated “there appears to be no democratic method of stopping an unsuitable development.”⁷⁸ This loss of information tied to fears about the consequences of such developments. The Oxfordshire Neighbourhood Plans Alliance argued that:

the proposed ‘Growth’ category is so broad, it removes all nuance and ignores the individual nature of different places which might fall into that category by, for example, being unfortunate enough to be near a university or ‘urban extension site’.⁷⁹

The LGA suggested further consultation on the consolidation of the different existing routes for permission⁸⁰

23. Evidence suggested that other specific issues which may need further consideration by Government include the impact on cultural sites,⁸¹ and on data centres.⁸² The Canal and River Trust were anxious to ensure their continued involvement in the granting of Local Development Orders by local authorities, which is one way detailed consent in a growth area could be permitted.⁸³

24. Giving evidence, the Minister argued one of the benefits of the “zoning” approach would be that, by removing “the capricious element” of planning permission, it would reduce incentives for developers to landbank. He also maintained it would let communities decide on non-housing areas too—for example the site of commercial developments.⁸⁴ One contributor to our public engagement survey had said that “a zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled”. We put this comment to the Minister. He denied this—with developers, “we are trying to cut through the garble and the gobbledygook of the present system to make one that is much more transparent, speedy, and frankly, engaging of local people.”⁸⁵

Renewal areas

25. Similar concerns were voiced about aspects of renewal areas as for growth areas. The LGA argued renewal areas would involve wide-ranging permitted development powers and weaken the oversight of local authorities. They feared it would lead to a dual approach where applicants would either use permitted developments rights following a national

76 Mark Stevenson ([FPS0083](#)), Greater London Authority ([FPS0149](#))

77 Pocket Living ([FPS0023](#))

78 Rother Association of Local Councils (RALC) ([FPS0012](#))

79 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

80 Local Government Association ([FPS0056](#))

81 WMCA (Cultural Leadership Board) ([FPS0029](#))

82 Ark Data Centres ([FPS0063](#))

83 Canal & River Trust ([FPS0048](#))

84 [Q131](#), [Q133](#) (The Minister)

85 [Q137](#) (The Minister)

pattern book or apply on the basis their proposal matched Local Plan requirements. They suggested establishing sub-areas where “local areas and guidelines should take precedence over national guidelines.”⁸⁶ We were also warned by Urban Vision Enterprise & D2H Land Planning Development that renewal designation would reduce individuals’ ability to influence planning decisions in their neighbourhood. They proposed instead “complex areas”, which would be

where change is taking place, but proper planning scrutiny is essential, including the ability for people and businesses to influence proposals at the planning application stage. Such areas could include town and city centres, residential, business and commercial areas, conservation areas and designated neighbourhood areas.⁸⁷

Other submissions voiced fears about the loss of cultural assets,⁸⁸ and that renewal areas would lead to the loss of green spaces in villages.⁸⁹

26. The RTPI expressed support for growth and protected areas but thought renewal areas were “too simplistic” and “what is left over when the other two designations are determined.”⁹⁰ Richard Blyth, Head of Policy at RTPI, argued in oral evidence that “Renewal embraces a vast range of types of existing built-up areas. ... it certainly would need to be much more fine-grained if it was going to work.” He suggested there could be a pilot or staged approach for different types of renewal areas. These could include areas of industrial change, a resident-led approach to densification, and a separate approach for town and city centres.⁹¹

27. We raised this criticism with the Minister. He argued that renewal areas could help with levelling up. He stated that renewal zones could be areas where smaller development is going to take place. These could include “a smaller rural area or a town centre, where, essentially, you are looking to regenerate existing buildings.” These could operate through the upfront rules whilst a more bespoke proposition that does not fit those requirements would proceed through a planning application. He summed up “[t]hat is how we see renewal zones: a zone where, essentially, you are renewing what is already there, to make best use of existing assets for the present and future generations.”⁹² It has subsequently been reported that Ministers are undecided on whether to include this renewal area in their final proposals.⁹³

Protected areas

28. Opinions were divided about what protected areas would do and should do. This included whether they would permit too many or too few developments. The LGA welcomed the idea of individual planning proposals continuing in protected areas, but commented it was unclear what would be the criteria for including land and buildings within it.⁹⁴ They were not alone in wanting further details—there were calls for more

86 Local Government Association ([FPS0056](#))

87 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

88 WMCA (Cultural Leadership Board) ([FPS0029](#))

89 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

90 Royal Town Planning Institute ([FPS0113](#))

91 [Qq66–67](#) (Richard Blyth)

92 [Qq138–9](#) (The Minister)

93 “[Boris Johnson to relax rules on building new homes](#)”, The Times, 10 May 2021

94 Local Government Association ([FPS0056](#))

details on the definition of greenfield sites such as golf courses, parks, and playing fields;⁹⁵ on whether national parks would be included (and how they would be affected by adjoining land designated growth or renewal status);⁹⁶ and the treatment of ancient woodland in city centres.⁹⁷ Tenterden Town Council stressed the unresolved questions about whether Green Belt land would be included in protected areas, and urged that “The community needs faith that these protected areas mean protection with no development.”⁹⁸

29. There were countervailing fears that protected areas would be too restrictive. The Federation of Master Builders, who represent many small builders, were concerned that ‘windfall sites’ designated in protected areas would face additional delays compared to those in growth and renewal areas, which “risks further pricing SMEs out of the market.”⁹⁹ We were told that conservation areas (especially in town centres), and river and canal areas needed to be able to adapt.¹⁰⁰ Fears were also raised that protected areas would stifle growth in rural areas, through excessive restrictions on building,¹⁰¹ and discourage developments of energy and water infrastructure.¹⁰² Savills worried blanket inclusion of Green Belt in protected areas would stymie development in local authorities with over 40% of their land designated as Green Belt.¹⁰³

30. The perceived lack of detail fed into proposals to amend the Government’s proposals. It was proposed that separate designations should be created for places already protected (e.g. National Parks or Areas of Outstanding Natural Beauty) or land use was set locally (Green Belt).¹⁰⁴ The National Trust suggested reframing ‘Protected Areas’ as ‘Areas for Protection and Enhancement’ “in order to promote positive change.”¹⁰⁵ The Woodland Trust wanted a “highly protected area”, which would be specified in planning documents and include a 50 metre buffer zone, as an additional safeguard, a proposal echoed by the Aldersgate Group.¹⁰⁶ Contrastingly, Hackney Council argued the protected areas were unnecessary as existing environmental and historical protections are sufficient.¹⁰⁷

31. We asked the Minister how he intended to satisfy the divergent wishes for thorough protections and for development in protected areas. He replied: “Essentially, it is for local authorities to designate what they want their protected zones to be. We will need to define up front some national rules, which can then be localised.” He recognised that preservation can permit change, when it is “well thought through”, and thus protected areas would need appropriate rules in place. The Ministry was still considering the consultation responses and would welcome the Committee’s views on striking the right balance.¹⁰⁸

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- 95 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#))
- 96 Campaign for National Parks ([FPS0043](#)) They also proposed requiring planning permission for the conversion of a property to second home use.
- 97 City of London Corporation ([FPS0148](#))
- 98 Tenterden Town Council ([FPS0003](#))
- 99 The Federation of Master Builders (FMB) ([FPS0125](#))
- 100 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Canal & River Trust ([FPS0048](#)), Rutland County Council ([FPS0071](#)), Locality ([FPS0086](#)), Historic England ([FPS0092](#))
- 101 CLA ([FPS0049](#)), Royal Town Planning Institute ([FPS0113](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 102 National Grid ([FPS0088](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))
- 103 Savills ([FPS0101](#))
- 104 Land Promoters and Developers Federation ([FPS0138](#))
- 105 National Trust ([FPS0157](#))
- 106 Woodland Trust ([FPS0045](#)), Aldersgate Group ([FPS0120](#))
- 107 London Borough of Hackney ([FPS0091](#))
- 108 [Q140](#) (The Minister)

32. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.*

33. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*

- *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the Local Plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
- *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.*
- *The Government should consider the proposals for sub-areas within the 'renewal area', where permission in principle would not apply and individual planning permission would be required.*
- *The Government should implement a 'highly protected' alongside a 'protected' area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
- *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
- *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning*

applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns.

34. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government's proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects.*

3 Local Plans

35. Local Plans are prepared by LPAs, laying out planning policies in their area. They must be consistent with national policy, including the National Planning Policy Framework. They were initially introduced for district councils in 1965. The current process was laid down in 2012.¹⁰⁹ Our predecessor committees have long called for reform of Local Plans. In 2002 it was recommended that a strict timeframe for Local Plans, with appropriate penalties to enforce them, be implemented.¹¹⁰ In 2014 the then Committee called for a consultation into making Local Plans a statutory requirement on local councils, with a three-year timeframe to put them in place.¹¹¹ That same report called for reduced complexity and an increased accessibility of Local Plans, and that local authorities should be encouraged and enabled to carry out reviews of aspects of their Local Plans to ensure they were up to date.¹¹² In 2018 our predecessor Committee reiterated calls for Local Plans to be up to date and a statutory duty upon local authorities.¹¹³

Views on current Local Plans

36. The majority of the evidence criticised existing Local Plans. The criticisms focused on the absence of up-to-date plans across the whole of the country.¹¹⁴ Furthermore, the CPRE pointed out that only 30% of Local Plans meet the current NPPF requirements to be ‘up to date’, because the plans are either more than five years old or no longer identify sufficient land for five years of housing development.¹¹⁵ Other criticisms were that the Local Plans did not properly reflect local views,¹¹⁶ that they had neglected people in caravans and houseboats,¹¹⁷ and favoured larger stakeholders.¹¹⁸ They were thought to take too long to complete and involved too much documentation.¹¹⁹ The Royal Institution of Chartered Surveyors (RICS) pinpointed two further problems: “After spending years participating in the plan making process the local community still has little or no idea about what is going to be built in their area” and that “[a]fter spending a lot of time and money developers are often still very unsure about what the outcome of a planning application will be.”¹²⁰ We were told greater resources and stability in legislation and policy, and permitting incremental updating of plans were needed to ensure they were up to date.¹²¹

109 Town and Country Planning (Local Planning) (England) Regulations 2012 ([S.I. No. 767](#))

110 Transport, Local Government and the Regions Committee, Thirteenth Report of the Session 2001–2, [Planning Green Paper](#), HC 476-I, para. 61

111 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, para 40

112 *Ibid*, paras 32, 43

113 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766, para 110

114 South Worcestershire Councils ([FPS0015](#)), Home Builders Federation ([FPS0073](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

115 CPRE the countryside charity ([FPS0077](#))

116 Mr Richard Gilyead ([FPS0022](#)), Dennis Elsey ([FPS0145](#)), Robert Rush ([FPS0163](#))

117 London Gypsies and Travellers ([FPS0067](#))

118 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

119 Institute of Historic Building Conservation ([FPS0044](#)), Stonewater ([FPS0103](#)), Oneill Homer ([FPS0111](#)), GL Hearn ([FPS0141](#))

120 Royal Institution of Chartered Surveyors ([FPS0065](#))

121 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), City of London Corporation ([FPS0148](#))

Reforms to Local Plans

37. We have already considered aspects of the Government’s reforms to Local Plans, namely the three areas proposal. The next chapter will consider the greater use of technology. Other important proposed reforms are:

- Local Plans would be developed over 30-months, with two points of public engagement. Local councils would work to enhance public engagement in the creation of Local Plan.
- The White Paper also suggested one option of reforming the current examination process of Local Plans which would include removing the ‘right to be heard’ and having the planning inspector determine attendance at the hearings.
- There should be more focused and shorter Local Plans.
- Local Plans would be subject to a single statutory ‘sustainable development’ test. This would replace the four criteria ‘tests of soundness’ that are currently laid down in the NPPF.¹²²

38. We heard support for many of these proposals. There was widespread support for the idea that all LPAs must have an agreed Local Plan.¹²³ There was some support for the principle of “simpler, standardised and faster” Local Plans,¹²⁴ for nationally set development management policies (albeit not always as part of the NPPF).¹²⁵ There was some support for a simpler sustainable development test;¹²⁶ but far greater reservations about the lack of detail and public understanding of the phrase.¹²⁷

39. However, it was thought that Local Plans would lack the necessary detail to adequately cover local circumstances, or to guide developers clearly enough.¹²⁸ The Urban Mobility Partnership argued the current and proposed system would not enable Local Plans to be “living documents” that were up to date. They proposed letting supplementary documents to the core Local Plan be subject to rapid and individual revision.¹²⁹

122 These are: (1) That the Local Plan provides a strategy that at least meets the area’s objectively assessed needs and takes account of agreements with neighbouring areas to meet their unmet need. (2) There is an appropriate strategy which had considered reasonable alternatives and is based on proportionate evidence. (3) It was deliverable over the time period and is based on cross-boundary matters having been dealt with rather than deferred. (4) The Plan is consistent with national policy laid down in the NPPF.

123 Tenterden Town Council ([FPS0003](#)), Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), The Smith Institute ([FPS0038](#)), Rentplus-UK Ltd ([FPS0047](#)), Home Builders Federation ([FPS0073](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

124 Pocket Living ([FPS0023](#)), Homes for the South West ([FPS0070](#))

125 Pocket Living ([FPS0023](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), National Grid ([FPS0088](#))

126 Pocket Living ([FPS0023](#))

127 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Cllr John Crawford ([FPS0008](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Just Space ([FPS0115](#)), Greater London Authority ([FPS0149](#))

128 Tenterden Town Council ([FPS0003](#)), Mr Richard Gilyead ([FPS0022](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q95](#) (Claire Dutch)

129 Urban Mobility Partnership ([FPS0122](#))

40. A second strand of objections resulted from these proposals perceived impact on public involvement. We were told the new approach “squeezes out the local community who have the local knowledge of their specific parish.”¹³⁰ The District Councils Network noted that public involvement at the end of the Local Plan process, concurrent with the plans going to the Secretary of State, would be too late for the public to influence the development of Local Plans.¹³¹ Claire Dutch was doubtful the community would suddenly be involved in Local Plans, and too broad brush an approach to the plans would mean “we are not going to get that level of community engagement that we would get with the application side of things.”¹³² There was also objections to the possible abolition of the ‘right to be heard’ at the examination stage of Local Plan formation.¹³³

The role of statutory consultees

41. Another area of specific concern concerned statutory consultees. We were told that statutory consultees were often very slow to engage with developers.¹³⁴ This reflects a long-standing complaint.¹³⁵ Simon Gallagher said that consultees “find quite a lot of the individual case-by-case decision-making quite reactive, whereas they would like to get involved earlier in shaping the places and working out how they can best mitigate their concerns.”¹³⁶

42. Existing statutory consultees, notably the Canal and River Trust, emphasised that they needed to be involved in all types of proposed developments likely to affect their waterways, “to limit the potential for catastrophic infrastructure failure and consequential harm to people and property.” The National Grid explained that they are not a statutory consultee but wish to be so when their infrastructure is affected. This applies both for Local Plans and individual proposals. They argued that currently, if they miss a notification and their assets are affected, it can impact on public safety and prove expensive to fix.¹³⁷ This wish for a strengthening of statutory consultees’ role in plan making received support in our written and oral evidence, especially given the challenge of every local authority trying to produce a Local Plan in thirty months and requiring input from statutory consultees.¹³⁸

A timeframe for Local Plans

43. A major area of debate was over the viability of the Government’s proposed 30-month statutory timescale, including the proposed six-week consultation phase. Developers were among those welcoming this move.¹³⁹ In contrast, during our oral evidence, local authority representatives were sceptical about the timeframe. Andrew Longley told us:

130 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#))

131 District Councils’ Network ([FPS0082](#))

132 [Q94](#) (Claire Dutch)

133 WMCA (Cultural Leadership Board) ([FPS0029](#)), The Smith Institute ([FPS0038](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Just Space ([FPS0115](#))

134 Abri ([FPS0078](#))

135 Public Accounts Committee, Thirty-third report of session 2008–09, *Planning for Homes: Speeding up planning applications for major housing developments in England*, HC236, paras 14–5

136 [Q145](#) (Simon Gallagher)

137 National Grid ([FPS0088](#))

138 WMCA (Cultural Leadership Board) ([FPS0029](#)), [Q69](#) (Paula Hewitt)

139 Anchor Hanover ([FPS0074](#)), Abri ([FPS0078](#)), Peel L&P ([FPS0094](#))

There is a huge frontloading involved here and I cannot foresee that being achieved in 30 months. We will certainly try to rise to the challenge. Previously, where the Government have given incentives through a planning-delivery grant or other sources of funding for authorities that are really trying to push it and get to certain targets, that is always useful, but I would be extremely worried if there were any sort of sanction involved in not meeting an imposed timescale.¹⁴⁰

Lisa Fairmaner said “On the 30 months, we do not believe that that is anywhere close to being adequate. One of the reasons for that is that good engagement is an iterative process and it takes time.”¹⁴¹ This echoed written evidence that we had received.¹⁴² The National Fire Chiefs Council and the Canal and River Trust were worried that stakeholders comments would not be given due regard given “unrealistic” timeframes. The latter suggested that a “more phased introduction could be appropriate.”¹⁴³ The GLA warned us that the timescale would not permit enough time for the increased focus on beauty and design that the Government wanted.¹⁴⁴

The Minister’s views

44. The Minister robustly defended the timeframe for producing Local Plans. He argued that as it was thirty months from when the legislation coming onto the statute book, “Local authorities will have a lot of time to think about this.” He argued it was in the interest of Local Authorities to have an up-to-date plan and he encouraged them to continue working on their plans. Regarding statutory consultees, he agreed “it may be effort that they need to undertake” but he pointed to environmental assessment processes and argued that if communities could produce plans in thirty months, statutory consultees could do their part. Simon Gallagher did acknowledge, regarding smaller consultees such as the Canal and River Trust, that “There is a good bit of work for us to do about how that can work through most effectively, but most of the larger statutory consultees would welcome getting involved a bit earlier and a bit more in the plan-making process.”¹⁴⁵ The Minister also argued that “The right to be heard is not being withdrawn. Local people will be able to—in fact, I am very keen that they do—get involved in the design of their communities”.¹⁴⁶

45. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch.*

140 [Q42](#) (Andrew Longley)

141 [Q43](#) (Lisa Fairmaner)

142 Daventry District Council ([FPS0011](#)), Local Government Association ([FPS0056](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))

143 National Fire Chiefs Council ([FPS0040](#)), Canal & River Trust ([FPS0048](#))

144 Greater London Authority ([FPS0149](#))

145 [Q141](#) and [Q145](#) (The Minister), [Q145](#) (Simon Gallagher)

146 [Q152](#) (The Minister)

The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans.

46. We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the ‘right to be heard’.*

47. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales.

Neighbourhood planning

48. An MHCLG commissioned review of the impact of neighbourhood plans was published in May 2020. It concluded that neighbourhood plans increased housing supply, improved the designs of houses, helped enhance consideration of housing for specific societal groups, improved local engagement with LPAs and contributed to place-making beyond land use planning. Although they did not speed up the delivery of housing, they did foster greater acceptance by the community. Neighbourhood plans are less likely to be found in urban areas and northern parts of England. 865 neighbourhood plans have been formally agreed and further 16 more have passed the referendum that is a precondition of agreement. The vast majority were led through parish or town councils rather than dedicated forums.¹⁴⁷ The White Paper committed to including neighbourhood plans in the formation of local design guides and codes and wanted the plans to be more focused, to reflect the reforms to Local Plans and to harness digital tools.¹⁴⁸

49. There was some scepticism in our evidence about the value of neighbourhood plans. For instance, Hill Homes Developments Ltd stated that “If anything public engagement is already too high, the introduction of neighbourhood plans more often than not has muddied the water.” They opined the plans did not allocate enough land for developments.¹⁴⁹ Moreover, neighbourhood planners tended to be predominantly people with greater wealth and time on their hands.¹⁵⁰ This scepticism was however countered by

147 Prof. Gavin Parke, Dr Matthew Wargent, Dr Kat Salter, Dr Mark Dobson, Dr Tessa Lynn and Dr Andy Yuille, [Impacts of Neighbourhood Planning in England](#), May 2020, pp. 3–13

148 MHCLG, [White Paper: Planning for the Future](#), pp 25, 36, 44

149 Hills Homes Developments Ltd ([FPS0084](#))

150 Centre for Ageing Better ([FPS0055](#))

a louder chorus of praise. Neighbourhood plans were singled out for their effectiveness in engaging local communities.¹⁵¹ Lisa Fairmaner explained how existing plans created very local planning frameworks and encouraged public engagement in London.¹⁵² We raised with her the reputed lack of support in London for neighbourhood plans mentioned by Neighbourhood Planners London.¹⁵³ She acknowledged that different boroughs had been mixed in their responses.¹⁵⁴

50. Consequently, there was strong criticism of the Government's perceived downgrading of neighbourhood plans.¹⁵⁵ Particularly singled out was the loss of involvement in development management, as threatening community engagement and confidence.¹⁵⁶ The Government's reforms to Local Plans were seen likely to squeeze out neighbourhood plans; and there was worry that neighbourhood plans would not apply where planning applications would no longer be required for development.¹⁵⁷

51. Seeking to strengthen neighbourhood plans, the National Association of Local Councils stated that neighbourhood plans should also cover historical assets as well as land use. They also stressed the importance of certainty, noting that many communities had been "crushed" when their plans were overturned for providing insufficient housing land or numbers.¹⁵⁸ We were also told plans needed to be put in place more quickly and cheaply.¹⁵⁹ We raised the uncertainty over the role of neighbourhood plans with the Minister. He stated: "I am very keen on it", whilst noting that there were fewer neighbourhood plans in the north and in urban areas. He added that the Government were looking at making them "a more effective network of plans rather than a patchwork of plans as they perhaps tend to be at the moment."¹⁶⁰

52. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.

151 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

152 [Q43](#) (Lisa Fairmaner)

153 Neighbourhood Planners London ([FPS0032](#))

154 [Q45](#) (Lisa Fairmaner)

155 The Smith Institute ([FPS0038](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

156 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Kent Association of Local Councils ([FPS0028](#))

157 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

158 NALC ([FPS0021](#)),

159 Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#))

160 [Q144](#) (The Minister)

Strategic infrastructure and the duty to cooperate

53. The duty to cooperate was defined in the Localism Act 2011. This abolished the previous approach whereby England was sub-divided into nine regions and each region produced a regional spatial strategy. It is defined as a legal duty on LPAs and county councils to engage constructively, actively and on an ongoing basis with other authorities to maximise the effectiveness of a Local Plan in the context of strategic cross boundary matters.¹⁶¹ One of our predecessors, in 2011, expressed reservations about the draft version of the duty to cooperate, noting its lack of definition and sanctions for a lack of cooperation, clarity on resolving conflicts between local authorities or requirement to cooperate.¹⁶² In 2014 the same committee recommended giving combined authorities the power to oversee local authorities' duty to cooperate.¹⁶³ The same year they recommended encouraging local authorities to group together to produce joint core strategies, and that where they exist combined authorities should coordinate these endeavours.¹⁶⁴ The Government rejected this idea in their response.¹⁶⁵ In 2016 a House of Lords committee found mixed evidence about the effectiveness of the duty to cooperate. It was not thought to be an adequate substitute for regional spatial strategies; but there were good examples of coordination.¹⁶⁶

54. These conclusions were repeated in our evidence. We were told that the duty to cooperate had been ineffective in ensuring strategic planning “partly because at any one time planning authorities are at different stages of plan making.”¹⁶⁷ The County Council Network opined that:

Since being implemented, the duty has proven to be a rather blunt tool and seen as a tick-box exercise rather than a mechanism that promotes constructive engagement. Of course, in some areas it has worked, but this has been the exception rather than the rule. Much of the time, the duty gets stuck in conversations around housing numbers, rather than wider matters such as infrastructure provision and delivery.¹⁶⁸

55. We were given specific examples of its failings in different council areas across England, such as the collapse of St Albans' Local Plan.¹⁶⁹ The LGA said that the duty “has had mixed success and does not always guarantee a successful outcome from the process.”¹⁷⁰ The negative consequences of the duty were that it was “piecemeal and fragmented”,¹⁷¹ had not effectively delivered infrastructure, mineral supply and waste

161 Localism Act 2011, [Section 110](#)

162 Communities and Local Government Committee, Second Report of the Session 2010–11, [Abolition of Regional Spatial Strategies: a planning vacuum](#), HC 517, para 69

163 Communities and Local Government Committee, First Report of the Session 2014–15, [Devolution in England: the case for local government](#), HC 503, para 97

164 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, paras 47–8

165 HM Government, *Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework*, [Cm 9016](#), February 2015, para 56

166 House of Lords, *Building better places*, Select Committee on National Policy for the Built Environment, Session 2015–16, [HL Paper 100](#), paras 407–10

167 Daventry District Council ([FPS0011](#)). See also [Q97](#) (Ingrid Samuel)

168 County Councils Network ([FPS0121](#))

169 [Q100](#) (Claire Dutch), South Staffordshire Council ([FPS0142](#))

170 Local Government Association ([FPS0056](#))

171 National Grid ([FPS0088](#))

management,¹⁷² discouraged urban councils from maximising their own land before calling on neighbouring rural councils whilst lengthening the time taken for Local Plan examinations,¹⁷³ and that it delayed the delivery of new plans and housing sites.¹⁷⁴

56. The lack of sub-national or regional planning was seen to weaken the English planning system, “hindering the wider consideration of growth, economic development, dealing with environmental change and providing an important mechanism for communities to shape the long-term development of their areas.”¹⁷⁵ We were told every other European country has a spatial plan system.¹⁷⁶ The White Paper was thought not to have provided sufficient information about it.¹⁷⁷ The benefits of strategic planning for infrastructure was particularly stressed. It could support sustainable transport,¹⁷⁸ tackle infrastructure challenges such as water provision, minerals, meeting net-zero, and create “communities where people want to live, work and relax.”¹⁷⁹

57. However, the duty is clearly working in some places. We were told it has been operating successfully in north Northamptonshire,¹⁸⁰ between Newcastle and Gateshead,¹⁸¹ and “in the south-west, in Norfolk and beyond, which have been produced specifically to address some of these questions around infrastructure”.¹⁸² Examples of regional planning cited to us included the Oxford–Cambridge Arc,¹⁸³ the Oxfordshire Growth Board,¹⁸⁴ and Greater Manchester combined authority (all of which divided opinion).¹⁸⁵ The spatial plans in Glasgow and the Clyde Valley, and Cambridgeshire and Peterborough Combined Authority were also praised.¹⁸⁶

What should replace the duty to cooperate?

58. Despite the criticism of the duty, there was concern about its proposed abolition without clarity on what would replace it.¹⁸⁷ Abolishing it might hinder the delivery of

172 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))

173 South Staffordshire Council ([FPS0142](#))

174 Bristol City Council ([FPS0119](#))

175 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

176 [Q98](#) (Steve Quartermain)

177 British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

178 Bus Users UK Charitable Trust Ltd ([FPS0026](#))

179 Institution of Civil Engineers ([FPS0035](#)), Mineral Products Association ([FPS0050](#))

180 [Q37](#) (Andrew Longley)

181 [Q31](#) (Philip Barnes)

182 [Q135](#) (Simon Gallagher)

183 Daventry District Council ([FPS0011](#)), [Q37](#) and [Q52](#) (Andrew Longley) were positive. [Q77](#) (Philip Waddy) noted the problems, particularly with Buckinghamshire Council pulling out.

184 Savills ([FPS0101](#)) were positive. Paul G. Tucker QC ([FPS0153](#)) highlighted difficulties with it.

185 UK2070 Commission ([FPS0128](#)) and [Q31](#) (Kate Henderson) were positive. Paul G. Tucker QC ([FPS0153](#)) instead stressed its lack of progress.

186 UK2070 Commission ([FPS0128](#))

187 Kent Association of Local Councils ([FPS0028](#)), Institution of Civil Engineers ([FPS0035](#)), Civic Voice ([FPS0076](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), British Property Federation ([FPS0127](#))

infrastructure projects,¹⁸⁸ and a lack of consideration of infrastructure had created challenges for the Oxford–Cambridge Arc.¹⁸⁹ There were numerous proposals on how to enhance co-operation. Some favoured retaining the existing duty.¹⁹⁰ or a strengthened or compulsory requirement for LPAs to work together.¹⁹¹ There was support for using pre-existing bodies, such as sub-national transport bodies (STBs),¹⁹² devolved administrations with elected mayors making use of spatial development strategies,¹⁹³ Local Nature Recovery Strategies,¹⁹⁴ and organisations such as the Northern Powerhouse.¹⁹⁵ UK2070 Commission proposed building on these organisations by establishing a similar body for London and the wider south east.¹⁹⁶ Spatial frameworks, drawing on the Oxford to Cambridge Arc idea, was also cited as an alternative approach.¹⁹⁷ Subsequently the Government has published an introduction to the spatial framework for the Arc.¹⁹⁸

59. Others urged the creation of a national spatial strategy.¹⁹⁹ Some advocates of this linked it with developing a framework for regional and sub-regional planning accompanied by either networks of Local Plans,²⁰⁰ or regional planning bodies.²⁰¹ There were calls for a “sub-national strategic planning mechanism”,²⁰² including regional associations either directly elected or composed of local councillors.²⁰³ Ireland’s model of regional authorities were also cited as a possible model.²⁰⁴ CPRE argued increased strategic planning had to come with “statutory safeguards for public engagement, scrutiny, and accountability” and large amounts of autonomy for local authorities.²⁰⁵ However, there was also resistance to reverting to regional spatial strategies, which were described as a “resource-heavy, hungry layer of complexity”.²⁰⁶ There was also disagreement over the Government’s suggestion of greater use of Development Consent Orders under the Nationally Significant Infrastructure Projects regime for new towns.²⁰⁷ This was supported by the Institution of Civil Engineers,²⁰⁸ but vigorously opposed by the LGA.²⁰⁹

60. The Minister acknowledged there “is a strong case for looking at how local authorities co-operate across boundaries”, and noted that political, economic, and physical geographies did not always co-align. He suggested that possible routes might include using mayoral combined authorities, and development corporations, and stressed

188 Institution of Civil Engineers ([FPS0035](#)), Water UK ([FPS0140](#))

189 Stonewater ([FPS0103](#))

190 Institution of Civil Engineers ([FPS0035](#)), The Smith Institute ([FPS0038](#)), [Q100](#) (Claire Dutch)

191 NALC ([FPS0021](#))

192 England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#))

193 Greater London Authority ([FPS0149](#)), National Housing Federation ([FPS0158](#)), [Q31](#) (Kate Henderson)

194 Wildlife & Countryside Link ([FPS0075](#))

195 The Chartered Institute of Building ([FPS0096](#))

196 UK2070 Commission ([FPS0128](#))

197 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

198 MHCLG, [Planning for sustainable growth in the Oxford-Cambridge Arc: An introduction to the Oxford-Cambridge Arc Spatial Framework](#), February 2021

199 Home Builders Federation ([FPS0073](#)), UK2070 Commission ([FPS0128](#))

200 Civic Voice ([FPS0076](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

201 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

202 Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#)), [Q77](#) (Philip Waddy)

203 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Royal Town Planning Institute ([FPS0113](#)), County Councils Network ([FPS0121](#))

204 The Chartered Institute of Building ([FPS0096](#))

205 CPRE the countryside charity ([FPS0077](#))

206 [Q100](#) (Claire Dutch) See also [Q31](#) (Philip Barnes and Brian Berry)

207 MHCLG, [White Paper: Planning for the Future](#), p 30

208 Institution of Civil Engineers ([FPS0035](#))

209 Local Government Association ([FPS0056](#))

he wanted a system “where sub-regional planning works more effectively than it does presently, while retaining—and this is important—the building block of local planning, which is the democratically accountable local authority.”²¹⁰

61. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.*

4 Public engagement

62. A crucial element of the planning system is the involvement of members of the public. Whether that is putting in a planning application, responding positively or negatively to another's application, or contributing to a Local Plan, this has been a mainstay of the system since 1947. The Government's proposals could potentially impact on public involvement in a significant way. Therefore, we were keen to examine the current rates of engagement, the possible impact of the Government's reforms, and how to ensure a strong public voice in the future planning system.

Current rates of public engagement

63. The Government does not routinely collect data on public involvement in the planning system. This makes it hard to determine how many people participate, let alone the characteristics of those individuals. The Government White Paper argued that the current system "allows a small minority of voices, some from the local area and often some not, to shape outcomes." This meant those likely to benefit from developments, such as young people, being amongst those less involved.²¹¹ Giving evidence to us the Minister twice cited figures of 3% and 1% for the proportion of the public involved in individual planning proposals and in Local Plan formation respectively.²¹² But these figures originated from an article published by Sue Manns on the RTPI website, not from nationwide figures.²¹³

64. We received evidence that argued members of the public felt disenchanted by the planning system and held low opinions of developers and local authorities.²¹⁴ The Government's view that participation was skewed towards particular groups, with younger people less likely to participate, also had some support.²¹⁵ Priced Out argued that young people were failed and local campaign groups, disproportionately made up of older and homeowner residents, dominated the system.²¹⁶ Save Greater Manchester Green Belt complained that:

Participation in planning currently doesn't feel like it is accessible to all. The systems are complex, and the language and systems seem to be from a bygone age. The White Paper is just adding to this inequality by not including the community at an early stage of participation. People with money, education, access, and time can navigate the system making it inequitable.²¹⁷

The Department of Urban Studies and Planning, University of Sheffield however stated that:

There are, however, significant dangers in justifying reductions in opportunities to participate on this basis. The dominance of unrepresentative

211 MHCLG, [White Paper: Planning for the Future](#), pp 11, 16

212 [Q128](#), [Q151](#) (The Minister)

213 Sue Manns '[Planning and public engagement: the truth and the challenge](#)', 10 May 2017

214 Civic Voice ([FPS0076](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#))

215 CLA ([FPS0049](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Centre for Cities ([FPS0144](#))

216 PricedOut ([FPS0129](#))

217 Save Greater Manchester Green Belt ([FPS0132](#)). See also the evidence from The Beaconsfield Society (Civic Society) ([FPS0130](#))

minorities in public and democratic life is certainly not restricted to the planning process and would not be accepted as a reason to abandon democracy in other spheres. Rather it should be understood as a reason to deepen and extend engagement amongst under-represented groups.²¹⁸

65. Numerous submissions argued that individuals mainly became involved in individual planning decisions rather than at the Local Plan stage. We were told that people's interest in planning issues results from nearby development.²¹⁹ This was because:

It is inevitable people are often more motivated to give up their time to engage on individual schemes where they can see a direct impact upon them [rather] than on plans which may influence development in years to come.²²⁰

66. Doubt was expressed that the disproportionate involvement of existing residents ends up blocking development.²²¹ Instead, the sense that planning proposals are agreed to despite local objections was frequently voiced in our survey. There were also worries that the changes would involve a missed opportunity: "There is much detail missing about how this will work in practice and a real risk that the opportunity for future proofing planning to be more age-friendly and foster connections will be missed."²²²

67. We compared the Minister's figures with other data about public involvement in the planning system. Polling by YouGov for Social Communications, shared with us, showed that 26% of people claim to have responded to a Local Plan. Polling of 16–18 year olds by Grosvenor found that 8% stated they had been involved in a survey about the future of their neighbourhood run by their local council or a property developer.²²³ Polling by Opinium in 2019 for the think-tank Demos found that 44% of those surveyed had engaged with the planning system—that is searched the council register for permissions in their local area, submitted, objected to or supported a planning application, campaigned to stop a development, or spoke at a committee or meeting about planning applications). They found those over 55 were most likely to have engaged (50% said they had), whilst 34–54-year olds had the lowest rate of involvement (43%). Homeowners, residents in London were more likely than renters and residents outside of London to have been involved.²²⁴

The Government's proposed reforms

68. The Government's proposals to public engagement flow from the changes to how the planning system will work. The Government emphasised that there would be public

218 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

219 Tenterden Town Council ([FPS0003](#)), South Worcestershire Councils ([FPS0015](#)), Neighbourhood Planners London ([FPS0032](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Locality ([FPS0086](#)), Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

220 Bartlett School of Planning, University College London ([FPS0097](#))

221 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

222 Centre for Ageing Better ([FPS0055](#))

223 Grosvenor, [I Live here too: Why young people want a stake in the future of their neighbourhood](#), October 2020, p 6

224 Demos, [People Powered Planning: How to better involve people in planning to get more homes built](#), September, 2019, pp 15–6

engagement at two points during the Local Plan stage: first, the LPA would call for suggestions for how areas should be designated as growth, renewal or protected. Secondly, the LPA would submit a draft Local Plan for public comment simultaneous with it being submitted to the Secretary of State for examination. A wider range of people will be engaged with the system, through the greater use of technology, such as social media and their phones. The Government also stated “we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes.” This included making the 8–13-week time limits firm deadlines for completing applications; alongside greater use of digital technology and software, of data, and of standardised process.²²⁵

69. There was support in some evidence for the reforms. Homes for the South West commented that:

Community engagement at the local plan stage should be a basis to move plans forward, with local consent. However, further community engagement when more detailed plans are brought forward can confuse a process when they fall back on the fundamental principle of a development. Instead, community engagement at the design stage should identify and address specific issues around homes that will be delivered for local communities.²²⁶

70. Other arguments advanced in favour of the changes were that they would reduce public disappointment at applications being overridden on appeal because of existing Local Plans,²²⁷ cause the system to work more efficiently by reducing political interventions that prioritise local resistance to development,²²⁸ and enable proper discussion of the trade-offs “rather than playing whack-a-mole with residents’ objections.”²²⁹

71. The majority of our evidence however thought that the proposals were likely to reduce public involvement. This would chiefly be through abolishing the ability of people to comment on individual planning applications in growth areas and other extensions to

225 MHCLG, [White Paper: Planning for the Future](#), pp 16, 32–5

226 Homes for the South West ([FPS0070](#)). See also [Q3](#) (Philip Barnes)

227 Adam Smith Institute (FPS085), Centre for Cities ([FPS0144](#))

228 Peel L&P ([FPS0094](#))

229 Centre for Cities ([FPS0144](#))

permission in principle.²³⁰ Historic England stated “we would like to see more evidence to demonstrate how the proposed changes will enable greater public participation in the planning system.”²³¹ The scale of the change being proposed was laid out by the RTPI:

it is still an enormous challenge to overturn 70 years of people’s expectations that they can be involved in individual planning decisions. At the very least, it will require a national campaign of education plus significant extra resources for community engagement at local level.²³²

72. Local authority representatives argued that “a lot of local authorities” go “to considerable lengths at the moment in their engagement to reach out to people who would not normally participate.” Their involvement at the Local Plan stage could feed into wider engagement.²³³ It was also stated by Andrew Longley from North Northamptonshire that:

Typically, on our plans, you will get in the low hundreds of people involved in the plan-making process who make formal representations, whereas, when it comes to the planning application, you can easily have thousands of representations on a controversial application. That is notwithstanding that those same sites—I have some in mind—were part of the local plans that have been subject to a process, but people really only engage when there is the immediacy of a planning application.²³⁴

73. We raised the concerns about reducing public engagement during our oral evidence session with the Minister. When asked about the criticism of the reduction in public involvement, he responded:

I do not agree with the proposition that we are reducing accountability or democratic involvement. We are shifting it forward, where we think it really ought to be, so that it can be about the upfront strategic design of communities rather than the reactive response to a particular application,

230 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), North Southampton Community Forum (FPS018), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), Neighbourhood Planners, London ([FPS0032](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), The Smith Institute ([FPS0038](#)), Woodland Trust ([FPS0045](#)), Mineral Products Association ([FPS0050](#)), The Heritage Alliance ([FPS0066](#)), Rutland County Council ([FPS0071](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Southwark Council ([FPS0110](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Commonplace ([FPS0136](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Sustrans ([FPS0151](#)), The Highgate Society ([FPS0155](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))

231 Historic England ([FPS0092](#))

232 Royal Town Planning Institute ([FPS0113](#))

233 [Q38](#) (Andrew Longley and Lisa Fairmaner)

234 [Q42](#) (Andrew Longley), [Q94](#) (Claire Dutch)

often where very few people get involved and it is rather difficult to navigate and understand what is being proposed. I do not recognise that characterisation of our proposals.²³⁵

74. He thought digitalisation could help get people involved in Local Plans, citing the recent 4,500 virtual viewings of the South Oxfordshire Local Plan examination (although this involvement did not appear to have caused significant alterations to be made to the plan). He explained that planning proposals that do not meet the “preordained strategic plan” (the Local Plan) in growth and renewal areas could still be brought forward through the present planning process.²³⁶ We raised with the Minister the absence of references to councillors in the White Paper.²³⁷ He assured us that “That is not by any means or in any way a desire to exclude local councillors”, and that he had spoken to councillors both individually and through bodies such as the LGA and District Council Network.²³⁸

Planning and the legal system

75. The evidence we received emphasised there would potentially be an increase in legal challenges, through judicial review, as a result of the Government’s reforms.²³⁹ Claire Dutch, a planning lawyer, told us that there was likely to be an initial flurry of judicial reviews. She expected once the system was established there would be fewer judicial reviews, but they would be directed against Local Plans. This, she warned, would be “more debilitating” because a successful review “can stop it [the Local Plan] in its tracks and stymie development generally in that area ... The JRs [judicial reviews] against plans does worry me.” She also emphasised that planning appeals would continue, as developers would proceed through the standard planning process when they thought the Local Plan’s requirements would not permit them the necessary “density, height, scale, massing, et cetera” in their proposals.²⁴⁰ The Smith Institute feared this potential increase in legal challenges “would be a major disaster—especially at this very difficult time.”²⁴¹ We were also warned that the changes would take time to bed in as new legal precedents were established.²⁴² The changes could also lead to a diversion of “resources into fighting off five-year housing-land-supply appeals”.²⁴³ One specific change likely to increase recourse to judicial review, highlighted by the Canal and River Trust, is the possible abolition of the ‘examination stage’.²⁴⁴ That is one option proposed by the Government in its consultation.²⁴⁵

76. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and*

235 [Q154](#) (The Minister)

236 [Q128](#) (The Minister)

237 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

238 [Q153](#) (The Minister)

239 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Commonplace ([FPS0136](#))

240 [Q110](#) (Claire Dutch)

241 The Smith Institute ([FPS0038](#))

242 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#))

243 [Q33](#) (Andrew Longley)

244 Canal & River Trust ([FPS0048](#))

245 MHCLG, [White Paper: Planning for the Future](#), pp 35–6

publishing of statistics about public involvement in Local Plans and in individual planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged.

77. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the Local Plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.*

78. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications. *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.*

Technology

79. Another significant part of the Government's proposed reform involved increasing the use of digital technology in the planning process. The main proposal was that "Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template." It was proposed that all development management policies and codes would be written in a machine-readable format. Furthermore, there should be greater digitalisation and standardisation of processes, including making data more easily available, using digital template for planning notices, the use of 3D mapping, and the delegation of detailed planning decisions to planning officers where the principle of development has been established. The Government argued this would draw in a younger audience, making information more easily available on a national level, and bolster the PropTech sector.²⁴⁶

80. The overwhelming majority of our evidence voiced criticisms of the current state of technology in the planning system. The Home Builders Federation described the current situation as "antiquated processes to engage the public."²⁴⁷ The Institute of Historic Building Conservation stated: "There is scope to utilise more digital technology in planning."²⁴⁸ We were told that there was a lack of access to datasets.²⁴⁹ Likewise, the CPRE argued that the sheer number of development plan documents made it hard for the public to know which were current and relevant.²⁵⁰ We also received complaints about an existing digital system called Planning Portal. This is a digital planning and building resource for England and Wales, which covers c.90% of planning applications, along with advice and guidance. It was founded by MHCLG but does not now receive taxpayers' money.²⁵¹ We were told that it was "not user friendly and should be revamped."²⁵²

246 MHCLG, [White Paper: Planning for the Future](#), pp 16, 33–4

247 Home Builders Federation ([FPS0073](#))

248 Institute of Historic Building Conservation ([FPS0044](#))

249 PortalPlanQuest Limited ([FPS0030](#))

250 CPRE the countryside charity ([FPS0077](#)). See also Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

251 PortalPlanQuest Limited ([FPS0030](#))

252 National Organisation of Residents Associations ([FPS0005](#)), North Southampton Community Forum ([FPS0018](#))

81. We were informed that parts of the current system do already make use of electronic and digital tools in plan-making, decision-making, and in sharing information about applications.²⁵³ There was praise for email notifications about applications on a street-level basis, and the use of virtual planning committee meetings introduced during the COVID-19 pandemic.²⁵⁴ It was noted those with care responsibilities and mobility problem had been able to participate.²⁵⁵ However the CPRE did note that even more people would have been engaged had meetings been recorded; and that the virtual format removed the opportunity for informal conversations with participants, leading “to a rather stale format rather than constructive conversation.”²⁵⁶ It was also suggested that direct subscriptions to get notifications of planning application should become commonplace.²⁵⁷

82. There was support for increasing the amount of digitalisation in the planning system, including maps and open data. It was thought likely to increase the involvement of younger people in the process, addressing their lower engagement at present,²⁵⁸ alongside retailers and prospective homeowners.²⁵⁹ It was also thought likely to increase the pace and efficiency of the system.²⁶⁰ There was support for the better collection of data with a creation of national data standards and templates;²⁶¹ and for 3D maps.²⁶² We were told information gathered through the planning system could help with building safety through fostering a golden thread of building information,²⁶³ and that digital technology could facilitate planning across local authorities.²⁶⁴ London was cited as an example of good practice that others aspired to. There social media has helped to bolster engagement, there is more open data available in a public format and on a single website, different 3D models are available, and data on strategic house land available can be collected live rather than through a rolling programme.²⁶⁵

253 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), National Organisation of Residents Associations ([FPS0005](#)), District Councils’ Network ([FPS0082](#)), Southwark Council ([FPS0110](#)), Greater London Authority ([FPS0149](#))

254 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

255 Just Space ([FPS0115](#))

256 CPRE the countryside charity ([FPS0077](#))

257 Home Builders Federation ([FPS0073](#))

258 South Worcestershire Councils ([FPS0015](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

259 Association of Convenience Stores ([FPS0069](#)), Sage Housing ([FPS0090](#))

260 Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), Historic England ([FPS0092](#)), [Q2](#) (Brian Berry)

261 PortalPlanQuest Limited ([FPS0030](#)), Locality ([FPS0086](#)), Water UK ([FPS0140](#)), GL Hearn ([FPS0141](#)), City of London Corporation ([FPS0148](#))

262 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

263 National Fire Chiefs Council ([FPS0040](#))

264 [Q116](#) (Steve Quartermain)

265 [Q61](#) (Lisa Fairmaner and Andrew Longley)

83. The general support for enhanced technology was coupled with wanting a continuation of existing, non-digital methods of communication.²⁶⁶ We were told that surveys had found 5.3 million people adults in the UK had not accessed the internet in the preceding three months,²⁶⁷ that 9 million people in the UK struggle to use the internet independently,²⁶⁸ and that 11.9 million people lack the digital skills needed to go online.²⁶⁹ The changes might adversely affect people living in rural areas (because of a less reliable connection to broadband),²⁷⁰ the elderly,²⁷¹ the poor,²⁷² those in manual occupations,²⁷³ those without English as a first language,²⁷⁴ disabled people,²⁷⁵ and Gypsy and Traveller communities.²⁷⁶ It was suggested, drawing on experience from neighbourhood plans, that IT was often the less successful way of engaging local people.²⁷⁷ The poor record of central government in delivering IT solutions was also emphasised.²⁷⁸

84. The possible automation of aspects of the planning process also attracted scepticism.²⁷⁹ Friends of the Earth argued it would lead to a tick-boxes approach devoid of consideration of the context of applications.²⁸⁰ The Civic Voice feared using digital technology to decide

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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.”²⁸¹ The Wildlife and Countryside Link argued that using simplified and digitised Local Plans would “undermine the role of local people in identifying and protecting natural spaces and in scrutinizing development applications and the planning process.” They wanted a continuation of ‘traditional’ Local Plans alongside the shorter digital ones.²⁸² The Canal and River Trust shared these concerns about arbitrary page limits, and added that “Machine-readable/automated approach and use of prescriptive technical standards not appropriate for issues most relevant to the Trust.”²⁸³

85. Consequently, there were calls for the preservation of existing methods of advertising planning applications and Local Plan consultations through signs on lampposts, walk in ‘town hall’ events, face to face engagement (e.g. through workshops), hard copy documentation, and notices in local newspapers. We were told that this helped to ‘push’ information to the public.²⁸⁴ The techniques of neighbourhood planning were recommended as a way to enhance public engagement.²⁸⁵ The News Media Association stressed to us the harmful impact on local newspapers that would result from withdrawing statutory notices.²⁸⁶ It was suggested in both written and oral evidence that a review of the role of local newspapers might be due.²⁸⁷

86. Several submissions suggested that citizens assemblies might have a role to play in planning.²⁸⁸ They were particularly recommended as a means to draw in hitherto under-represented members of a community.²⁸⁹ The CPRE saw it as a way to reduce the adversarial culture of planning.²⁹⁰ On the other hand, one individual from a borough reputedly already engaged in citizens assemblies expressed strong criticism of them and a preference for residents associations.²⁹¹

87. We put to the Minister the concerns raised about how greater use of digital technology could disadvantage certain people and communities. He argued that “as the years roll on, more and more people will have access to digital tools”. But he added that local authorities could decide to use other methods such as publishing adverts in local papers. Asked whether local authorities would be required to put notices on lampposts and in local newspapers the Minister said the Government would reflect on the consultation responses and that it was for authorities “to work out what they may need to do themselves to communicate with their constituents.” He suggested the Government might wish to see how the new method of mailing out Local Plans necessitated by COVID-19, rather than having them available in libraries or local authority buildings, played out.²⁹²

281 Civic Voice ([FPS0076](#))

282 Wildlife & Countryside Link ([FPS0075](#))

283 Canal & River Trust ([FPS0048](#)). See also Homes for the South West ([FPS0070](#)), Bristol City Council ([FPS0119](#))

284 Tenterden Town Council ([FPS0003](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

285 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

286 News Media Association ([FPS0068](#))

287 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), [Q60](#) (Lisa Fairmaner)

288 NALC ([FPS0021](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), UK2070 Commission ([FPS0128](#))

289 CLA ([FPS0049](#))

290 CPRE the countryside charity ([FPS0077](#))

291 Robert Rush ([FPS0163](#))

292 [Qq158–160](#) (The Minister)

88. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.*

5 The housing formula

89. This chapter chiefly focuses on the housing ‘formula’, sometimes called the ‘algorithm’, used for determining housing need. It considers the arguments for and against such a formula (the current formula, or ‘Standard Method’ was introduced in 2018); the reforms to the formula proposed in August 2020 (which we refer to as the “proposed formula”); and the subsequent revised formula announced by the Government in December 2020 (which we refer to as the “revised formula”). This revised formula involved retaining the 2018 formula but with the addition of an ‘urban uplift’ applied to twenty major towns and cities.

The current situation

90. Attempts by central Government to introduce targets for housing output in local areas have long proven contentious.²⁹³ The previous practice of having local authorities decide at the Local Plan stage was criticised for having been time-consuming and for worsening the affordability of housing.²⁹⁴ In July 2018 the current method for determining housing need, called the ‘Standard Method’, was introduced. This has three steps:

- The starting point, or baseline, is the 10-year average of the 2014-based household growth projections in England.
- The household growth figure is then adjusted based on the affordability of property in an area. Where average house prices exceed four times the average earnings of someone working in the area the figure is adjusted upwards. Consequently, where prices exceed income by eight times there will be 25% more housing above the household growth figure.
- A 40% cap then limits the increase an individual local authority can face over a ten-year period.²⁹⁵

91. The housing need calculated by the standard method feeds into the housing requirement for an area that is agreed to in Local Plans, joint and strategic plans.²⁹⁶ Performance by local authorities in achieving their required housing is measured on a yearly basis by the Housing Delivery Test, which shows the percentage of net homes delivered against the number of homes required over a rolling three-year period. From November 2020 LPAs have needed to meet 75% of the target; otherwise a presumption in favour of sustainable developments applies for planning applications in that authority.²⁹⁷

92. In September 2018 the Office for National Statistics (ONS) released 2016-based household projections, which showed much lower projections compared to those based on 2014.²⁹⁸ In October 2018 the Government held a consultation about possible changes to the ‘standard method’ partly in response to the ONS data. It argued the 2016-based

293 The Smith Institute ([FPS0038](#))

294 Sage Housing ([FPS0090](#))

295 MHCLG, [Changes to the current planning system](#), August 2020, p 10

296 MHCLG, *National Planning Policy Framework*, CP48, February 2019, paras 60, 65.

297 MHCLG, [National Planning Policy Framework Annex 1: Implementation](#), para 215; MHCLG, [Housing Delivery Test Measurement Rule Book](#), July 2018

298 ONS, [Household projections in England: 2016-based](#), September 2018. Figure 1 shows the comparison of the two projections.

projections did not mean there was a need for fewer houses and proposed to retain the 2014-based projections.²⁹⁹ These views were reiterated in February 2019.³⁰⁰ In June 2020 the ONS released 2018-based household projections, with results very similar to the 2016-based projections.³⁰¹

93. In August 2020 the Government justified moving to a new formula by pointing to criticisms of the household projection figures. These were that the projections are too volatile and have underestimated housing need in places of overcrowding and suppressed housing demand. It also argued the ‘Standard Method’ underestimated demand in the Northern Powerhouse, and would not deliver the target 300,000 housing units a year in England by the mid-2020s.³⁰² Homes for the North argued that the ‘Standard Method’ had resulted in the assessed housing need for the north of England requiring 13,340 fewer homes than previously agreed in existing Local Plans, thereby undermining the levelling up agenda.³⁰³

The Government’s initial proposal

94. In August 2020, the Government outlined its proposed reforms to the housing formula—which we refer to in this Chapter as the “proposed formula”:

- The baseline would either be the latest household projections, or an increase of 0.5% on the area’s current housing stock.
- The affordability adjustment would take account of changes in the affordability ratio over the last ten years. This would mean higher figures for areas where affordability had worsened; and a downward adjustment where prices were lower than four times higher than earnings.
- There would be no cap on housing need figures.

The Government estimated this would produce a total demand of 337,000 housing units.³⁰⁴ The Housing Delivery Test would remain in place, with the housing requirement made binding, and resulting from the standard method.³⁰⁵ In December 2020 the Government proposed revisions to this approach which we discuss later.

Do we need a standard method?

95. Our evidence fell into three categories: those who supported the Government’s proposed formula, those who approved of the principle of a standard method formula but dissented from the proposed formula, and those who disagreed with the method and wanted decisions on housing need determined locally. Our predecessor committees have previously expressed support for introducing a new standardised methodology, and for encouraging LPAs and the Planning Inspectorate to take account of it.³⁰⁶

299 MHCLG, [Technical consultation on updates to national planning policy and guidance](#), October 2018, pp 8–12

300 MHCLG [Government response to the technical consultation on updates to national planning policy and guidance](#), February 2019, pp 7–8

301 ONS, [Household projections for England: 2018-based](#), June 2020

302 MHCLG, [Changes to the current planning system](#), August 2020, pp 10–11. The mid-2020s timescale is given in National Audit Office, [Planning for new homes](#), [HC 1923](#), February, 2019, p 6

303 Homes for the North ([FPS0107](#))

304 MHCLG, [Changes to the current planning system](#), August 2020, pp 11–16

305 MHCLG, [White Paper: Planning for the Future](#), pp 27–8; Lichfields, [‘Setting a higher standard – a new method for assessing housing needs’](#), 7 August 2020

306 Communities and Local Government Committee, Fourth Report of the 2014–15 Session, [Operation of the National Planning Policy Framework](#), HC 190, para 70; Communities and Local Government Committee, Tenth Report of the 2016–17 Session, [Capacity in the homebuilding industry](#), HC 46, para 75

96. Various submissions, including from local authorities and other local groups, expressed the view that determining housing need should be predominantly or exclusively decided by local bodies. They were best placed to take account of local circumstances.³⁰⁷ Newcastle City Council thought

the national Local Housing Need formula [should] be withdrawn, as since its introduction it has led to uncertainty of planning for new homes targets in local plans, and invariably leads to at best crude estimates of need, and at worst would require authorities to plan for homes that are not needed.³⁰⁸

South Worcestershire Council, among others, favoured reverting back to LPAs using local evidence to calculate housing need and including it in Local Plans.³⁰⁹ There was also support for a regional approach.³¹⁰ Some did acknowledge there were merits to a standardised approach whilst ultimately still wanting decisions taken locally.³¹¹ The LGA said:

It is our view that assessment of local housing need, including overall numbers and tenure mix, should be determined locally based on the relevant, most up to date evidence, because what might be the optimum tenure mix in one place, will not be in another. Any proposed new method should be optional to use for local planning authorities where it is appropriate for the housing market that they operate within.³¹²

97. Some organisations supported the principle of a standard method, whilst wanting proper consideration of local circumstances and revisions to the proposed approach.³¹³ Kate Henderson, representing the National Housing Federation, supported having a transparent methodology for the standard method. But she added “we need a methodology that balances broader criteria. It needs to take into account both local and sub-regional expertise and judgment. There is going to need to be a backstop in the process as well.” She identified the current approach as lacking consideration of levelling up and differences between urban and rural areas.³¹⁴

307 National Organisation of Residents Associations ([FPS0005](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Greater London Authority ([FPS0149](#)), London Borough of Hackney ([FPS0091](#)), Mrs Allyson Spicer ([FPS0162](#))

308 Newcastle City Council ([FPS0159](#))

309 South Worcestershire Councils ([FPS0015](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Royal Town Planning Institute ([FPS0113](#))

310 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), Bristol City Council ([FPS0119](#)), Just Space ([FPS0115](#)), GL Hearn ([FPS0141](#))

311 Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Abri ([FPS0078](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), Stonewater ([FPS0103](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#)), [Q35](#) (Lisa Fairmaner and Andrew Longley).

312 Local Government Association ([FPS0056](#))

313 Ashford Borough Council ([FPS0016](#)), National Trust ([FPS0157](#))

314 [Q7](#) (Kate Henderson). See the National Housing Federation ([FPS0158](#))

98. There was also support for a more thoroughgoing national approach.³¹⁵ For example, South Staffordshire Council favoured a statutory duty to meet housing targets laid down nationally, which would ensure local authorities cooperated with one another.³¹⁶ The British Property Federation also argued that ensuring “sufficient housing is something that national governments should be held accountable for,” and thus they supported “the need for up-to-date local plans, standard methodology, and housing delivery test.”³¹⁷ Claire Dutch argued there needed to be a standard method, that communities coming up with the figure “has not really worked”. The current algorithm had not produced the right figures, and therefore she favoured a “top-down approach” with fine-tuning of the algorithm.³¹⁸

Views of the Government’s proposed formula

99. There was support, including from organisations linked to housing development and delivery, for the Government proposed new formula announced in August 2020. This was sometimes tempered by a wish for further details.³¹⁹ Pocket Living called for binding housing targets and clear penalties for under-delivery, an idea which was supported in oral evidence by Philip Barnes on behalf of Barratt.³²⁰

100. However, there was also considerable hostility towards the proposed formula. Tenterden Town Council called it “a weapon of “Mass Destruction” of unprecedented scale.” They argued this would squeeze out “the local community who have local knowledge of their specific parish.”³²¹ This was echoed in our public engagement event: “the planning white paper is proposing a tyranny of algorithm as well as of numbers.” (Participant D, Room 2)³²² Our evidence also included claims it would have a negative impact on the countryside, and preferences for local decision-making.³²³

101. A strong strand of criticism of the Government’s proposed formula was its impact on levelling up. It was seen to be increasing housing in London and south-east, whilst reducing the targets for housing in the north of England. We were warned the proposed

315 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Centre for Cities ([FPS0144](#)), Shelter ([FPS0154](#))

316 South Staffordshire Council ([FPS0142](#))

317 British Property Federation ([FPS0127](#))

318 [Q115](#) (Claire Dutch)

319 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Peel L&P ([FPS0094](#)), PricedOut ([FPS0129](#)), GL Hearn ([FPS0141](#)), South Staffordshire Council ([FPS0142](#)), Anglian Water ([FPS0146](#)), Midland Heart ([FPS0152](#))

320 Pocket Living ([FPS0023](#)), [Q2](#) (Philip Barnes)

321 Tenterden Town Council ([FPS0003](#))

322 The proposed reforms to the housing formula to determine housing need were actually outlined in a separate consultation document from the White Paper.

323 Tenterden Town Council ([FPS0003](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), London Borough of Hackney ([FPS0091](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), LSE London ([FPS0139](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

formula risked “directing development away from areas of potential growth.”³²⁴ These objections were to remain pertinent when evaluating the Government’s revised formula announced in December 2020.

102. The strong emphasis in the formula on household projections were seen as obliging councils that had already delivered high rates of housebuilding to continue doing so.³²⁵ There was criticism of the quality of the household projection data.³²⁶ Alan Wenban-Smith included a discussion of the issues posed by calculation of household projections and highlighted how “Around 90% of the housing market is turnover of existing stock”. Therefore, he argued “meeting housing needs is not simply a matter of new build equalling or exceeding the growth in the number of households.”³²⁷

103. Consequently, there were various ideas for amending the proposed formula. We were told that rather than using a house price to workplace earnings ratio, the use of a house to price to residence-based earnings would be more suitable in commuter areas.³²⁸ There were proposals to include natural population growth and exclude net migration in and out of an area,³²⁹ to include data on hidden households and local housing needs (particularly social housing),³³⁰ and that the formula should take account of median pension earnings to ensure housing for the elderly.³³¹ The CLA wanted to ensure settlements of under 3,000 houses were included in housing needs assessments.³³² Homes for the North proposed scrapping the household projections and starting instead with a 1% increase in existing housing, because this would encourage greater housebuilding in the north and focus growth in urban areas, alongside having the LPA lead on using past delivery rates, regeneration, vacancy and second home rates, and specific types of housing to determine local housing need, which would be validated by the Government and Planning Inspectorate.³³³ The Federation of Master Builders suggested greater use of developer forums to determine and agree local need, citing the example of North East Lincolnshire.³³⁴

104. The Adam Smith Institute called for more detail to be included on how the new target would work “including adjustments for constraints such as Green Belt, Metropolitan Open Land—much of which comprises irreplaceable parks—Conservation Areas and Areas of Outstanding Natural Beauty.”³³⁵ It was also proposed that the National Parks should be exempt from the method.³³⁶ The Centre for Cities wanted a greater emphasis placed on

324 The Smith Institute ([FPS0038](#)), Stonewater ([FPS0103](#)), Homes for the North ([FPS0107](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), [Q7](#) (Kate Henderson), [Q92](#) (Nigel Wilson)

325 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

326 LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#))

327 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

328 Hever Parish Council ([FPS0007](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cycling UK ([FPS0123](#))

329 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

330 TCPA ([FPS0034](#))

331 Anchor Hanover ([FPS0074](#))

332 CLA ([FPS0049](#))

333 Homes for the North ([FPS0107](#))

334 The Federation of Master Builders (FMB) ([FPS0125](#))

335 Adam Smith Institute ([FPS0085](#))

336 Campaign for National Parks ([FPS0043](#))

affordability and prices to ensure sufficient housing supply in prosperous areas.³³⁷ Attaching significance to affordability was championed by other submissions.³³⁸ This contrasted with Lisa Fairmaner, representing the GLA, who said that the affordability criteria created volatile housing targets, and that London does “not have the capacity to deliver”. Using it prevented ‘levelling up’ and meant building where there was no infrastructure.³³⁹ Andrew Longley, from North Northamptonshire Joint Planning and Delivery Unit, argued that the higher targets would not bring affordable housing, and “Relying on past household projections moving forward really just bakes in past performance”.³⁴⁰ There was wider support for the view that London needed to be treated differently, and that the number of houses for London in the new formula could not realistically be built.³⁴¹

105. The Minister explained that in devising reforms to the formula, the “first approach was to look at affordability”, because of the problems of very high house prices and demand exceeding supply “for far too long”. He then stated other considerations “such as brownfield regeneration and city centre regeneration, and levelling up ... These are all considerations we had to make as we were designing the methodology.”³⁴² He later added “We take levelling up into consideration when we look at the housing need and how that applies to different elements of the country.”³⁴³ He reiterated previous commitments to reconsidering the figures—foreshadowing the subsequent revised proposals.

The Government’s revised formula

106. On 16 December 2020 the Government published its response to the consultation on the proposed formula.³⁴⁴ The Government proposed to abandon the proposed formula and instead retain the current standard method. But this would be with the addition of a 35% ‘urban uplift’ to the post-cap number for 20 major towns and cities. These were London, Birmingham, Liverpool, Bristol, Manchester, Sheffield, Leeds, Leicester, Coventry, Bradford, Nottingham, Kingston upon Hull, Newcastle upon Tyne, Stoke-on-Trent, Southampton, Plymouth, Derby, Reading, Wolverhampton, and Brighton and Hove. It also published data for each local authority.³⁴⁵

107. The Government argued that the 20 major towns and cities subject to the uplift could better utilise existing infrastructure to support new housing, use former retail and commercial properties and brownfield sites, and building there would reduce high-carbon travel. It emphasised that the increase in new housing would be met by urban centres not by their surrounding areas, although LPAs would be expected to cooperate. It explained that the urban uplift in London would only be applicable once the recently agreed London Plan is subject to further revision towards the end of its five-year duration in 2026. The Government explained it would continue to use the 2014 rather than

337 Centre for Cities ([FPS0144](#))

338 Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#))

339 [Q33](#) [Q35](#) (Lisa Fairmaner)

340 [Q35](#) (Andrew Longley). See also North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

341 Historic England ([FPS0092](#)), Savills ([FPS0101](#)), Southwark Council ([FPS0110](#)), Land Promoters and Developers Federation ([FPS0138](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q7](#) (Philip Barnes), [Q35](#) (Lisa Fairmaner)

342 [Q129](#) (The Minister)

343 [Q130](#) (The Minister)

344 MHCLG, [Government response to the local housing need proposals in “Changes to the current planning system”, December 2020.](#)

345 See MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. Lichfields published their own estimates: [‘How many homes? The new Standard Method’](#) (no date)

2018-based household projections, because a change would cause a “substantial change in the distribution of housing need”. They preferred to continue to use a workplace-based rather than the residence-based earnings ratio proposed by those concerned about the impact of higher earners in commuter areas. This was because “people typically choose to live close to where they work—and therefore [the workplace-based earnings ratio] is a proxy for demand within the housing market.” The Government’s proposal also meant the removal of the downward adjustment where the affordability ratio was below 4.

Opinions on the revised formula

108. As the Government announced its revised formula after our final oral evidence session, we only received supplementary evidence about it from Homes in the North. They noted that the figures published by the Government when announcing the revised formula in December 2020 were lower than the number of houses delivered in the last three years in many rural and suburban areas of the north of England. But this was not so in Manchester, Leeds, Bradford, or Sheffield. They also stated there might be insufficient brownfield land in those cities to avoid having to encroach on the Green Belt.³⁴⁶ There has been criticism of the practicality of the proposed uplift by members of Leicester, Southampton, and Barking and Dagenham councils, and from the Mayor of London’s office.³⁴⁷ Analysis by Lichfields have shown the difference between existing building level and the revised formula. We note that the average delivery over the last three years has been higher than the revised formula (the standard method with urban uplift) in the West Midlands, the East Midlands, North West, North East, and Yorkshire and the Humber. This is not so for all the local authorities subject to the urban uplift in those regions.³⁴⁸

Table 1: Difference between current delivery and new formula

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
North East of England	9,816	6,625	-3,191	-32.51%
Newcastle upon Tyne	1,867	1,399	-468	-25.07%
North West of England	29,844	22,057	-7,787	-26.09%
Liverpool	2,500	2,103	-397	-15.88%
Manchester	3,108	3,527	419	+13.48%
Yorkshire and the Humber	19,930	18,851	-1,079	-5.41%
Bradford	1,415	2,300	885	+62.54%
City of Kingston upon Hull	940	536	-404	-42.98%
Leeds	3,014	3,763	749	+24.85%
Sheffield	2,454	2,877	423	+17.24%

346 Homes for the North ([FPS0166](#))

347 “[Councils hit out at government’s ‘unrealistic’ new planning formula](#)”, Inside Housing, 24 February 2021

348 Lichfields, [‘Mangling the mutant: change to the standard method for local housing need’](#), 16 December 2020

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
East Midlands	22,454	21,679	-775	-3.45%
Derby	645	1,189	544	+84.34%
Leicester	1,490	1,341	-149	-10.00%
Nottingham	1,552	1,551	-1	-0.06%
West Midlands	23,777	21,960	-1,817	-7.64%
Birmingham	3,696	4,829	1,133	+30.65%
Coventry	1,612	2,325	713	+44.23%
Stoke on Trent	905	675	-230	-25.41%
Wolverhampton	769	1,013	244	+31.73%
East England	26,655	34,089	7,434	+27.89%
London	36,686	93,579	56,893	+155.08%
South East	40,668	50,188	9,520	+23.41%
Brighton and Hove	461	1,247	786	+170.50%
Reading	710	876	166	+23.38%
Southampton	967	1,353	386	+39.92%
South West	26,006	28,210	2,204	+8.47%
City of Bristol	1,535	1,247	-288	-18.76%
Plymouth	1,010	841	-169	-16.73%

Source: Data derived from Lichfields, 'Mangling the mutant: change to the standard method for local housing need', 16 December 2020. They derived the average dwellings data from MHCLG, [Live tables on housing supply: net additional dwellings](#), November 2020. The data for the standard method with the urban uplift is from MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. The calculations on changes in numbers and percentages undertaken by the Committee. The data on each local authority with an urban uplift is underneath the figure for the whole of its respective region.

109. The outstanding issues resulting from this revised formula are sixfold. First, there is the question of the viability of the proposals, especially in London. As the table above shows average delivery in 2017–20 in London had been 36,686 dwellings per year. The new Government approach would require 93,579 dwellings per year—an increase of over two and half times the current number of dwellings being delivered. Secondly, there are important variations in the size of local authorities, with places such as Birmingham, Bristol, Liverpool, Brighton and Newcastle having tight boundaries and limited available land.³⁴⁹ There are also constraints posed by seas, rivers (with their flooding risk) and protected green spaces such as the South Downs National Parks. Thirdly, there are questions of whether there is sufficient brownfield land and the impact of using it.³⁵⁰ Fourthly, there is the continuing use of household projection figures from 2014, and not the latest figures as proposed in the August 2020 consultation. The recent findings of the Office for Statistics Regulation's report into ONS population estimates highlighted that estimates for small cities with large student populations had tended to be larger than local evidence suggested. Various recommendations were made to improve the reliability of

349 A point highlighted by Rutland County Council ([FPS0071](#)), National Trust ([FPS0157](#))

350 Rutland County Council ([FPS0071](#)) commented "the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered".

these statistics.³⁵¹ Fifthly, the decision to use workplace-based rather than residence-based earnings in the affordability ratio. Sixthly, whether it serves the objective of “levelling up” to have a reduction in the expected housing provision that is often lower than that provided in the last three years in certain local authorities.

110. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area.

111. We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres. *The Government should:*

- *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*
- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work.*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands.*

112. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should*

351 Office for Statistics Regulation, [Review of population estimates and projections produced by the Office for National Statistics](#), May 2021, pp 9, 19–20

also take account of criticisms of the existing 'standard method' and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.

- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority's assessment could then be evaluated by the Planning Inspectorate.*

6 How to deliver new homes

The challenge

113. The Government is committed to increasing the annual delivery of housing units in England to 300,000 units per year, enabling the supply of at least a million new homes by the end of the Parliament in 2024.³⁵² This is an immense challenge. During the 1930s there were several years when 300,000 housing units were completed. But since the Second World War in only six years (all in the 1960s) has this amount of housing been completed in England. This has only been achieved through extensive building of various types of housing, including social housing.³⁵³ The Government’s justification for the 300,000 new homes target is that “the result of long-term and persisting undersupply is that housing is becoming increasingly expensive.”³⁵⁴

114. There has been strong criticism of the failure of the Government to explain how it will deliver their target of 300,000 housing units. The Public Accounts Committee lamented in November 2020 that the Government had not clarified how it would achieve this target.³⁵⁵ Our report into *Building more social housing* in July 2020 called for targets for social rent, affordable rent, intermediate rent, and affordable homeownership. We argued that at least 90,000 social rent properties were needed.³⁵⁶

Views about the housing target

115. We received divided views about the 300,000 housing units target. Civic Voice told us that their survey of members found the majority accepted new housing, with strong support for the 300,000-unit target.³⁵⁷ Representatives from North Northamptonshire and the GLA supported it.³⁵⁸ The Adam Smith Institute thought 500,000 or a million homes a year should be produced given current prices.³⁵⁹ In contrast, other submissions stated that the 300,000 figure was “not based on any evidence”,³⁶⁰ or was “arbitrary.”³⁶¹ There was a questioning of the idea that increasing housing supply would automatically lower prices.³⁶² Having received doubts about whether the construction industry could deliver 300,000 units,³⁶³ we raised these concerns with developers. They assured us they could, although Philip Barnes noted that skills could be a barrier given the shortages of bricklayers and joiners.³⁶⁴

352 The Conservative and Unionist Party, [Get Brexit Done: Unleash Britain’s Potential](#), November 2019, p 31.

353 House of Commons Library, [Tackling the under-supply of housing in England](#), March 2020. See Tables 2.1 and 2.3 in the accompanying spreadsheet. The figures for the 1930s are from England and Wales, but the total number of completions exceeds the highest number of post-war completions in Wales. The calculation in the 1930s is from 1 April to 31 March, whereas post-war figures use the calendar year.

354 MHCLG, [White Paper: Planning for the Future](#), p 12. See also Oral evidence taken on 12 March 2018, HC (2017–19) 830, [Q3, Q11](#) (Dominic Raab MP)

355 Public Accounts Committee, Thirty First Report of the 2019–21 Session, [Starter Homes](#), HC88, para 3

356 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 53

357 Civic Voice ([FPS0076](#))

358 [Q36](#) (Andrew Longley and Lisa Fairmaner)

359 Adam Smith Institute ([FPS0085](#))

360 District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#))

361 South Worcestershire Councils ([FPS0015](#))

362 Mark Stevenson ([FPS0083](#)), London Tenants Federation ([FPS0112](#))

363 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

364 [Qq17–18](#) (Philip Barnes). This skills problem was also identified in Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, [Cm 9720](#), October 2018, p 9

116. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location.*

Build out

117. Much of the evidence dealing with housing delivery focused on the question of ‘build-out’ rates. This is the speed with which developments with planning permission are being completed. The Letwin Review, published in October 2018, examined build out rates on very large sites. It recommended increasing the number of mixed sites, with different types and tenures of housing, to tackle the problem.³⁶⁵

118. The Letwin Report’s conclusions were regularly cited by those attributing the slow delivery of new houses to developers rather than the planning system. It was also emphasised that one million planning permissions have been granted but not completed, and that nine out of ten planning applications are granted.³⁶⁶ Rutland County Council referred to remarks in 2017 by the then Minister for Housing, Alok Sharma MP, urging greater transparency about build-out rates.³⁶⁷ The council concluded that “Three years later no such action has been taken.”³⁶⁸ These complaints connected to the idea that local authorities were being unfairly blamed for not delivering housing and being penalised

365 Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, Cm 9720, October 2018, p 9

366 Tenterden Town Council (FPS0003), Cllr John Crawford (FPS0008), Daventry District Council (FPS0011), Rother Association of Local Councils (RALC) (FPS0012), Tamworth Borough Council (FPS0013), South Worcestershire Councils (FPS0015), North Southampton Community Forum (FPS0018), Liam Clegg (Lecturer at University of York) (FPS0019), Mr Richard Gilyead (FPS0022), Kent Association of Local Councils (FPS0028), TCPA (FPS0034), The Smith Institute (FPS0038), Campaign for National Parks (FPS0043), Institute of Historic Building Conservation (FPS0044), Oxfordshire Neighbourhood Plans Alliance (FPS0052), Local Government Association (FPS0056), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) (FPS0060), Rutland County Council (FPS0071), Wildlife & Countryside Link (FPS0075), Civic Voice (FPS0076), CPRE the countryside charity (FPS0077), Friends of the Earth England, Wales and Northern Ireland (FPS0081), Hills Homes Developments Ltd (FPS0084), Locality (FPS0086), London Borough of Hackney (FPS0091), Historic England (FPS0092), The Chartered Institute of Building (FPS0096), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) (FPS0108), Southwark Council (FPS0110), Royal Town Planning Institute (FPS0113), Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Aldersgate Group (FPS0120), Alan Wenban-Smith (Proprietor at Urban & Regional Policy) (FPS0124), The Beaconsfield Society (Civic Society) (FPS0130), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallant (FPS0131), Rother District Council and Burwash: Save our Fields (FPS0143), North Northamptonshire Joint Planning and Delivery Unit (FPS0147), City of London Corporation (FPS0148), Greater London Authority (FPS0149), Shelter (FPS0154), London Forum of Amenity & Civic Societies (FPS0156), National Trust (FPS0157), Action with Communities in Rural England (ACRE) (FPS0161)

367 Oral evidence taken on 1 November 2017, HC (2017–19) 494, Q90 (Alok Sharma MP)

368 Rutland County Council (FPS0071)

through the housing delivery test when slow build out rates were the true cause.³⁶⁹ Participants at our public engagement event also complained that developers were too slow at building out:

The government has been putting pressure on local authorities to get more houses built, but when you look at the number of sites that already have planning permission, there is no pressure on developers to build more next year than they built last year and to catch up on those sites. (Participant B, Room 1)

Our written evidence also highlighted that the retirement sector,³⁷⁰ and small builders tended to deliver faster build out rates because of the smaller scale of their development.³⁷¹ It was also claimed that build out rates were less of a problem with high-scale tower blocs in urban areas,³⁷² but that slow build out rates did stymie downsizing by the elderly.³⁷³

119. Defending their record, the Home Builders Federation also cited the Letwin Report to argue that “the delivery of housing is a complex issue that cannot merely be dismissed by criticising the build-out rate of sites with planning permission.” These included the differing times it takes to develop different sites, and local hostility to new housing.³⁷⁴ Developers disputed that they were deliberately slow, arguing instead that they encouraged swift delivery.³⁷⁵ Other explanations were offered, such as the challenges of viability as demonstrated by the slow pace of brownfield construction,³⁷⁶ and the uncertainty produced by a discretionary planning system.³⁷⁷ The Land Promoters and Developers Federation argued the one million unbuilt plots figure “does not reflect lapsed consents, large schemes where there is extensive work in progress, or schemes held back through un-discharged conditions or constraints.” It only accounted for three years’ worth of housing, despite LPAs needing to have five years’ worth of land included in their Local Plans.³⁷⁸ Barratt representative Philip Barnes cited various figures showing a need of 1 to 1.25 million planning permissions to deliver 250,000–300,000 homes a year. He later argued 4–5 million houses needed to either have permissions or be allocated in agreed Local Plans to be confident of getting 300,000 a year.³⁷⁹ He said that the greatest barrier to construction was the planning system.³⁸⁰

120. An alternative viewpoint was articulated by the estate agents Savills: “on balance we consider the planning system is not the greatest obstacle to delivery of housing in England.” Instead the problem was that permissions were not in the right place to reflect

369 Cllr John Crawford ([FPS0008](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), City of London Corporation ([FPS0148](#))

370 Lifestory Group ([FPS0116](#))

371 The Federation of Master Builders (FMB) ([FPS0125](#)), Midland Heart ([FPS0152](#)), [Q8](#) (Kate Henderson)

372 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

373 McCarthy & Stone ([FPS0061](#))

374 Home Builders Federation ([FPS0073](#))

375 Abri ([FPS0078](#)), [Q12](#) (Philip Barnes)

376 Peel L&P ([FPS0094](#))

377 Centre for Cities ([FPS0144](#))

378 Land Promoters and Developers Federation ([FPS0138](#))

379 [Q8](#), [Q11](#) (Philip Barnes)

380 [Q8](#) (Philip Barnes), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Abri ([FPS0078](#)), PricedOut ([FPS0129](#)), Centre for Cities ([FPS0144](#))

demand and the challenges of affordability.³⁸¹ Other submissions suggested both the planning system and build out rates were jointly at fault,³⁸² (or neither),³⁸³ or that the problem was multifaceted.³⁸⁴ Academics also cautioned against build out being seen as the primary problem, identifying instead “development finance, infrastructure provision, land ownership ... and legal delays.”³⁸⁵ A small number of submissions also mentioned the economic cycle,³⁸⁶ foreign ownership,³⁸⁷ lack of infrastructure,³⁸⁸ inequality,³⁸⁹ and a lack of demand.³⁹⁰

Speeding up build out rates

121. We received various suggestions on how to speed up build-out rates:

- Greater transparency in the land market and about which land has options on it.³⁹¹
- A mandatory delivery test that identified barriers to housing delivery and steps to mitigate them.³⁹²
- Greater delivery of housing through the public sector,³⁹³ including through the state purchasing land from non-builders and then selling it to developers with conditions on building within a particular timeframe.³⁹⁴
- Greater use of development corporations.³⁹⁵
- Empowering councils to direct diverse tenures be built within sites.³⁹⁶
- Streamlining the compulsory purchase process so local authorities can purchase land where developers have not met their agreed timescales for build out.³⁹⁷

381 Savills ([FPS0101](#))

382 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Homes for the South West ([FPS0070](#)), Sage Housing ([FPS0090](#)), National Housing Federation ([FPS0158](#))

383 Land Promoters and Developers Federation ([FPS0138](#))

384 The Chartered Institute of Building ([FPS0096](#)), Bartlett School of Planning, University College London ([FPS0097](#))

385 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

386 National Organisation of Residents Associations ([FPS0005](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

387 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

388 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), LSE London ([FPS0139](#))

389 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#))

390 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

391 [Q8](#) (Kate Henderson)

392 Cllr John Crawford ([FPS0008](#))

393 North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), The Chartered Institute of Building ([FPS0096](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#))

394 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

395 TCPA ([FPS0034](#))

396 Local Government Association ([FPS0056](#))

397 Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#))

- Penalties for major developers failing to build out permissions within a certain time frame without reasonable explanation.³⁹⁸
- Land value taxes,³⁹⁹ levying council tax a given amount of time after permission was granted,⁴⁰⁰ or taxing land in growth zones to encourage its rapid conversion to housing.⁴⁰¹
- Penalties (financial or through restriction of further consent) for delaying the completion of a planning permission.⁴⁰²
- Greater use of multi-tenure delivery on large sites, as proposed in the Letwin Review.⁴⁰³
- Requiring Section 106 agreements to be met within 12 months after permission was agreed, on pain of permission being cancelled.⁴⁰⁴

122. We asked developers about the proposals for taxes or penalties. Philip Barnes said: “They would have to be very, very carefully imposed”, and that mandatory build rates would need to be flexible to accommodate market circumstances. He mentioned that Barratt had previously reached such agreements with Homes England.⁴⁰⁵ He also expressed confidence Barratt could deliver within a three-year timeframe, except where the site was not yet owned when permission was granted. He noted 86% of sites with planning permission are not secured by housebuilders.⁴⁰⁶ Kate Henderson argued the “use it or lose it” approach was not the right way to deliver “the right homes in the high places of the right quality and with the right affordability in the face of a deep recession.” Brian Berry thought it would have little impact on small builders as they develop quickly, “but it would probably give a negative signal.”⁴⁰⁷

123. We asked the Minister about how the Government is ensuring planning permissions are built out, and about implementation of the Letwin Review’s recommendations. He argued some of the reforms proposed, such as zoning, would reduce incentives for developers to land bank (where land is purchased—or an option secured—for longer term strategic purposes rather than immediate development) because “they know that, as long as they tick the boxes and obey the law, they can build the homes.” It would reduce the fear of developers they would run out of land to build out before securing the next set of

398 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

399 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Campaign for National Parks ([FPS0043](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

400 Tenterden Town Council ([FPS0003](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), PricedOut ([FPS0129](#))

401 PricedOut ([FPS0129](#))

402 South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

403 British Property Federation ([FPS0127](#)), Greater London Authority ([FPS0149](#)), Midland Heart ([FPS0152](#))

404 Bristol City Council ([FPS0119](#))

405 [Q10](#) (Philip Barnes)

406 [Q14](#) (Philip Barnes)

407 [Q10](#) (Kate Henderson and Brian Berry)

planning permissions. These reforms would also encourage SMEs, which would reduce build out rates. He added he was keen to hear our thoughts on how to incentivise quicker build out.⁴⁰⁸

Encouraging small builders

124. One of the aims laid out in the Planning White Paper is to support small and self-builders, those wanting to build innovatively, to develop diverse types and tenures of housing, and use modern methods of construction (MMC). This is used to justify using a value-based charge in the National Infrastructure Levy. It also promised to explore how publicly-owned land can be used to support SME and self-builders.⁴⁰⁹ The Government also held a consultation on data on land control to help assist SMEs and new entrants to the housebuilding sector.⁴¹⁰ The Minister emphasised to us the role that he thought could be played by SMEs, arguing that funding for affordable housing would help SMEs develop, and that SMEs would help reduce build out times. Supporting them also justified the temporary raising of the Section 106 threshold on small sites.⁴¹¹ In February 2021 the Government announced a £250 million Housing Accelerator Fund resulting from a five-year lending alliance between Homes England and the United Trust Bank, to provide SME builders with loans worth up to 70% of the gross development value (the estimated value of what a completed development will be).⁴¹²

125. There has been a reduction in the contribution of small builders to house construction in recent years.⁴¹³ The Federation of Master Builders stated that SMEs had built 40% of new homes in 1980s, and 23% in 2008,⁴¹⁴ but now build only 12%.⁴¹⁵ The National Housing Federation agreed that the planning process was often harder for smaller developers, due to their lack of sites, equipment and specialist teams.⁴¹⁶ During our public engagement event we also heard concerns that the process was too onerous on small and self-builders:

Try and make them simpler. If it doesn't cause a problem with the neighbours, should it really go through an eight-week, £500 process? I don't think so. Some improvements in that area would be good for the smaller individuals.
(Participant A, Room 1)

126. We were informed that small builders “pay close attention to the quality of design and build, the building performance and the positive contribution the development can make to the locality.”⁴¹⁷ The Federation of Master Builders argued that SMEs do not landbank, foster “slow and organic growth” by building on small sites, and produce high quality homes that mitigate anti-development sentiments in communities. They proposed requiring Homes England to dispose of small parcels of land to SMEs with permission in principle for development. They also recommended requiring the ringfencing of land for self and custom build.⁴¹⁸ Other proposals included putting the Development Management

408 [Q131](#), [Q149](#) (The Minister)

409 MHCLG, [White Paper: Planning for the Future](#), pp 14, 49, 54–5

410 MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020

411 [Q126](#), [Q131](#), [Q147](#), [Q149](#) (The Minister)

412 MHCLG, [Homes England and United Trust Bank launch £250m Housing Accelerator Fund](#), 16 February 2021

413 Hills Homes Developments Ltd ([FPS0084](#)), The Chartered Institute of Building ([FPS0096](#))

414 [Q16](#) (Brian Berry)

415 The Federation of Master Builders (FMB) ([FPS0125](#))

416 National Housing Federation ([FPS0158](#))

417 Mark Stevenson ([FPS0083](#))

418 The Federation of Master Builders (FMB) ([FPS0125](#))

policies section of the NPPF on a statutory footing,⁴¹⁹ requiring that there be a minimum number of SME developers on large multi-developer sites, greater resources for local authorities to oversee larger housing sites, and the promotion of a wider range and mix of housing sites in Local Plans.⁴²⁰

127. However, the Government's proposals for SMEs was thought to have failed to address "wider issues about buying and assembling land, development finance, and legal issues" that act as barriers to entry SMEs.⁴²¹ We were also told aspects of the changes would harm SMEs, for example reducing available sites on the edge of settlements which would now become protected areas.⁴²²

128. It is important to be realistic about the contribution SMEs can make. The Federation of Master Builders' members reckoned they would build 12,000 homes in 2021, but with support and reforms to the planning system they could raise this to 65,000 homes by 2025.⁴²³ Nevertheless, the vast majority of the Government's 300,000 target would need to be produced by larger builders.

129. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

Specialist, affordable and social housing

130. In 2018 our predecessor committee published a report emphasising the importance of housing for older people.⁴²⁴ It was urged that the provision of specialist housing—for older people and the disabled—should play an important role in meeting the 300,000 unit target.⁴²⁵ The developer of retirement homes, McCarthy and Stone, commented that:

419 GL Hearn (FPS0141)

420 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin (FPS0033)

421 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098)

422 Stonewater (FPS0103)

423 The Federation of Master Builders (FMB) (FPS0125)

424 Housing, Communities and Local Government Committee, Second Report of the 2017–19 Session, [Housing for older people](#), HC 370

425 Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Lifestory Group (FPS0116)

The delays and uncertainty that we experience in the current planning process exacerbates the shortfall that already exists in specialist housing for older people. We therefore believe that the planning system should be adapted to facilitate the delivery of this much needed accommodation.⁴²⁶

131. Inspired Villages, a developer and operator of retirement communities, stressed the need for local authorities, through Local Plans, to identify and allocate appropriate amounts of different specialist housing.⁴²⁷ A specific issue highlighted by another specialist developer, Anchor Hanover, was the classification of retirement communities, some being deemed C2 class for residential institutions, and others C3 as dwelling houses. They suggested a broad C2R classification that would include retirement housing, which would include properties without 24/7 on site care/support but nonetheless provided extra care support.⁴²⁸

132. Our 2020 report on social housing recommended that a “social housebuilding programme should be top of the Government’s agenda to rebuild the country from the impact of COVID-19.”⁴²⁹ During this inquiry we were told that the only periods in post-war history where housebuilding rates had reached the 300,000 figure had been when there was very significant social housing building.⁴³⁰ This reflected support for affordable and social house construction being a significant part of the increase in housing units.⁴³¹ The survey and public engagement event highlighted a preference towards smaller housing, affordable or social housing, over larger homes. There were worries expressed that affordable housing supply would fall because of the Government’s proposed reforms.⁴³²

133. Shelter argued that there was a need for 90,000 social homes each year to meet housing needs.⁴³³ CPRE voiced support, with Crisis and the National Housing Federation, for 145,000 affordable homes per year. They proposed giving local authorities more support and powers over acquiring land and laying down requirements for housing types, designs, and tenures.⁴³⁴ Philip Waddy from RIBA eagerly supported the ideas in the White Paper for giving local authorities more power to develop their own housing.⁴³⁵ There was disagreement on whether affordable housing need should be determined locally,⁴³⁶ or that instead affordability calculations in the housing formula should be used to produce specific targets by types of housing tenure.⁴³⁷

134. We asked about the Government’s view of the role of affordable housing in delivering 300,000 housing units. The Minister pointed to funding through the affordable homes programme that had produced 240,000 new affordable homes in the past and aimed to produce 180,000 in the future (with 32,000 at social rent). Half of these were at affordable

426 McCarthy & Stone ([FPS0061](#))

427 Inspired Villages ([FPS0167](#))

428 Anchor Hanover ([FPS0074](#))

429 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 70

430 Rutland County Council ([FPS0071](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

431 TCPA ([FPS0034](#)), The Smith Institute ([FPS0038](#)), Local Government Association ([FPS0056](#)), Royal Institution of Chartered Surveyors ([FPS0065](#))

432 The Smith Institute ([FPS0038](#))

433 Shelter ([FPS0154](#))

434 CPRE the countryside charity ([FPS0077](#))

435 [Q77](#) (Philip Waddy)

436 Homes for the South West ([FPS0070](#))

437 Royal Town Planning Institute ([FPS0113](#))

or social rent; the other half being for owner occupation. He argued that Government reforms to the Housing Revenue Account had made it easier for local authorities to build social housing. In addition

our proposals to reform the planning system will make it much more transparent and much quicker, and will make sure that the infrastructure required to support homes is also built quickly. That is the objective. That should also help builders building homes, whether they are for private sale, private rent or affordable homes that are socially rented.”⁴³⁸

135. In January 2021, the Government announced the “opening a new Community Housing Fund to support community-based organisations to bring forward local housebuilding projects for the £11.5 billion Affordable Homes Programme, backed by £4 million of support for local plan.”⁴³⁹ But its unwillingness to have as specific target for social rent accommodation was reiterated by the Parliamentary Under Secretary of State for Rough Sleeping and Housing, the Hon. Eddie Hughes, when giving evidence to our inquiry about the impact of COVID-19 on homelessness and the private rented sector.⁴⁴⁰

136. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.

First Homes

137. Section 106 agreements are negotiated between local authorities and developers and place conditions on a development. For example, they might require a proportion of the housing being built be affordable housing. The Government consultation proposed that 25% of housing units built through Section 106 agreements would have to be provided through First Homes. These are properties which will be sold at a discount of at least 30%, to local people and prioritising first-time buyers, members and veterans of the armed forces and other key workers. The discount will be passed on to future buyers when they are resold.⁴⁴¹ There would be exceptions for certain sites. First Homes would also be exempt from the Community Infrastructure Levy.⁴⁴²

138. We were warned that First Homes risked weakening shared ownership provision. Homes for the South West reckoned it would reduce their delivery by 5–10%.⁴⁴³ Sage Housing calculated their delivery of shared ownership would fall from 9,000 per annum

438 [Q125](#) (The Minister)

439 [“All new developments must meet local standards of beauty, quality and design under new rules”](#), MHCLG, 30 January 2021

440 [Q347](#) (Eddie Hughes)

441 MHCLG, [First Homes: Summary of responses to the consultation and the Government’s response](#), August 2020, pp 3–8

442 MHCLG, [Changes to the current planning system](#), pp 19–24

443 Homes for the South West ([FPS0070](#))

to 1,500 per annum because of First Homes. They accordingly wanted greater flexibility on delivering both First Homes and Shared Ownership.⁴⁴⁴ There were also concerns about the loss of other types of affordable housing (and social housing) brought about by the Government's proposed requirement that 25% of affordable housing contributions should be First Homes. Doubts were expressed the First Homes would be affordable, particularly for key workers such as nurses and for those resident in London.⁴⁴⁵ It was also suggested there should be a much wider rural exemption.⁴⁴⁶ It was suggested that exemptions from the Infrastructure Levy should apply to all discounted market sale homes and affordable rent to buy properties.⁴⁴⁷ In April 2021 the Government reiterated their proposal that 25% of Section 106 units be First Homes, albeit with exemptions for certain sites.⁴⁴⁸

139. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.

Brownfield sites

140. Concerns have previously been expressed that housing policies, such as the housing delivery test, have promoted building on greenfield sites ahead of brownfield.⁴⁴⁹ This was reinforced by the drop in the proportion of new residential addresses being created on previously developed land. In the last year for which figures are available, 2017–18, 53% of such addresses were created on previously developed land. This was a lower proportion than in the four preceding years, especially the 61% figure for 2015–16.⁴⁵⁰

141. Our public engagement survey found widespread support for preferring brownfield sites over greenfield locations. Among the responses we were told:

Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.

Brown field should be exhausted until green belt building is even considered.

444 Sage Housing ([FPS0090](#))

445 Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), Locality ([FPS0086](#)), London Forum of Amenity & Civic Societies ([FPS0156](#))

446 Hever Parish Council ([FPS0007](#)), National Housing Federation ([FPS0158](#))

447 Pocket Living ([FPS0023](#)), Rentplus-UK Ltd ([FPS0047](#))

448 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

449 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, [HL Paper 330](#), para 329

450 MHCLG, [Land Use Change Statistics in England: 2017–18](#), May 2019, Table 1, p 4. These figures exclude conversion to residential, although the impact of doing so is minute.

142. There were similar calls to emphasise and use brownfield sites in our evidence.⁴⁵¹ This including possibly introducing compulsory brownfield targets,⁴⁵² or that undeveloped brownfield land could be taxed to encourage its development.⁴⁵³ We were told that brownfield sites could often be the location for specialist retirement housing.⁴⁵⁴ Debates over brownfield land often intertwined with discussions about the Green Belt. Those favouring a reconsideration of the Green Belt policy were often cautious about a brownfield-only approach.⁴⁵⁵ However Newcastle City Council warned “Development of ... brownfield land can be complex with off- and on-site infrastructure needs, underground contamination and abnormalities that could not be assessed and mitigated via a permission in principle [approach].”⁴⁵⁶

143. The Government has allocated additional funding to brownfield sites, with £400 million allocated in the 2020 Budget to councils and Mayoral Combined Authorities,⁴⁵⁷ and a further £100 million for non-Mayoral Combined Authorities for 2021–22 at the 2020 Spending Review.⁴⁵⁸

144. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target.⁴⁵⁹ Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites.

Permitted Development Rights

145. We received extensive evidence about permitted developments rights (PDRs) where changes to buildings can take place without needing to apply for individual planning permission. PDRs cover a range of activities, including home extensions and the change of use of buildings. Although there was some support for the broader principle of speeding up development, particularly for utilities,⁴⁶⁰ there was far more criticism. The unintended consequences of successive reforms showed a consistent lack of safeguards.⁴⁶¹ PDR

451 National Organisation of Residents Associations ([FPS0005](#)), NALC ([FPS0021](#)), St Albans Civic Society ([FPS0057](#)), CPRE the countryside charity ([FPS0077](#)), Royal Town Planning Institute ([FPS0113](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

452 NALC ([FPS0021](#))

453 Silverdale Parish Council ([FPS0100](#))

454 McCarthy & Stone ([FPS0061](#)), Lifestory Group ([FPS0116](#))

455 British Property Federation ([FPS0127](#)), [Q105](#) (Nigel Wilson)

456 Newcastle City Council ([FPS0159](#))

457 HM Treasury, *Budget 2020*, [HC 121](#), March 2020, pp 47, 80

458 HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, pp 35, 73

459 A point acknowledged by the Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, p 43

460 McCarthy & Stone ([FPS0061](#)), Water UK ([FPS0140](#)), Midland Heart ([FPS0152](#))

461 Bartlett School of Planning, University College London ([FPS0097](#))

was also seen to the weaken local authorities' ability to shape places;⁴⁶² and diminish community engagement in the planning process.⁴⁶³ Concerns were raised about the poor quality of design and lack of amenities;⁴⁶⁴ the perceived negative impact of PDR in urban,⁴⁶⁵ and in rural areas;⁴⁶⁶ the loss of business space through conversion of offices to housing;⁴⁶⁷ the increase of potential fire risks;⁴⁶⁸ and the negative impact on cultural and creative clusters.⁴⁶⁹ There was alarm the extension of PDR would harm local listed heritage,⁴⁷⁰ and undermine the protection of habitats and species.⁴⁷¹ Given these concerns and our long-standing interest in this subject, we have now began a separate inquiry which will make recommendations on this subject.

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- 462 Tenterden Town Council ([FPS0003](#)), Local Government Association ([FPS0056](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Highgate Society ([FPS0155](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))
- 463 Tenterden Town Council ([FPS0003](#)), Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), City of London Corporation ([FPS0148](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 464 Institute of Historic Building Conservation ([FPS0044](#)), Bristol City Council ([FPS0119](#)), City of London Corporation ([FPS0148](#))
- 465 Newcastle City Council ([FPS0159](#))
- 466 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 467 Tenterden Town Council ([FPS0003](#))
- 468 National Fire Chiefs Council ([FPS0040](#))
- 469 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 470 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Royal Town Planning Institute ([FPS0113](#))
- 471 Wildlife & Countryside Link ([FPS0075](#))

7 Omissions

Introduction

146. The planning system deals with more than housing. A strong perception in our evidence was that the Government’s proposals unduly concentrate on housing at the expense of other elements of planning. Several submissions listed a series of omissions from the White Paper.⁴⁷² A first strand of omissions related to economic activities being ignored. These included mineral provision,⁴⁷³ commercial property,⁴⁷⁴ agriculture,⁴⁷⁵ local shopping areas,⁴⁷⁶ London, economic activities, the environment,⁴⁷⁷ and how the planning reforms are linked to bolstering employment.⁴⁷⁸ The British Property Federation simply stated “two words absent from the White Paper are ‘commercial property’”.⁴⁷⁹ A second strand of omissions related to housing—such as specialist housing for the disabled and the elderly (including how to cope with an ageing population),⁴⁸⁰ the role of credit and the impact of the financialisation of housing,⁴⁸¹ and provision for gypsy and traveller communities.⁴⁸² A third strand included worries about the omission of transport-related subjects, especially how sustainable transport would be encouraged.⁴⁸³ A fourth strand related to the lack of discussion of other subjects connected to the planning system, such as energy networks,⁴⁸⁴ and the perceived lack of detail around climate change,⁴⁸⁵ Green Belt,⁴⁸⁶ neighbourhood plans,⁴⁸⁷ and the protections for historic, environmental and architectural buildings,⁴⁸⁸ and leisure facilities for play and sport.⁴⁸⁹

The Minister’s response

147. We asked the Minister about these omissions. He stated that the three zones approach “is also designed to make sure that local communities can say what commercial sorts of developments they want in those places to support their local communities.” He pointed

472 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Peel L&P ([FPS0094](#)), City of London Corporation ([FPS0148](#))

473 Mineral Products Association ([FPS0050](#)), Rutland County Council ([FPS0071](#))

474 Accessible Retail ([FPS0053](#)), Ark Data Centres ([FPS0063](#))

475 Rutland County Council ([FPS0071](#))

476 Robert Rush ([FPS0163](#))

477 [Q96](#) (Claire Dutch)

478 Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

479 British Property Federation ([FPS0127](#))

480 Centre for Ageing Better ([FPS0055](#)), Rutland County Council ([FPS0071](#))

481 Bartlett School of Planning, University College London ([FPS0097](#))

482 London Gypsies and Travellers ([FPS0067](#)), Rutland County Council ([FPS0071](#))

483 Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunae (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 Shtebunae (Doctoral Researcher at Birmingham City University) ([FPS0072](#))

to the permitted development rights announcement and funding through the Town Funds and High Streets Fund to show support for commercial spaces. Regarding other omissions he stated that:

I cannot commit to what is going to be in the legislation until we have seen what comes back in the consultation ... You have seen the key themes and foci that we have, but that does not mean to say that we will not include other things or refine things as we move through the consultation and toward legislation.⁴⁹⁰

148. We agree that the Government’s proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The ‘levelling up’ agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament*

8 Land capture and the funding of infrastructure

Background

149. There have been three attempts in the post-war era to capture the increases in land value that result from planning permission and housing development.⁴⁹¹ Subsequently, a Mandatory Tariff was proposed but not implemented in 2001, and an optional planning charge was only partially implemented as an alternative to Section 106 agreements. The Barker Review of 2004 recommended a planning-gain supplement when planning permission was granted.⁴⁹² Criticism of it, including from one of our predecessor committees,⁴⁹³ meant it was abandoned in 2006. Instead, in 2010, the Community Infrastructure Levy (CIL) was introduced.

150. The CIL is a locally determined, fixed-rate development charge, and is optional. The CIL charge is levied in terms of £ per square metre, and subject to two rounds of statutory public consultation and review by an Independent Examiner. Different areas of a planning authority and types of development can have different charging rates. Local authorities must publish a charging schedule and a list of priorities for expenditure.⁴⁹⁴ The CIL operates alongside Section 106 agreements. These agreements are legally enforceable contracts between the developer and the LPA to ensure the delivery of new infrastructure, including highways, public transport, education, community and cultural facilities, environmental mitigation and affordable housing. The main difference between the two is that the Section 106 agreements raises revenue for infrastructure mainly associated with a particular planning decision and its acceptability, whereas the CIL is intended to fund development across a wider area.

151. In 2017 a Government-commissioned review into the CIL was published.⁴⁹⁵ It found that the CIL was not raising as much money as central government and local authorities had expected, that developers preferred Section 106 over the CIL for large mixed-used sites, and the CIL receipts did not enable all necessary infrastructure to be delivered. They recommended introducing “a broad and low-level Local Infrastructure Tariff (LIT) and Section 106 for larger developments.” The LIT would be based on a national formula, based on local market value set at a rate of £ per square metre, with few or no exemptions. Where the cost of collection would be too high for local authorities, the levy would be charged on gross development. Small developments of 10 units or less should only pay LIT. However, in 2018, when the Government held a consultation on reforms to the CIL they did not

491 In 1947 a 100% development charge was set on value accruing because of the granting of planning permission. It was repealed in 1954. In 1967 a ‘betterment levy’ of 40% was introduced. That levy was repealed in 1970. A third effort took place in the 1970s. A Development Gains Tax was introduced in 1973, followed by a Development Land Tax introduced in 1976 and levied at 66.6% to 80% of development value. This tax was abolished in 1985.

492 Kate Barker, [Review of Housing Supply: Delivering Stability – Securing our Future Housing Needs, Final Report](#), (2004), p 87, recommendation 26

493 Communities and Local Government Committee, Fifth Report of the 2005–06 Session, [Planning Gain Supplement](#), HC 1024-I

494 MCHLG, [Community Infrastructure Levy](#), November 2020

495 MHCLG, [A New Approach to Developer Contributions: A report by the CIL Review Team](#), February 2017

recommend introducing a LIT.⁴⁹⁶ The Government did express support for the Mayoral Community Infrastructure Levies that apply in London and other mayoral Combined Authorities. Nevertheless, several submissions to our inquiry showed continuing support for the 2017 recommendations.⁴⁹⁷

152. In 2018 our predecessor committee published a report on land value capture. Among its main recommendations were urging further consideration of the 2017 review's Local Infrastructure Tariff, and that in the meantime the Government should reform the CIL to reduce exemptions and its complexity. It also argued that more uplift in land value could be captured. For instance, it urged reform of the Land Compensation Act 1961, moving away from the 'hope value' currently received by landowners from local authorities when land is compulsorily purchased. This value includes that which would result from speculative future planning permission. Instead the valuation should reflect the costs of providing affordable housing, infrastructure, services, and the profit the landowner would have made. Such changes could make a new generation of New Towns feasible. The Compulsory Purchase Order regime should be simplified, and decisions made locally. The report supported retaining Section 106 and improving the resources for local authorities to negotiate with developers. Section 106 should also not be undermined by the otherwise commendable idea of a Strategic Infrastructure Tariff, which could be extended across the country and fund major infrastructure projects.⁴⁹⁸ In 2019 a House of Lords Committee also recommended the Government establish a six-month inquiry into land value capture.⁴⁹⁹

153. We reiterated our commitment to reform of the Land Compensation Act 1961 in our recent report on social housing.⁵⁰⁰ Our terms of reference for this inquiry asked what progress had been made following the 2018 report. The main change noted in evidence was the increased transparency of viability assessments. Furthermore, the basis for judging the viability of schemes has shifted to 'existing use value' with a premium that considers Section 106 and CIL contributions.⁵⁰¹ Otherwise progress had been limited.⁵⁰² Reforms are still needed to the Land Compensation Act 1961.⁵⁰³ The National Housing Federation argued the White Paper had gone much further, through proposing the abolition rather than reform of Section 106 and the CIL.⁵⁰⁴

496 MHCLG, [Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing and infrastructure](#), March 2018; MHCLG, [Government response to supporting housing delivery through developer contributions](#), October 2018

497 [Q 2](#) (Philip Barnes), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#))

498 Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 766

499 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, , [HL Paper 330](#), para 361

500 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 36

501 TCPA ([FPS0034](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Peel L&P ([FPS0094](#))

502 TCPA ([FPS0034](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), District Councils' Network ([FPS0082](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Royal Town Planning Institute ([FPS0113](#)), Land Promoters and Developers Federation ([FPS0138](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#))

503 NALC ([FPS0021](#)), Greater London Authority ([FPS0149](#)), Homes for the South West ([FPS0070](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), PricedOut ([FPS0129](#)), Shelter ([FPS0154](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

504 National Housing Federation ([FPS0158](#))

154. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee’s report into land value capture. The Government’s response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. We call upon the Government to act upon the whole range of recommendations in our predecessor committee’s Land Value Capture report.

The Community Infrastructure Levy (CIL)

155. MHCLG sponsored research that was published in August 2020 showed that developers contributions in England in the financial year of 2018–19 paid through CILs and Section 106 agreements were valued at £7 billion (a real terms increase of 9% from 2016–17). The contributions were made up of 67% going into affordable housing, 18% from other parts of Section 106 contributions, 12% from the CIL and 3% from the Mayoral CIL. 90% of local authorities attached planning conditions using Section 106. The majority of developer contributions agreed were in London and the South East, although London’s share of the overall total had fallen from 38% in 2016–17 to 28% in 2018–19. By the end of 2019 48% of LPAs had adopted CILs compared to 39% in 2016–17.⁵⁰⁵

156. The Government White Paper proposed to replace Section 106 and the CIL with a new National Infrastructure Levy. This would be “a nationally-set value based flat rate charge.” Either a single or varied rate could be set by central government. It would be charged on the final value of a development and at the point of occupation. There would be a minimum threshold below which it would not be charged. Councils would be able to borrow against Infrastructure Levy revenues to fund infrastructure. Residences created through permitted development rights would be subject to the levy. The Infrastructure Levy could cover the provision of affordable housing, with in-kind delivery built on-site being discounted from the Levy charge. Local authorities would have greater flexibility over using levy funds and could demand cash contributions if no affordable housing provider was prepared to purchase the homes because they were poor quality. The Government argued that this approach would raise more revenue than under the current system, deliver as much or more affordable housing and remove the need for months of negotiations of Section 106 agreements. They also proposed retaining the Mayoral Community Infrastructure Levies, which apply in London and the mayoral combined authorities, “as part of the Infrastructure Levy to support the funding of strategic infrastructure”.⁵⁰⁶

157. The CIL came in for rigorous criticism, being described as “both complicating and challenging”.⁵⁰⁷ The CIL “does not work in low growth areas”,⁵⁰⁸ and “[t]he levy has been subject to many changes, has not always been spent on infrastructure critical to development and does not work well for large and complex sites.”⁵⁰⁹ The Federation of Master Builders’ survey in 2020 found 55% of their respondents thought the CIL and Section 106 rendered sites unviable, and thought “that CIL is arbitrary and unpredictable between different

505 MHCLG, [The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018–19](#), August 2020, pp 8–10

506 MHCLG, [White Paper: Planning for the Future](#), pp 47–53; [Q161](#) (The Minister)

507 Pocket Living ([FPS0023](#))

508 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

509 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

authorities”, resulting from “viability concerns” and “exemptions”.⁵¹⁰ However the City of London Corporation stated that the CIL and Section 106 were working well, providing valuable contributions, both financial and in training and skills, and thus “Wholesale replacement with a new system would be a retrograde step.”⁵¹¹ There was support for the mayoral CIL. The GLA told us that over £743 million had been collected in 2019–20, to help towards delivering Crossrail.⁵¹²

Section 106

158. Opinions about Section 106 were more positive than those of the CIL. The National Housing Federation drew this distinction, arguing that “In contrast to CIL and previous levies—and as the committee has recognised—Section 106 has been relatively successful and has scope to be improved.”⁵¹³ Their representative expressed a wish to preserve Section 106.⁵¹⁴ Section 106 was also praised for helping deliver affordable housing.⁵¹⁵ Particular stress was placed on how Section 106 imposes legally enforceable obligations on developers, facilitating affordable housing and sustainable transport. It was noted that the contracts existing under Section 106 agreements were not envisaged under the new levy.⁵¹⁶ Different infrastructure related organisations highlighted the importance of Section 106 agreements.⁵¹⁷ This fed into worries about the ambiguity of how the new Levy would operate in relation to nuclear legacy sites or decommissioning.⁵¹⁸

159. This was not a view shared by all. The Centre for Cities termed Section 106 “a deeply inefficient form of taxation, which delays development by inducing trench-warfare negotiations between developers and local authorities over planning obligations.”⁵¹⁹ The suspicion of secretive negotiations persisted despite the reforms to viability arrangements,⁵²⁰ alongside unhappiness at having to renegotiate them when developers offered a new viability case.⁵²¹ The LGA acknowledged councils “often do not have sufficient skills and capacity to evaluate viability appraisals and so outsource them to independent consultants for advice. In contrast developers are well resourced.”⁵²² Local authorities were in turn criticised for providing a “shopping list of aspirations” to developers to meet through Section 106.⁵²³ It was argued that both the CIL and Section 106 were also too narrowly focused, for instance with limited ability to fund different modes of transport.⁵²⁴

510 The Federation of Master Builders (FMB) ([FPS0125](#))

511 City of London Corporation ([FPS0148](#))

512 Greater London Authority ([FPS0149](#))

513 National Housing Federation ([FPS0158](#))

514 [Q22](#) (Kate Henderson)

515 Shelter ([FPS0154](#)), National Housing Federation ([FPS0158](#))

516 Daventry District Council ([FPS0011](#)), Savills ([FPS0101](#)), Stonewater ([FPS0103](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

517 National Grid ([FPS0088](#))

518 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

519 Centre for Cities ([FPS0144](#))

520 Just Space ([FPS0115](#))

521 [Q48](#) (Andrew Longley)

522 Local Government Association ([FPS0056](#))

523 Paul G. Tucker QC ([FPS0153](#))

524 Urban Mobility Partnership ([FPS0122](#))

160. The Minister defended reforming Section 106—he stated approximately 80% of councils had told him that Section 106 agreements do not work effectively, and were seen as opaque, slow, and subject to renegotiations that alter the end outcomes.⁵²⁵ Simon Gallagher did acknowledge that the non-financial functions of Section 106 agreements would need to be retained in a new system.⁵²⁶

161. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements.*

Views of the Government's reforms

162. As with other aspects of the Government's reforms, significant parts of our evidence were devoted to lamenting the lack of details about aspects of the proposed infrastructure levy. Homes for the South West stated:

The current proposals for an Infrastructure Levy (IL) to replace the Community Infrastructure Levy (CIL) and Section 106 planning obligations provide very little detail regarding how delivery will take place; how levels will be set, what the makeup will be, or indeed how it will be secured, delivered, if needed, varied and monitored on a site by site basis.⁵²⁷

This was echoed by the Home Builders Federation,⁵²⁸ and the British Property Federation who were concerned about whether the levy would apply to office developments and if viability assessments would persist.⁵²⁹ The LGA stated “It is unclear in the White Paper, however, how any new Infrastructure Levy will work with Neighbourhood Plans.”⁵³⁰

163. Daventry District Council provided a mixed view. They noted that the levy would “remove ‘cliff edge’ situations” where “a slight difference in [the] scale of development results in markedly different levels of contribution.” However, they noted site boundaries could be used to game the system by excluding adjoining land. They worried about the loss of the non-financial aspects of Section 106 agreements (e.g. restrictions on land use), and the delivery of affordable housing.⁵³¹

164. It was suggested that the white paper should have gone further—for example taxing increases in land value,⁵³² partially removing capital gains tax relief from principle private residences,⁵³³ and restricting the ability of developers to “claim later that the site is no longer financial viable”.⁵³⁴ Local authority organisations also urged the strengthening of compulsory purchase orders (CPOs) to enable them to “bring forwards stalled sites.”⁵³⁵ The CPRE urged that “Local councils should have first refusal on buying development land”, alongside confiscating planning permissions where build-out was too slow.⁵³⁶

525 [Q126](#) (The Minister)

526 [Q126](#) (Simon Gallagher)

527 Homes for the South West ([FPS0070](#))

528 Home Builders Federation ([FPS0073](#))

529 British Property Federation ([FPS0127](#))

530 Local Government Association ([FPS0056](#))

531 Daventry District Council ([FPS0011](#))

532 Rother Association of Local Councils (RALC) ([FPS0012](#)), North Southampton Community Forum ([FPS0018](#))

533 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

534 Rother Association of Local Councils (RALC) ([FPS0012](#))

535 District Councils' Network ([FPS0082](#)). See also Local Government Association ([FPS0056](#))

536 CPRE - The Countryside Charity ([FPS0165](#))

How much revenue would it bring in?

165. In considering the Government’s reforms, we examined how much money the shift to the Infrastructure Levy was likely to raise. We were given figures ranging from 25–30% of developmental value to 50–60% of land value for how much land value capture already takes place.⁵³⁷ The District Council Network argued that “Currently CIL and S106 are fairly limited in their effectiveness of capturing land value uplift.”⁵³⁸ Shelter cited the Centre for Progressive Policy’s estimate that reforming the Land Compensation Act 1961 could raise £214 billion over 20 years.⁵³⁹

166. We were told by the RTPI that because of the challenges of setting a single levy for the whole country it was difficult to judge how much revenue would be raised.⁵⁴⁰ Hackney Council expressed a hope that there would be an increase in the amount captured, arguing for “a genuinely meaningful contribution to the costs incurred.”⁵⁴¹ This echoed other calls for additional revenues to be raised through the reforms.⁵⁴² The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) thought that CIL rates were often too low and brought in less than Section 106 contributions—and feared the same would happen with the national infrastructure levy.⁵⁴³ Detailed assessment by academics submitted to us suggested the Infrastructure Levy would not raise much more than the current Section 106 and CIL contributions. The amount of revenue raised would depend on the rate of the levy, the threshold above which it is charged, and how much prioritisation is given to affordable housing compared to other infrastructure. There would be some additional funding resulting from the levy being applied more widely to non-residential developments.⁵⁴⁴

167. The Minister argued there would be more revenue due to the assessment of “land value on its final developable value” rather than assessing the value prior to construction.⁵⁴⁵

Local versus national rates

168. There was opposition to the idea of a single national rate for the new levy. This was mainly due to the differences in land values across the country.⁵⁴⁶ Furthermore, we were warned that charging a single rate would risk disproportionately impacting areas with lower land values but higher infrastructure costs - notably in northern towns and cities.⁵⁴⁷ A 20% national levy rate would be both too high for low land value areas whilst not capturing much from higher value areas.⁵⁴⁸ The British Property Federation argued “[t]he more any levy can be tailored to individual circumstances the more it is likely to raise.”⁵⁴⁹

537 CLA ([FPS0049](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#))

538 District Councils’ Network ([FPS0082](#))

539 Shelter ([FPS0154](#))

540 [Q76](#) (Richard Blyth)

541 London Borough of Hackney ([FPS0091](#))

542 Local Government Association ([FPS0056](#)), Anchor Hanover ([FPS0074](#))

543 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

544 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

545 [Q126](#), [Q161](#) (The Minister)

546 Pocket Living ([FPS0023](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), [Q46](#) (Lisa Fairmaner), [Q76](#) (Richard Blyth), [Q78](#) (Paula Hewitt)

547 Homes for the South West ([FPS0070](#))

548 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

549 British Property Federation ([FPS0127](#))

In contrast, the Federation of Master Builders applauded a single rate calculated “in a clear and transparent way” and “in a consistent way across the country”.⁵⁵⁰ The Minister stated that there had been no final decision over whether to have a national rate, or several localised ones.⁵⁵¹

Redistribution

169. The White Paper stated that “Revenues would continue to be collected and spent locally.”⁵⁵² This approach was supported by St Albans Civic Society who saw local spending as necessary to ensure public trust.⁵⁵³ Local authority representatives and the RTPI also wanted funds raised locally to be spent locally, although it was acknowledged it would be insufficient to cover “strategic infrastructure”.⁵⁵⁴ There was also a call for a stronger role for neighbourhood forums in deciding on local priorities for spending the levy revenue.⁵⁵⁵

170. In contrast the TCPA told us:

There is recognition but no discussion in the White Paper of the single biggest flaw of the current approach relating to capturing development values, which is its tendency to yield more for high demand communities providing no mechanism for redistribution for those places requiring regeneration.⁵⁵⁶

The Canal and River Trust also supported the need for redistribution.⁵⁵⁷ We were also told that the lack of redistribution would worsen existing regional inequalities.⁵⁵⁸ The RICS noted that the lack of land value capture “does not mean the funding is not needed for the infrastructure”.⁵⁵⁹ We were also told that the debate over land value capture reflected “London-centric assumptions on land economies” and that many parts of the country, including in south-east England, had “viability challenges.”⁵⁶⁰

171. The Minister explained a decision needed to be made about a national or a localised levy (with different rates in various parts of the country) before considering the questions around redistribution: “We will have to see where it lands and then what we need to do to make sure that we do not see areas disadvantaged.”⁵⁶¹

550 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q2](#) (Brian Berry)

551 [Q126](#), [Q161](#) (The Minister)

552 MHCLG, [White Paper: Planning for the Future](#), p 49

553 St Albans Civic Society ([FPS0057](#))

554 [Q47](#) (Lisa Fairmaner) [Q51](#) (Andrew Longley), [Qq80–81](#) (Richard Blyth)

555 Neighbourhood Planners London ([FPS0032](#))

556 TCPA ([FPS0034](#))

557 Canal & River Trust ([FPS0048](#))

558 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#)), [Q20](#) (Kate Henderson), [Q77](#) (Paula Hewitt), [Q78](#) (Philip Waddy)

559 [Q77](#) (Tony Mulhall)

560 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

561 [Q163](#) (The Minister)

At what point should the levy be charged?

172. The Government has proposed charging the levy at the point of the occupation of a property, and letting local authorities borrow against the expected levy revenue to finance infrastructure in advance. It was noted that this put the risk onto local authorities, who might have to borrow at relatively high rates “because of uncertainties about value and timing of such income.”⁵⁶² There were also complaints there would be gaming of the system.⁵⁶³ There were calls for clarity on whether residual land value or gross development value would be used.⁵⁶⁴ We were warned it could discourage brownfield sites being brought forward.⁵⁶⁵ The change would also increase the uncertainty surrounding the delivery of infrastructure linked to developments, which in turn would reduce the amount of infrastructure available.⁵⁶⁶ The British Property Federation also told us that while paying at the end “has cashflow attractions but would raise considerable challenges around trigger points and valuations” and their members had fears over the delivery of infrastructure on time.⁵⁶⁷

173. Developers did express support for the change.⁵⁶⁸ We were told that moving to the occupation point would help small developers,⁵⁶⁹ “obviate some of the issues around viability”,⁵⁷⁰ and would be more efficient through being applied to every development.⁵⁷¹ When asked about the possible burden on councils, the Minister said:

We want to design a system that protected local authorities but does not discourage developers, particularly smaller developers, from developing because the levy cost might be a barrier for entry to them.⁵⁷²

Affordable housing

174. There was some scepticism about funding affordable housing through the levy, either through payments or through in-kind delivery.⁵⁷³ It was noted that the levy would be less

562 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)). See also England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

563 Daventry District Council ([FPS0011](#)), Mr Richard Gilyead ([FPS0022](#)), London Borough of Hackney ([FPS0091](#))

564 Ark Data Centres ([FPS0063](#))

565 Homes for the South West ([FPS0070](#))

566 UK Women’s Budget Group ([FPS0025](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Institution of Civil Engineers ([FPS0035](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), [Q46](#) (Lisa Fairmaner)

567 British Property Federation ([FPS0127](#))

568 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q23](#) (Philip Barnes and Brian Berry)

569 Pocket Living ([FPS0023](#))

570 District Councils’ Network ([FPS0082](#))

571 Centre for Cities ([FPS0144](#))

572 [Q162](#) (The Minister)

573 Rother Association of Local Councils (RALC) ([FPS0012](#))

prescriptive than Section 106 in its requirements for affordable housing.⁵⁷⁴ These concerns fed into fears the new levy could result in less affordable housing.⁵⁷⁵ The GLA also singled out the infeasibility of handing affordable housing back to developers “if the subsidy from the affordable housing is greater than the amount of Levy to be paid.”⁵⁷⁶ The National Housing Federation, the main trade body for housing associations, stated:

We are also unclear on what the promised “as much, or more” affordable housing under the new system refers to. Is it the equivalent to the current system, which delivered 28,000 affordable homes through Section 106 in 2018/19—or the number in existing affordable tenures anticipated after proposed changes to introduce First Homes and raising the Section 106 threshold? The latter would mean a major reduction in the supply of current affordable tenures.⁵⁷⁷

It was also argued that including affordable housing in the levy would require proper appreciation of the costs of different types of affordable housing, whose values often fluctuates over time, resulting in greater complexity and risk for developers.⁵⁷⁸ The District Councils Network argued the risks of payment in kind for affordable housing was twofold. It could either leave insufficient revenue for other infrastructure,⁵⁷⁹ or spending on infrastructure would mean less affordable housing is delivered. They preferred on site delivery as being more cost effective.⁵⁸⁰ Conversely, the City of London Corporation welcomed the ability of affordable housing to be delivered off-site.⁵⁸¹ One way of breaking the potential conflict came from the RTPI, who suggested that the Government increase grant funding. This could build 145,000 social homes a year (90,000 at social rent), with reduced reliance on developer contributions.⁵⁸²

Small sites and rural areas

175. At present, affordable housing contributions should not be sought for developments of fewer than 10 housing units, except in designated rural areas where the threshold is five units or fewer.⁵⁸³ The Government consultation proposed temporarily raising the threshold for sites exempt from providing affordable housing to 40 or 50 dwellings.⁵⁸⁴ Supporters of this move emphasised it was necessary to “increase capacity in the housing market”, through promoting “micro-housebuilders”.⁵⁸⁵ However there were also concerns. We were told that the rural exemption from the higher threshold would only apply to 30% of parishes with populations of 3,000 or fewer.⁵⁸⁶ There were also fears there would be a loss of affordable housing generally, and particularly in rural areas.⁵⁸⁷ This lack of affordable housing would also leave smaller builders more vulnerable to a market downturn.⁵⁸⁸

574 Midland Heart ([FPS0152](#))

575 Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Just Space ([FPS0115](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

576 Greater London Authority ([FPS0149](#))

577 National Housing Federation ([FPS0158](#))

578 Pocket Living ([FPS0023](#))

579 District Councils Network. See also Locality ([FPS0086](#))

580 District Councils Network ([FPS0082](#))

581 City of London Corporation ([FPS0148](#))

582 Royal Town Planning Institute ([FPS0113](#))

583 MHCLG, [Changes to the current planning system](#), p 26

584 MHCLG, [Changes to the current planning system](#), pp 26–7

585 [Q21](#) (Brian Berry)

586 Action with Communities in Rural England (ACRE) ([FPS0161](#))

587 [Q19](#) (Kate Henderson)

588 National Housing Federation ([FPS0158](#))

176. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings.⁵⁸⁹ *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.*

589 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

9 Resources and skills

177. Two themes emerged in our evidence regarding the resourcing of the planning system. First, that LPA do not have enough resources. Second, that the Government's proposed reforms would increase the needs for particular skills that in turn would need further funding. Nobody argued that the current level funding for LPAs was adequate.

Need for additional resources

178. The National Audit Office has calculated that, even allowing for increases in revenue from planning fees, spending on planning had fallen by 14.6% from £1.125 billion in 2010–11 to £961 million in 2017–18.⁵⁹⁰ As planning fees do not cover the cost of applications, taxpayers are contributing nearly £180 million a year.⁵⁹¹ This reduction in funding contributed towards a 15% reduction in planning staff between 2006 and 2016. There was also a fall of 13% in planning inspectors between 2010 and 2018. In response to these reductions the Government has funded a bursary scheme and supported an RTPI initiative bid to establish a degree-level planning apprenticeship.⁵⁹² There has been a particular loss of specialist staff. Between 2006 and 2018 there was a fall of 35% in conservation officers, and a 34% reduction in archaeologists. Only 26% of English local authorities now have in-house ecological expertise. This was alongside reduced funding for statutory consultees, such as Natural England and Historic England.⁵⁹³ Other changes, such as the then Government's policy of removing design considerations from planning in the 1980s, were also blamed for a decline in those specialist skills.⁵⁹⁴

179. The lack of resources, coupled with a lack of expertise, were seen to have added to delays in the planning process.⁵⁹⁵ Brian Berry highlighted that speeding up the planning process, a key objective of the Government's reforms, depended on resources: "One of the things that worries me is resources. None of this is possible unless there are adequate resources to carry this out."⁵⁹⁶ Kate Henderson emphasised reforming the system "will require a huge amount of resource up front."⁵⁹⁷ The need for funding to undertake a transformation in the planning system was reiterated by local authority representatives,⁵⁹⁸ alongside the greater resources needed to enhance the digital aspects of the planning system.⁵⁹⁹ Additional costs may also result from the transitional period where there would have to be two planning systems simultaneously.⁶⁰⁰

180. We wanted to know how much additional funding was needed to meet the increased demands. The RTPI stated it had proposed £500 million to the comprehensive spending

590 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, p 39

591 Local Government Association ([FPS0056](#))

592 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, pp 11, 42–4

593 National Trust ([FPS0157](#))

594 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

595 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Peel L&P ([FPS0094](#))

596 [Q2](#) (Brian Berry)

597 [Q6](#) (Kate Henderson). See also [Q54](#) (Lisa Fairmaner and Andrew Longley)

598 [Q53](#) (Andrew Longley)

599 Local Government Association ([FPS0056](#)), Southwark Council ([FPS0110](#))

600 [Q75](#) (Richard Blyth)

review.⁶⁰¹ This would be divided amongst various sub-funds “which would be related to specific outcomes such as increasing community engagement, digital planning and place making.” This related to a fear the planning system was too dependent on planning fees for revenue.⁶⁰²

181. When this figure was put to the Minister he replied: “I am very conscious of the need for the right level of resources in local authorities and the time of those resources to do the job that they need to do.” He pointed to the £12 million provided at the 2020 Comprehensive Spending Review “to take forward the government’s radical planning reform agenda” as a beginning.⁶⁰³ He stated the Government was “committed to a review of resources and skills”, which will look at options for the new planning structure. He also argued a benefit of the Government’s reforms is that planning officials will have more time to focus on strategic planning rather than processing administrative paperwork.⁶⁰⁴

The need for skills

182. In its consultation the Government stated it would “develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.” It especially singled out digital skills.⁶⁰⁵ We were warned that a negative consequence of the proposed reforms could be that “through more automation and coding,” planning work would be reduced “to routine and administrative tasks, ignoring the role of skilled professionals in negotiating improved outcomes amongst multiple stakeholders.”⁶⁰⁶ Instead there was a need to improve the reputation of working in planning.⁶⁰⁷

183. The National Trust stressed that there would be various new demands introduced by the Government’s reforms:

In future planning authorities will be required to put greater effort into defining ‘areas’ and their requirements in their allocation of land (plan making); into complex cases and enforcement. Increased capability around design coding, master planning, managing spatial data and digital skills and community engagement expertise will also be needed to support the new local plan system.⁶⁰⁸

An array of different skills was identified as being needed to implement the Government’s reforms. Foremost amongst these was design.⁶⁰⁹ The Government has proposed all local

601 Royal Town Planning Institute, [Summary of Royal Town Planning Institute submission to the Comprehensive Spending Review \(CSR\)](#), September 2020

602 [Q83](#) (Richard Blyth)

603 [Qq170–171](#) (The Minister); HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, p 74

604 [Qq170–171](#) (The Minister)

605 MHCLG, [White Paper: Planning for the Future](#), p 57

606 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

607 Savills ([FPS0101](#))

608 National Trust ([FPS0157](#))

609 Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), City of London Corporation ([FPS0148](#)), National Trust ([FPS0157](#)), [Q6](#) (Kate Henderson), [Q53](#) (Andrew Longley)

authorities have a chief officer for design and place-making.⁶¹⁰ RTPI emphasised part of their proposed £500 million “would be a specific design element in order to get us over this initial investment that would be needed before you could arrive at some kind of steady state in which these codes would be operative and smoothly in place.”⁶¹¹ Most LPAs lack “a suitable level of design skills”, with planners not being trained in design and LPAs having lost their architectural departments and skills in conservation. Thus, we were told LPAs would need additional resources “to undertake proper design governance, such as detailed design briefs, site-specific guidelines or post-occupancy evaluation.”⁶¹²

184. Other skills areas highlighted to us where there are shortages included conservation skills,⁶¹³ local ecology specialists,⁶¹⁴ those with experience with heritage buildings,⁶¹⁵ and planning for minerals.⁶¹⁶ Local authorities also needed to improve their expertise in meeting the needs of the elderly,⁶¹⁷ and improving water management.⁶¹⁸ The development of digital platforms would also require LPAs to have “the resources and skills necessary to achieve this.”⁶¹⁹ To ensure place-makers are available in every local authority, the RTPI proposed these should be chartered town planners.⁶²⁰ The City of London Corporation expressed concern that the Government was not planning to provide additional resources for placemaking, whilst arguing LPAs “have limited resources to allocate to Local Plan-making”.⁶²¹ Similarly, the increased role of the Planning Inspectorate in evaluating Local Plans will “require sufficient resources to carry out this important role effectively.”⁶²² It was suggested that increased training and upskilling would ensure “local authority personnel across different areas are able to apply policy and guidance”.⁶²³

185. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government’s proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister’s assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now*

610 MHCLG, [White Paper: Planning for the Future](#), p 18

611 [Q75](#) (Richard Blyth)

612 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

613 Institute of Historic Building Conservation ([FPS0044](#)). See also CLA ([FPS0049](#)), London Borough of Hackney ([FPS0091](#))

614 Wildlife & Countryside Link ([FPS0075](#))

615 Institute of Historic Building Conservation ([FPS0044](#))

616 Mineral Products Association ([FPS0050](#))

617 Centre for Ageing Better ([FPS0055](#))

618 National Flood Forum [FPS126]

619 CPRE the countryside charity ([FPS0077](#))

620 Royal Town Planning Institute ([FPS0113](#))

621 City of London Corporation ([FPS0148](#))

622 British Property Federation ([FPS0127](#))

623 Woodland Trust ([FPS0045](#)). See also Locality ([FPS0086](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

186. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primary legislation, to clearly explain how the various skill needs of the planning system will be met.*

10 Design and beauty

Government proposals

187. The first pillar of the Government’s White Paper was the reforms to Local Plans. The second pillar of the reforms focused on design. The key proposals were:

- To introduce through policy and legislation a fast-track for beauty aimed at promoting “high quality development which reflects local character and preferences.” This would be achieved through updating the NPPF, permitting permission in principle where a proposal has a masterplan and site-specific code agreed, and through reform of permitted development rights.
- LPAs and neighbourhood plans would produce design guides and codes that would “provide certainty and reflect local character and preferences about the form and appearance of development.”
- Local authorities would be encouraged to use pattern books.
- A New Expert Design Board would be established.
- Each local planning authority would have a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- The creation of locally created design guidance and codes. Where they are not in place “the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.”⁶²⁴

188. The Secretary of State, in his forward to *Planning for the Future*, wrote “Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville.”⁶²⁵ The Government’s proposals followed hot on the heels of the Building Better, Building Beautiful Commission whose final report was published in January 2020.⁶²⁶ The Institute of Historic Building Conservation welcomed this new focus: “There has not been enough focus on design throughout the planning process and we welcome the move towards a more design-led approach.”⁶²⁷

189. In January 2021 the Government announced further measures on design, including launching a consultation on changes to the NPPF, and asked about its newly published National Model Design Code.⁶²⁸ Its objective was described as taking forward “our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework.” The Government wanted local councils to create their own local design codes which would “provide a local framework for creating beautiful and

624 MHCLG, [White Paper: Planning for the Future](#), pp 38–43

625 MHCLG, [White Paper: Planning for the Future](#), p 8

626 Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020

627 Institute of Historic Building Conservation ([FPS0044](#))

628 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021; “[All new developments must meet local standards of beauty, quality and design under new rules](#)”, MHCLG Press Release, 30 January 2021; MHCLG, [National Model Design Code](#), January 2021

distinctive places with a consistent and high-quality standard of design.” The required design details would be tailored to the specific place. An Office for Place would be established to support the creation of local designs. It also wanted “greater emphasis on beauty and place-making,” in the NPPF, including ensuring “that all new streets are lined with trees.” This would help ensure “poor quality” proposals were rejected. In contrast good designs would be encouraged, and were defined as either a “development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents”, or be “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area,” whilst being otherwise compatible with their surroundings.

Current situation

190. The Government’s wish for reform reflects wider concerns about the standard of design in recent buildings. There have been successful examples of design, such as the 2019 Stirling Prize winning development of council housing in Norwich.⁶²⁹ But the broad consensus was that design had been undervalued. We were told surveys and research had showed declining design standards,⁶³⁰ and low levels of satisfaction with the houses that people moved into.⁶³¹ Local buildings were denounced as “boring and unimaginative.”⁶³² Place Alliance drew our attention to their *A Housing Design Audit for England*, which found that 54% of new schemes were judged “mediocre”.⁶³³ They argued the root cause of poor design resulted from the main stakeholders failing to prioritise “the delivery of well-designed coherent bits of city that maximise ‘place value’.” Whilst developers standard house types might be thought to be of “popular design ... they give rise to the sort of homes that the *Housing Design Audit* identified as sub-optimum in terms of overall character and sense of place”. This resulted in resistance to their construction by local councillors.⁶³⁴ CPRE cited the same report to argue 75% of recent housing schemes (and 94% in rural areas) would not have been permitted under current design guidance.⁶³⁵

191. Different explanations were offered for this fall in standards, including the merger of Commission for Architecture and the Built Environment (CABE) with the Design Council,⁶³⁶ builders being able to ignore local design codes,⁶³⁷ the stronger negotiating position of housebuilders especially over design issues,⁶³⁸ and the tendency of schemes refused on design grounds to be overturned on appeal resulting in LPAs becoming risk averse about rejecting proposals.⁶³⁹ Accordingly, Richard Blyth on behalf of the RTPI told us 87% of their members “did not feel that the planning system has enough control over design at the moment.”⁶⁴⁰ Blame was also laid upon high land prices,⁶⁴¹ permitted

629 The Smith Institute ([FPS0038](#))

630 Cllr John Crawford ([FPS0008](#))

631 [Q73](#) (Richard Blyth)

632 North Southampton Community Forum ([FPS0018](#))

633 Place Alliance, *A Housing Design Audit for England*, February 2020

634 Place Alliance ([FPS0054](#))

635 CPRE the countryside charity ([FPS0077](#))

636 Institute of Historic Building Conservation ([FPS0044](#))

637 Rother Association of Local Councils (RALC) ([FPS0012](#))

638 CLA ([FPS0049](#))

639 Greater London Authority ([FPS0149](#))

640 [Q73](#) (Richard Blyth)

641 The Chartered Institute of Building ([FPS0096](#))

development rights,⁶⁴² prioritisation of “quantitative measures rather than aesthetic quality”,⁶⁴³ the 1980s policy change that removed design considerations from the planning system,⁶⁴⁴ and that housebuilders imitated the housing built elsewhere in the country.⁶⁴⁵

192. There was disagreement over whether poor design was reducing support for housing developments. The District Council Network expressed doubts that a greater focus on design would remove objections to planning proposals, arguing infrastructure and pressures on public services tended to be of greater concern to local residents.⁶⁴⁶ Contrastingly ADEPT argued local authorities did challenge proposals lacking local distinctiveness and reducing carbon.⁶⁴⁷ Furthermore, the RICS mentioned their own research had found people were prepared to pay a premium for places where there good placemaking and master planning.⁶⁴⁸

Beauty

193. The Government proposed to promote a “fast track for beauty”, following the recommendations of the Building Better, Building Beautiful Commission.⁶⁴⁹ The Government would establish this fast track through updating the NPPF to give preference to schemes complying with local design guides and codes. It would require that in growth areas a masterplan and site-specific code would need to be agreed as a condition of permission in principle. Legislation would also enable “popular and replicable forms of development” to be accelerated through permitted development.⁶⁵⁰ The most common phrase used in our evidence in response to the Government’s proposals for beauty was that “beauty is in the eye of the beholder.”⁶⁵¹ This reflected a wider perception that beauty is too subjective a criterion, and focusing on it overlooked other important aspects of design. The National Trust declared that “Good design is not just about design codes and aesthetics, it is about how a place works.”⁶⁵² The idea that beauty is subjective tied to doubts about a community-based approach to determining it. We were told “It is clearly not a legitimate purpose for the planning system to impose the personal stylistic preferences of the more vocal members of the community on the wider community.”⁶⁵³

642 LSE London ([FPS0139](#)). See also Newcastle City Council ([FPS0159](#))

643 St Albans Civic Society ([FPS0057](#)). See also The Chartered Institute of Building ([FPS0096](#))

644 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

645 National Organisation of Residents Associations ([FPS0005](#)), Tamworth Borough Council ([FPS0013](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

646 District Councils’ Network ([FPS0082](#))

647 [Q72](#) (Paula Hewitt)

648 [Q73](#) (Tony Mulhall)

649 Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 71–2

650 MHCLG, [White Paper: Planning for the Future](#), p 42

651 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), MCS Charitable Foundation ([FPS0102](#)), Land Promoters and Developers Federation ([FPS0138](#))

652 National Trust ([FPS0157](#))

653 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

194. Nonetheless we were surprised by the witness from the Royal Institute of British Architects (RIBA) telling us that “At the end of the day, ultimately, the aesthetic that comes out at the end is perhaps one of the least important aspects of the whole design process.”⁶⁵⁴ We were more persuaded by the view of Richard Blyth from the RTPI:

I suspect that, if it is a building in your own street, an infill, a replacement, a small site in your area, what it looks like is very important to you because you might be looking at it outside your window all the time ... When it comes to major greenfield expansion, design is nothing like as important to existing residents because they do not tend to see so much of it. It is of importance to people who are going to move into those new settlements.⁶⁵⁵

195. There was also criticism of the ‘fast track’ for beauty. We were told that the current rules on design, focused on ‘appearance’ were too vague and unenforceable,⁶⁵⁶ and that good design would require “site and scheme-specific participation”.⁶⁵⁷ Instead, various submissions urged a broader approach to design. Actions with Communities in Rural England (ACRE) noted that the Government’s National Design Guide mentioned ten characteristics of good design “context, identity, built form, movement, nature, public space, Uses, homes and buildings, resources and lifespan”, and argued these should be incorporated in design codes.⁶⁵⁸ A different emphasis was on the importance of function.⁶⁵⁹ Historic England emphasised that beautiful buildings “cannot be considered in isolation; the planning system must create beautiful and sustainable *places*.”⁶⁶⁰ They accentuated how historic environments could foster “good, modern design”. Environmental quality and climate change were also emphasised.⁶⁶¹ In terms of public engagement, the focus on appearance rather than design quality “patronises local communities by implying that they do not understand more fundamental design issues.”⁶⁶²

196. Concerns were also expressed that prescriptive measures—for example pattern books—would be a barrier to innovation.⁶⁶³ It was argued that “areas may not be seen as beautiful in the traditional sense, but can still be fun, vibrant and exciting spaces that people want to spend time in.”⁶⁶⁴ We were told that innovation in materials and methods was vital to tackling climate change and that design codes should accommodate that.⁶⁶⁵ The need for design to tackle energy efficiency was also stressed.⁶⁶⁶

654 [Q72](#) (Philip Waddy)

655 [Q73](#) (Richard Blyth)

656 Civic Voice ([FPS0076](#)), London Borough of Hackney ([FPS0091](#)), City of London Corporation ([FPS0148](#))

657 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

658 Action with Communities in Rural England (ACRE) ([FPS0161](#))

659 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Bartlett School of Planning, University College London ([FPS0097](#))

660 Historic England ([FPS0092](#))

661 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), City of London Corporation ([FPS0148](#)), [Q71](#) (Paula Hewitt), [Q73](#) (Richard Blyth)

662 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

663 Pocket Living ([FPS0023](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Southwark Council ([FPS0110](#)), PricedOut ([FPS0129](#))

664 Locality ([FPS0086](#))

665 [Q75](#) (Tony Mulhall)

666 CPRE the countryside charity ([FPS0077](#))

197. We put these concerns to the Minister. He argued that:

If you get a group of people together, they will give you their view of beauty and there are probably some key themes that come out of that consideration. Fundamentally, we are trying to achieve a system whereby local people's views of what looks good in their environment is properly taken into account.⁶⁶⁷

It was explained that the Government's reforms would permit proposals in renewal and protected areas to be brought forward that did not conform to the design requirements through the usual planning process.⁶⁶⁸

Public involvement

198. A key part of the Government's proposals is to involve the public in the design aspects of the new Local Plans. We were informed that currently "neither developers nor local authorities were very interested in involving the community. Many of the participants downplayed the role of community engagement in shaping design outcomes."⁶⁶⁹ Some welcomed this greater involvement by the community.⁶⁷⁰ We were also urged to consider a possible role for neighbourhood plans in setting local standards, drawing on their existing practices in setting detailed design policies.⁶⁷¹ However, doubts about public involvement were also expressed. There were fears locally popular design codes would become a popularity contest rather than focus on high quality in design;⁶⁷² and that elected members would favour "a more traditional pastiche approach ... which could become a barrier to great design that stands the test of time." Instead it was argued that Design Review Panels, with technical specialists, should have a greater role and influence.⁶⁷³

199. It was also argued that community support for a wider design code did not mean consent for a development on a specific site. The National Housing Federation argued that "the most effective codes appear to be site-specific", citing the *Housing Design Audit* that found they were five-times more likely to produce good or very good design outcomes.⁶⁷⁴ The loss of participation with specific sites was cited as reducing "the ability of people to influence detailed design matters. Design codes will not pre-empt all circumstances. The focus of design proposals on beauty, rather than design fundamentals, increases this problem."⁶⁷⁵

667 [Q164](#) (The Minister)

668 [Qq165–167](#) (The Minister and Simon Gallagher)

669 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

670 CPRE the countryside charity ([FPS0077](#)), Cifa CBA & ALGAO UK ([FPS0080](#)), Sustrans ([FPS0151](#))

671 Mr Richard Gilyead ([FPS0022](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Locality ([FPS0086](#)), Sustrans ([FPS0151](#))

672 Institute of Historic Building Conservation ([FPS0044](#))

673 Lifestory Group ([FPS0116](#))

674 National Housing Federation ([FPS0158](#))

675 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

A National Design Body

200. The Government’s proposal for establishing a national design body was broadly welcomed.⁶⁷⁶ We were told past successes had been achieved through the work of the former Commission for Architecture and the Built Environment (CABE) and by current Design Panels.⁶⁷⁷ We were advised that it should not be situated in Homes England and it should not only focus on aesthetics and beauty.⁶⁷⁸ Instead it should “positively promote innovative and creative design”.⁶⁷⁹

National and Local Design Guides and Codes

201. The National Design Guide was published on 1 October 2019,⁶⁸⁰ and praised for showing how well-designed places can be achieved.⁶⁸¹ It is also seen as primarily focused on residential developments.⁶⁸² The National Design Code was published in January 2021, after most of our evidence was received.⁶⁸³ Opinions about the principle of national and local design codes were divided. Advocates of design codes argued that they would provide better design control over officers’ discretionary judgement.⁶⁸⁴ Those who thought they had been neglected supported greater weight being given to them.⁶⁸⁵ We were told that design codes should also apply to non-residential developments.⁶⁸⁶ How the national and local codes should interact was touched on by the City of London Corporation:

The proposed national design guide, national model design code and the revised manual for streets could provide a framework for local decision making but should not provide an inflexible framework. National level guidance is not, in most instances, able to properly reflect specific local circumstances or the needs of local communities—vernacular building styles reflect local traditions and should be encouraged as part of a push to improve the beauty of buildings, for example.

They supported local design solutions agreed by local communities.⁶⁸⁷ The British Property Federation wanted clarity from the Government about the distinction between local and national design codes and guides. If the latter inform the former that might conflict with what is “popular and characteristic in the local area”. They argued however that significant differences in local codes would require different processes, material, and ways of working. Hence, they favoured nationally set design principles, which are “light

676 Pocket Living ([FPS0023](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

677 GL Hearn ([FPS0141](#))

678 Institute of Historic Building Conservation ([FPS0044](#))

679 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

680 MHCLG, [National Design Guide](#), October 2019

681 CLA ([FPS0049](#))

682 Accessible Retail ([FPS0053](#))

683 MCHLG, [National Design Code](#), January 2021

684 Dr Chris Foye et al ([FPS0033](#))

685 South Worcestershire Councils ([FPS0015](#))

686 Place Alliance ([FPS0054](#)), CPRE the countryside charity ([FPS0077](#))

687 City of London Corporation ([FPS0148](#))

touch design codes, that guide and inform rather than stipulate and require.”⁶⁸⁸ Similarly, it was emphasised that Local Plans needed to “set out clear tangible requirements” and not have subjective assessments.⁶⁸⁹

202. We also heard about the limitations of the current proposals. There were calls for greater information, for example about the definition of “popular and replicable forms of development”, and clarity on who judges “whether a proposal achieves acceptable design standards and how and what happens to proposals which don’t meet with a locally agreed design code”.⁶⁹⁰ The CPRE commented “Design codes in themselves cannot guarantee the design quality of future development.”⁶⁹¹ The Place Alliance argued there had to be a move away from a standardised approach towards appropriate design for each site.⁶⁹² There was scepticism that the design code could ensure the community would approve of the resultant buildings,⁶⁹³ and worries that the codes would take a long time to prepare and add little beyond other design statements such as masterplans.⁶⁹⁴ It was feared that the codes would adversely impact on historic areas be inappropriate for the local contexts.⁶⁹⁵ They were seen as possibly stifling innovation yet still permitting unsuitable developments.⁶⁹⁶ Consequently there were calls from the National Trust and from Southwark Council for a framework rather than a code which were more embracing and not a “tick-box exercise”.⁶⁹⁷

203. The Government’s focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals.*

688 British Property Federation ([FPS0127](#))

689 Midland Heart ([FPS0152](#))

690 Neighbourhood Planners London ([FPS0032](#)), National Trust ([FPS0157](#))

691 CPRE the countryside charity ([FPS0077](#))

692 Place Alliance ([FPS0054](#))

693 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

694 Home Builders Federation ([FPS0073](#))

695 Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), National Trust ([FPS0157](#))

696 Canal & River Trust ([FPS0048](#))

697 Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

11 Green Belt

Background

204. The Green Belt dates to 1947 and has remained largely unreviewed throughout the post-war era. The Government White Paper in 2020 stated that “The existing policy for protecting the Green Belt would remain.” They added “it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements.”⁶⁹⁸ There was criticism of the perceived neglect of the Green Belt in the White Paper.⁶⁹⁹ There were accordingly calls for details on what would be the “exceptional circumstances” in which Green Belt could be released for development through Local Plans.⁷⁰⁰

Support for the Green Belt

205. Our public engagement survey received numerous strong expressions of support for the Green Belt. Survey respondents opined that “Green belt should always stay as green belt and never be built on” and that “Brown field should be exhausted until green belt building is even considered”. There were various submissions urging that the Green Belt needed to be protected and promoted,⁷⁰¹ and should be extended.⁷⁰² The latter wish reflected fears about its reputed recent reduction. The Heritage Alliance stated there had been a 62% increase in the loss of “greenfield Green Belt land” since 2013.⁷⁰³ There has been a net reduction in Green Belt of 2.2% since 1997.⁷⁰⁴ The CPRE called for “stronger planning policies to support enhancement of the Green Belt.” They proposed closing loopholes in Green Belt, giving greater attention to the management of Green Belt land to enhance health and wellbeing, and prioritising brownfield sites. They warned against swaps of land when some it removed from the Green Belt.⁷⁰⁵ We were told the “Green Belt is good, positive planning” stopping urban sprawl and ensuring countryside near to cities.⁷⁰⁶ It was also suggested to us that Green Belts could become “carbon-negative sink for city emissions” with high environmental standards and mass tree planting.⁷⁰⁷

698 MHCLG, [White Paper: Planning for the Future](#), p. 28

699 CLA ([FPS0049](#)), Civic Voice ([FPS0076](#))

700 National Housing Federation ([FPS0158](#))

701 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), TCPA ([FPS0034](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Historic England ([FPS0092](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), National Trust ([FPS0157](#)), [Q62](#) (Lisa Fairmaner)

702 NALC ([FPS0021](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

703 NALC ([FPS0021](#)), K Paulson ([FPS0024](#)), The Heritage Alliance ([FPS0066](#))

704 MHCLG, [Local authority green belt statistics for England: 2019 to 2020](#), 10 September 2020. See the tab ‘Area since 1997’ in Accompanying tables: total area and net changes to the green belt by local authority district 2019–20 (annual).

705 CPRE - The Countryside Charity ([FPS0165](#))

706 National Organisation of Residents Associations ([FPS0005](#)), Hever Parish Council ([FPS0007](#))

707 Mr Richard Gilyead ([FPS0022](#)). See also Wildlife & Countryside Link ([FPS0075](#))

The function and purpose of the Green Belt

206. We were told that there is considerable misunderstanding about the purpose and function of green belt, including that people often conflated Green Belt and green fields,⁷⁰⁸ and overlook its original purpose having been to keep urban areas apart.⁷⁰⁹ It was pointed out that there are many Green Belts across the country serving different purposes.⁷¹⁰ Brian Berry, acknowledging the emotive nature of Green Belt, argued “It is not all lush, green land. It is some scrubland” that could be developed by small builders.⁷¹¹

Should the Green Belt be reviewed?

207. We received numerous calls for reviews of the Green Belt.⁷¹² There was only one submission proposing the outright abolition of the Green Belt.⁷¹³ Instead Professor Vincent Goodstadt declared “In the national housing debate [it] is now the over-riding political football which consistently reverts to a debate about releasing land from the Green Belt.”⁷¹⁴ One councillor told us the Green Belt was “an anti-growth mechanism” that drove up building heights and housing costs, echoing the language of the green belt as a “straightjacket” used in another submission.⁷¹⁵ Steve Quartermain proclaimed himself a “big fan” of Green Belt, and did not wish to undermine it, but added “you have to question whether or not some of the existing green-belt boundaries are still appropriate. There is scope for a wider review of the green belt, mainly to re-establish the purpose of green belt,” namely to keep settlements apart.⁷¹⁶ Claire Dutch echoed those calls, arguing “it is time for a grown-up conversation about the green belt. It has been a taboo subject for so long ... The fact we have green belt within the M25 quite frankly seems bonkers, and we need to look at this again.”⁷¹⁷ There was disagreement over the level at which such reviews should take place: at local authority or neighbourhood plan level,⁷¹⁸ or at a sub-national or “strategic” level,⁷¹⁹ or at a national level.⁷²⁰

708 Tamworth Borough Council ([FPS0013](#)), Homes for the South West ([FPS0070](#)). See also Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

709 [Q105](#) (Steve Quartermain). See also Inspired Villages ([FPS0167](#))

710 Chartered Institute of Building ([FPS0096](#))

711 [Q27](#) (Brian Berry)

712 CLA ([FPS0049](#)), Prof Vincent Goodstadt ([FPS0058](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Stonewater ([FPS0103](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), British Property Federation ([FPS0127](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Paul G. Tucker QC ([FPS0153](#)), [Q25](#) (Brian Berry)

713 PricedOut ([FPS0129](#))

714 Prof Vincent Goodstadt ([FPS0058](#))

715 Land Promoters and Developers Federation ([FPS0138](#)), LSE London ([FPS0139](#))

716 [Q105](#) (Steve Quartermain)

717 [Q107](#) (Claire Dutch)

718 Institute of Historic Building Conservation ([FPS0044](#)), Local Government Association ([FPS0056](#)), Abri ([FPS0078](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Stonewater ([FPS0103](#))

719 Prof Vincent Goodstadt ([FPS0058](#)), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

720 Home Builders Federation ([FPS0073](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), District Councils’ Network ([FPS0082](#)), British Property Federation ([FPS0127](#))

208. These calls for review often linked to a wish to develop Green Belt land. This included for affordable housing, to facilitate shorter commutes,⁷²¹ to build data centres and logistic facilities, and extract minerals.⁷²² This fed into the idea of permitting ‘transport corridors’, championed by the RTPI, where development is permitted near to railway stations. The Centre for Cities argued this could deliver 1.6 to 2.1 million homes.⁷²³ Savills proposed permitting garden towns/villages/communities in the Green Belt.⁷²⁴ The Yimby Alliance urged increased use of existing powers permitting parishes to authorise more houses (where they would not connect with other settlements) of an agreed design in the Green Belt.⁷²⁵ It was suggested that the Green Belt should be subject to the “same tests of soundness” as any other Local Plan policy.⁷²⁶ Contrastingly, the National Trust saw a review as a way for the Government to consider how Green Belt could deliver more public benefit, biodiversity, and local nature recovery networks.⁷²⁷

209. We asked the Minister whether the Government had shut the door to a review of Green Belt policy. He highlighted that the Green Belt was designed to stop urban sprawl and there was a manifesto commitment to maintain the Green Belt. He argued that the renewal zones and financial support for brownfield regeneration would avoid the need to encroach on “important green spaces that we know communities, yours and mine, feel very strongly about.”⁷²⁸

210. We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination.

Metropolitan Open Land

211. There was also emphasis placed on the importance of protecting Metropolitan Open Land in London, and other green spaces in urban areas. The Heritage Alliance was concerned that green spaces not in protected spaces were vulnerable.⁷²⁹ The GLA called for the same protections that apply to Green Belt to apply for Metropolitan Open Land, including consideration when settling housing targets.⁷³⁰

721 [Q25](#) (Kate Henderson) [Q26](#) (Philip Barnes)

722 Mineral Products Association ([FPS0050](#)), Ark Data Centres ([FPS0063](#)), Hill Homes Developments Ltd (FPS084), British Property Federation ([FPS0127](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

723 Royal Town Planning Institute ([FPS0113](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#)), Centre for Cities ([FPS0144](#))

724 Savills ([FPS0101](#))

725 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

726 Prof Vincent Goodstadt (FPS058), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

727 [Q106](#) (Ingrid Samuel)

728 [Q156](#) (The Minister)

729 The Heritage Alliance ([FPS0066](#))

730 Greater London Authority ([FPS0149](#)). See also Just Space ([FPS0115](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q62](#) (Lisa Fairmaner)

212. **Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. *We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt.***

12 Environmental and historical protections

Background

213. A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.⁷³¹ As a consequence much natural habitat and wildlife have been preserved, historic buildings spared the wrecking ball, and knowledge of the past enhanced by the archaeological works that often precede developments. However, these protections have not been enough to, for example, stop the UK undergoing long-term deterioration in 14 of 42 key biodiversity indicators. These have included declines in the status of UK habitats and species of European importance, and in farmland and woodland birds.⁷³² This chapter begins by considering the current protections framework. It then considers the impact of the Government’s reforms and whether further protections are required.

214. The Government White Paper included a commitment that new homes would have 75–80% lower CO2 emissions by 2025, with these properties being “zero carbon ready” and thus able to become “fully zero carbon homes over time as the electricity grid decarbonises”. This is part of achieving net-zero by 2050.⁷³³ This represented a restart in efforts to reduce carbon emissions, after the abandonment of the previous policy (in 2015) of achieving through the Code for Sustainable Homes zero-carbon new homes by 2016. The 2050 target for carbon neutral homes was seen as insufficiently ambitious.⁷³⁴ It appears to be behind what the construction industry could achieve. We were told that Barratt was planning to make their standard homes zero-carbon by 2025 and all their homes by 2030.⁷³⁵ We have begun a new inquiry to examine this subject more thoroughly and will make recommendations to Government.

731 Institute of Historic Building Conservation ([FPS0044](#))

732 Department for Environment, Food and Rural Affairs, [UK Biodiversity Indicators 2020](#), October 2020, pp 3–7

733 MHCLG, [White Paper: Planning for the Future](#), p. 45

734 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Policy Connect ([FPS0014](#)), South Worcestershire Councils ([FPS0015](#)), Kent Association of Local Councils ([FPS0028](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Centre for Ageing Better ([FPS0055](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)), MCS Charitable Foundation ([FPS0102](#)), Energy UK ([FPS0105](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), CoMOUK ([FPS0160](#)), Robert Rush ([FPS0163](#)), [Qq29–30](#) (Kate Henderson, Brian Berry), [Q74](#) (Philip Waddy), [Q84](#) (Paula Hewitt)

735 [Q30](#) (Philip Barnes)

Current protections

215. The broad consensus of submissions supported the current systems of environmental, heritage, and archaeological protections.⁷³⁶ There was very little support for weakening the existing rules, although there was criticism of specific listing decisions.⁷³⁷ An exception to this were the disagreements over environmental impact assessments (EIAs). The National Grid supported the current legislation and favoured using it as the starting point for a new framework.⁷³⁸ However, Energy UK saw this as an opportunity to reduce costs and delays and reform EIAs. This entailed publishing clear requirements and standards, placing a major focus on environmental management plans, including them at an earlier stage in the EIA process, and making the EIA process more digital.⁷³⁹

216. There were some concerns about enforcement under the current system. Water UK said the current system “provides an imperfect safeguard for the environment and communities.”⁷⁴⁰ Similar worries were echoed with respect to Areas of Outstanding Natural Beauty (AONB).⁷⁴¹ The CPRE warned about growing pressures to introduce housing units in Areas of Outstanding Natural Beauty (AONB), pointing to an increase of 82% in the housing units approved from 2012 and 2017 and a fivefold increase in the amount of AONB land approved for housing in the same period.⁷⁴² The National Trust were among those worried that enforcement was ineffectual through being under-resourced, discretionary, politicised, reactive, and lacking strong penalties.⁷⁴³ We were also told that Historic England had fewer planners than its predecessor, English Heritage; that local designations such as Village Design Statements and Parish Plans had been ignored in new Local Plans;⁷⁴⁴ and there was inadequate funding for bodies such as Local Nature Partnerships.⁷⁴⁵

Further protections—heritage, science and culture

217. Urban Vision Enterprise declared that “The Planning White Paper mentions heritage in passing, but with little focus.”⁷⁴⁶ It was similarly noted there had been no question on heritage protection in the consultation.⁷⁴⁷ Claire Dutch told us:

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- 736 Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), South Worcestershire Councils ([FPS0015](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Home Builders Federation ([FPS0073](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Lifestory Group ([FPS0116](#)), Bristol City Council ([FPS0119](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))
- 737 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))
- 738 National Grid ([FPS0088](#))
- 739 Energy UK ([FPS105](#))
- 740 Water UK ([FPS0140](#))
- 741 Roter District Council and Burwash: Save our Fields ([FPS0143](#))
- 742 CPRE the countryside charity ([FPS0077](#))
- 743 National Trust ([FPS0157](#)). See also St Albans Civic Society ([FPS0057](#)), Allyson Spicer ([FPS162](#))
- 744 NALC ([FPS0021](#))
- 745 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 746 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 747 Institute of Historic Building Conservation ([FPS0044](#))

The White Paper does not deal with heritage in any great respect ... We have an adequate framework for protection of historic assets in this country. It works, it does the job and we do not need to tinker with it.⁷⁴⁸

These comments echoed a widely felt wish for clarity about the impact on historical and environmental protections in ‘growth’, ‘renewal’, and ‘protected’ areas, for example for listed buildings, existing conservation areas, and green spaces.⁷⁴⁹ The Bartlett School of Planning at UCL argued that:

It is hard to see how well a listed building could be protected in relation to development proposals for immediately adjoining buildings in a ‘growth’ or ‘renewal’ area under the government’s proposals.⁷⁵⁰

Hackney Council, among others, also emphasised the importance of continuing to let local authorities play a crucial role in listing buildings or designating Conservation Areas.⁷⁵¹

218. There was some wariness about blanket protections for protected areas, with a wish for local authorities to take a flexible approach,⁷⁵² allowing for “improvement and enhancement to maximise opportunities.”⁷⁵³ There was a plea for greater consistency,⁷⁵⁴ and for ensuring historic buildings can be made energy efficient.⁷⁵⁵

219. However, both the National Trust and Historic England complained that the White Paper took too narrow a perspective of heritage and historic locations, and how existing protections would integrate into the proposed new system.⁷⁵⁶ The National Trust also highlighted how the planning system provided the only protection for “historic parks, gardens and battlefields”, for unlisted and Grade II listed buildings not on Historic England’s Heritage at Risk Register, and for undesignated sites.⁷⁵⁷ Their representative also stressed to us that heritage is not a barrier to development.⁷⁵⁸ Brian Berry from the Federation of Master Builders contended there needed to be more skilled workers to deal with historic buildings and ensure zero-carbon properties.⁷⁵⁹

220. To provide greater protections better up-front assessments of the historic environment were advocated. These would help identify sites in growth areas likely to be of archaeological interest. This linked to the need for more data and information about historic and environmental sites,⁷⁶⁰ as over 90% of heritage assets are undesignated (that

748 [Q102](#) (Claire Dutch)

749 South Worcestershire Councils ([FPS0015](#)), NALC ([FPS0021](#)), TCPA ([FPS0034](#)), Woodland Trust ([FPS045FPS0045](#)), The Heritage Alliance ([FPS0066](#)), Wildlife & Countryside Link ([FPS0075](#)), CifA, CBA & ALGAO UK ([FPS080](#)), District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#)), Savills ([FPS0101](#)), Royal Town Planning Institute ([FPS0113](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

750 Bartlett School of Planning, University College London ([FPS0097](#))

751 London Borough of Hackney ([FPS0091](#)). See also Institute of Historic Building Conservation ([FPS0044](#))

752 Abri ([FPS0078](#)), Stonewater ([FPS0103](#))

753 Locality ([FPS0086](#))

754 Hill Homes Developments Ltd ([FPS084](#))

755 British Property Federation ([FPS0127](#))

756 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

757 National Trust ([FPS0157](#))

758 [Q101](#) (Ingrid Samuel)

759 [Q28](#) (Brian Berry)

760 Cllr John Crawford ([FPS0008](#)), The Heritage Alliance ([FPS0066](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), National Trust ([FPS0157](#))

is not nationally listed)⁷⁶¹ The Heritage Alliance argued this would benefit locations not yet discovered (e.g. archaeological finds) or identified (e.g. buildings not yet listed) or that are part of wider historic landscapes (e.g. monuments and battlefields).⁷⁶² They proposed putting the Historic Environment Record datasets on a statutory footing, an approach supported by Historic England.⁷⁶³ Historic England recommended “a precautionary approach, and a duty to report finds at on-site stage.”⁷⁶⁴

221. Alongside improved information there were calls for increased protections, including through primary legislation. These included for World Heritage Sites,⁷⁶⁵ Jodrell Bank Observatory (to prevent interference with their telescopes),⁷⁶⁶ existing conservation areas with historic towns, such as Saltaire near Bradford,⁷⁶⁷ cultural venues that should have a ‘cultural characteristics’ designation in growth and renewal areas,⁷⁶⁸ and buildings of local interest.⁷⁶⁹ This linked to permitting local designations of green spaces and heritage sites.⁷⁷⁰

222. The Minister agreed that heritage was not an obstacle to development.⁷⁷¹ Simon Gallagher also argued that “a lot of the heritage considerations are best handled earlier at the plan-making point. If you have made the decision that an area is, in principle, available for development, there are some really challenging things for the heritage bodies to get involved in down there.”⁷⁷² In January 2021 the Government did announce that they were “doubling the available funding for areas under the “local heritage listing–monuments men” campaign, with up to £1.5 million now available for communities to nominate local heritage sites including historical buildings or modern architecture, art and memorials for inclusion in their council’s local heritage list.”⁷⁷³

223. There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. *The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas.*

761 The Heritage Alliance ([FPS0066](#)). See also CifA, CBA & ALGAO UK ([FPS0080](#)), Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

762 The Heritage Alliance ([FPS0066](#)). See also South Worcestershire Councils ([FPS0015](#))

763 The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

764 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

765 [Q101](#) (Ingrid Samuel)

766 Dr Ken Morris ([FPS0001](#))

767 Tenterden Town Council ([FPS0003](#)), World Heritage UK ([FPS0046](#)), The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

768 WMCA (Cultural Leadership Board) ([FPS0029](#))

769 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

770 NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Neighbourhood Planners London ([FPS0032](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), Royal Town Planning Institute ([FPS0113](#))

771 [Q140](#) (The Minister)

772 [Q145](#) (Simon Gallagher)

773 “[All new developments must meet local standards of beauty, quality and design under new rules](#)”, MHCLG Press Release, 30 January 2021.

Further protections—flooding

224. There were also calls for greater safeguards against building in areas vulnerable to flooding. Although the Government’s proposals would designate areas at risk of flooding as protected areas, there were worries there was a lack of clarity as to what was deemed flood risk. The evidence we received opined historical data was a poor guide given the greater risks posed by climate change. There were also calls for the policy to be considered in the context of wider flooding policy.⁷⁷⁴ We also note that the Environment, Food and Rural Affairs Committee have asked the Government to explain how their reforms to the planning system will produce “better flood resilience outcomes than the current planning system.”⁷⁷⁵

225. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy.*

Further protections—nature and wildlife

226. A major feature of responses to our public engagement survey was the importance attached to nature and wildlife. This was the most mentioned subject; with concerns expressed that it was currently insufficiently considered, and that greater protection was needed. This was borne out in our written evidence. There was concern that there was already insufficient protection,⁷⁷⁶ and that the White Paper had said little beyond advocating tree lined streets.⁷⁷⁷ There were concerns that the proposals would weaken protection in growth and renewal areas.⁷⁷⁸ There was uncertainty whether environmental assessments would need to be carried out at the Local Plan stage or later in the process.⁷⁷⁹

227. There were concerns about a simplified process for environmental impact assessments.⁷⁸⁰ For example, the Institute of Environmental Management Assessment (IEMA) noted that the White Paper had not specified how their reforms would impact on the strategic environmental assessments (conducted at the Local Plan) and environmental impact assessments (conducted at a project-level), and their relationship to one another. They wanted clear requirements for both to be published. They also proposed considerable use of an environmental management plan for all proposals. These were described as a “single plan against which monitoring can be undertaken to ensure implementation/delivery post-consent compliance and evolve to provide the structure and control mechanisms of further plans.”⁷⁸¹

228. The CPRE called for further protections for non-Green Belt countryside around towns,⁷⁸² and there were also calls for better protections for parks, ancient woodlands and

774 Cllr John Crawford (FPS0008), Policy Connect (FPS0014), National Flood Forum (FPS0126), Water UK (FPS0140)

775 Environment, Food and Rural Affairs Committee, Fourth Report of Session 2019–21, *Flooding*, HC 170 para 73.

776 Tenterden Town Council (FPS0003)

777 Mr Daniel Scharf (Consultant at Pft Planning) (FPS0002), Tenterden Town Council (FPS0003), District Councils’ Network (FPS0082)

778 Wildlife & Countryside Link (FPS0075), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) (FPS0079)

779 Locality (FPS0086)

780 Friends of the Earth England, Wales and Northern Ireland (FPS0081), Aldersgate Group (FPS0120)

781 IEMA - Institute of Environmental Management and Assessment (FPS0168)

782 CPRE the countryside charity (FPS0077)

other green spaces in cities.⁷⁸³ The National Trust drew attention to the importance of ‘green infrastructure’ for health and wellbeing in the White Paper, something reinforced in our oral evidence session.⁷⁸⁴ Our public engagement event echoed the concerns raised in the survey. One participant said: “I think certainly there needs to be a consideration to perhaps more, and more useable, outside space. Manchester city centre has almost no useable parks, for example, whereas London has masses.” (*Participant G, Room 2*).

229. There were concerns raised about how the planning reforms will overlap with other reforms planned by the Government. The proposed Environment Bill and suggested reforms to environmental impact assessments will directly feed into the treatment of nature and wildlife. The TCPA expressed concerns it was unclear how the White Paper fitted with the Environment Bill or 25-year environment plan.⁷⁸⁵ This was echoed in our oral evidence session, by Paula Hewitt from ADEPT.⁷⁸⁶ Attempts to ensure zero-carbon homes connects with wider government efforts to reduce carbon emissions. Similarly, we were told changes in agricultural policy would impact on the planning system.⁷⁸⁷ Other measures proposed included the assessment of trees to determine their environmental and financial value,⁷⁸⁸ use of locally conducted landscape character assessments and implementation of Julian Glover’s *Landscape Review*.⁷⁸⁹ There were also calls for greater information about the impact on different types of species and habitats.⁷⁹⁰ The Woodland Trust highlighted their concerns about the incomplete nature of the Ancient Woodland Inventory, the Ancient Tree Inventory, and the lack of consistent records of Tree Preservation Orders.⁷⁹¹ There was also support for the retention of sustainability assessments,⁷⁹² and the establishment of Bioregional Forums that could map areas and feed into Local Plans, including resolving cross-boundary issues,⁷⁹³ and greater cooperation between local authorities.⁷⁹⁴

230. Similar concerns about the impact on the environment and healthy living was raised at our public engagement event, especially the impact on people in disadvantaged circumstances living in urban areas:

“In most cases, the growth areas are areas closest to public transport, mainly in urban areas. The issue there would be: would these growth areas be appropriately designed to provide open spaces and places where people can experience fresh air and get more healthy living? As we can see from the Covid pandemic, most people were locked up in their flats and couldn’t leave or experience the outdoors like those in the countryside, where the protection zoning might occur. So, we think that zoning—growth, renewal, protection—could further disadvantage those who are already disadvantaged.” (*Participant D, Room 3*)

783 Clean Air in London ([FPS0087](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))

784 National Trust ([FPS0157](#)), [Q84](#) (Paula Hewitt)

785 TCPA ([FPS0034](#)). See also the Campaign for National Parks ([FPS0043](#)), Local Government Association ([FPS0056](#))

786 [Qq84–85](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel)

787 [Q96](#) (Ingrid Samuel)

788 Cllr John Crawford ([FPS0008](#))

789 Cllr John Crawford ([FPS0008](#)), Campaign for National Parks ([FPS0043](#)); Julian Glover, [Landscapes Review](#), 2018.

790 Cllr John Crawford ([FPS0008](#))

791 Woodland Trust ([FPS0045](#))

792 UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

793 Mark Stevenson ([FPS0083](#))

794 [Q97](#), [Q106](#) (Ingrid Samuel)

231. We asked the Minister about environmental policy. Both the Minister and Simon Gallagher stated there had been close work with the Department for Environment, Food and Rural Affairs (DEFRA) who were taking the Environment Bill through Parliament.⁷⁹⁵ The Minister also wanted to ensure planning incorporated “green roofs, bee bricks, hedgehog highways and all those sorts of things.” This would be in line with the objective of the Environment Bill of ensuring a net gain in biodiversity. He also said that the national model design code would “focus on the hierarchy of green spaces in public spaces”, the importance of tree-lined streets and providing parks in urban areas.⁷⁹⁶

232. The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill.

795 [Q134](#) (Simon Gallagher and the Minister), [Q157](#) (The Minister)

796 [Q157](#) (The Minister)

Conclusions and recommendations

Our current planning system

1. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen's Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.* (Paragraph 16)

The Government's three areas proposal

2. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.* (Paragraph 32)
3. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*
 - *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the local plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
 - *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent*

overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.

- *The Government should consider the proposals for sub-areas within the ‘renewal area’, where permission in principle would not apply and individual planning permission would be required.*
 - *The Government should implement a ‘highly protected’ alongside a ‘protected’ area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
 - *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
 - *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns. (Paragraph 33)*
4. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government’s proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects. (Paragraph 34)*

Local Plans

5. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch. The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans. (Paragraph 45)*

6. We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the 'right to be heard'.* (Paragraph 46)
7. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales. (Paragraph 47)
8. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. *Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.* (Paragraph 52)
9. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.* (Paragraph 61)

Public engagement

10. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and publishing of statistics about public involvement in Local Plans and in individual*

planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged. (Paragraph 76)

11. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the local plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.* (Paragraph 77)
12. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.* (Paragraph 78)
13. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.* (Paragraph 88)

The housing formula

14. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area. (Paragraph 110)
15. We think the Government's abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government's revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres *The Government should:*
 - *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*

- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands (Paragraph 111)*

16. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should also take account of criticisms of the existing ‘standard method’ and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.*
- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority’s assessment could then be evaluated by the Planning Inspectorate. (Paragraph 112)*

How to deliver new homes

17. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location. (Paragraph 116)*

18. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. *The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the Local Planning Authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.* (Paragraph 129)
19. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. *The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.* (Paragraph 136)
20. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. *We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.* (Paragraph 139)
21. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target. *Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone are insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address*

created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites. (Paragraph 144)

Omissions

22. We agree that the Government's proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*
- *The 'levelling up' agenda including the promotion of employment*
 - *The economic recovery from the COVID-19 pandemic*
 - *The high street*
 - *Addressing climate change and creating sustainable development*
 - *Bolstering sustainable transport*
 - *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
 - *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
 - *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament (Paragraph 148)*

Land capture and the funding of infrastructure

23. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee's report into land value capture. The Government's response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. *We call upon the Government to act upon the whole range of recommendations in our predecessor committee's Land Value Capture report. (Paragraph 154)*
24. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements. (Paragraph 161)*

25. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings. *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.* (Paragraph 176)

Resources and skills

26. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government's proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister's assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.* (Paragraph 185)
27. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primarily legislation, to clearly explain how the various skill needs of the planning system will be met.* (Paragraph 186)

Design and beauty

28. The Government's focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design*

policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals. (Paragraph 203)

Green Belt

29. *We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination. (Paragraph 210)*
30. *Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt. (Paragraph 212)*

Environmental and historical protections

31. *There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas. (Paragraph 223)*
32. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy. (Paragraph 225)*
33. *The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the*

retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill. (Paragraph 232)

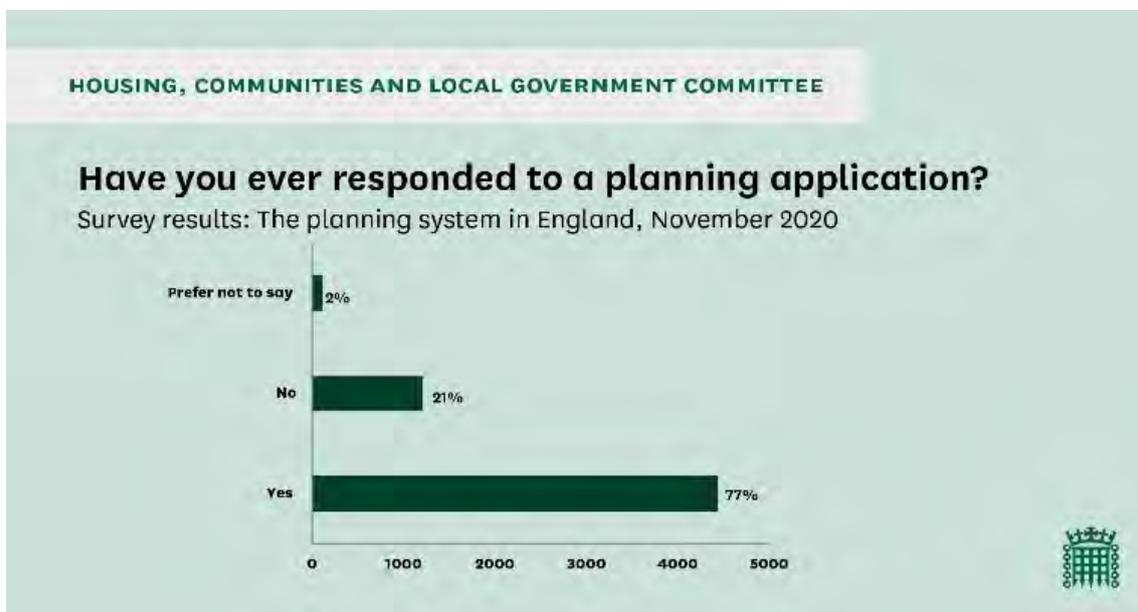
Appendix 1: Public engagement survey

About the survey

1. On 29 October 2020 we launched a public engagement survey for our inquiry, which ran until 12 November 2020. We received 5,756 responses. We would like to thank everybody who took the time to answer our questions and provide comments. Although the responses are not necessarily representative of the views of the wider public, they provide a useful snapshot of opinions and helped inform our inquiry. The responses have helped us consider issues that were not necessarily discussed in our oral and written evidence; and fed into questions for our final evidence session with Minister for Housing, Christopher Pincher.

2. This appendix summarises responses to the survey and includes anonymous quotations from those responses. It begins with respondents' engagement with the planning system, before turning to the major issues raised: nature and wildlife; the use of brownfield sites; views of the current planning system, including whether the planning system is making it too easy or too difficult to build; attitudes towards local authorities and planning departments. Next it covers opinions about local and national housing needs, including the Government's 300,000 housing unit a year target. It then focuses on attitudes towards the Government's proposed reforms to the planning system, and lastly it concludes with respondents' ideas for the future of planning.

Respondents' experience with the planning system



- 77% of the respondents to our survey had responded to a planning application.
- 50% of respondents had put in a planning proposal (against 47% who had not and 3% who preferred not to say.)
- 72% of respondents said that they had responded to a consultation for a Local Plan in their area.

Nature and wildlife

3. Nature and wildlife were the subjects most frequently mentioned, normally together, by respondents. There were over 1,200 references to nature, the environment, and wildlife. Here are some of the comments we received:

- “Impact on wildlife and nature should be given a much higher priority and surveys done by independent groups or using wildlife group data”.
- “Much more consideration needs to be given to the impact of future planning on wildlife and biodiversity in the area. This is the most important thing.”
- “Nature needs to be prioritised when considering building new homes. That’s the best way to ensure we can all have healthy, and sustainable places to live and work.”
- “Wildlife and the environment has to be at the heart of every planning decision so we all have places to live, work and visit which are beneficial to our physical and mental health and not detrimental to our precious environment and wildlife.”
- “Much more consideration should be given to protecting the country side and wildlife. Far too many green fields and woods have already been destroyed.”

4. These worries about the environment tied into support for building in more sustainable ways. This included improving insulation and ensuring houses were energy efficient:

- “The future of planning in England must always consider, protect and aim to improve the country’s ecosystems and natural resources. Developments must be genuinely environmentally sustainable; this is not an area that can be compromised in pursuit of cost-cutting or profit.”
- “All new homes should be environmentally friendly, with ground source heating, rain collection systems, solar panels and better insulation”.

Brownfield land

5. The next issue most mentioned was using brownfield land ahead of greenfield sites or building on the Green Belt. Clearly this was connected with concerns about nature and wildlife. There were also calls for better use of existing buildings—including converting offices and shops into housing:

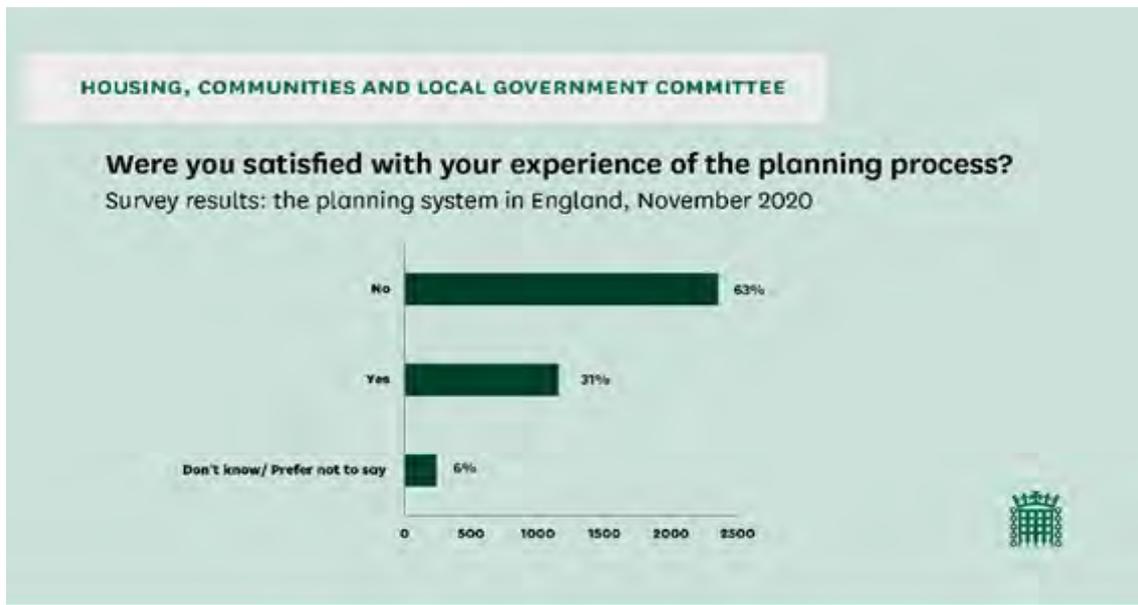
- “I would prefer that it is made more difficult to build on green belt when brownfield sites are available. Green belt should only be used when other options have been exhausted.”
- “Green belt should always stay as green belt and never be built on.”
- “Brown field should be exhausted until green belt building is even considered”.
- “We have concerns about the number of properties being built on greenbelt land. Yes, we need some new properties but not enough consideration is given

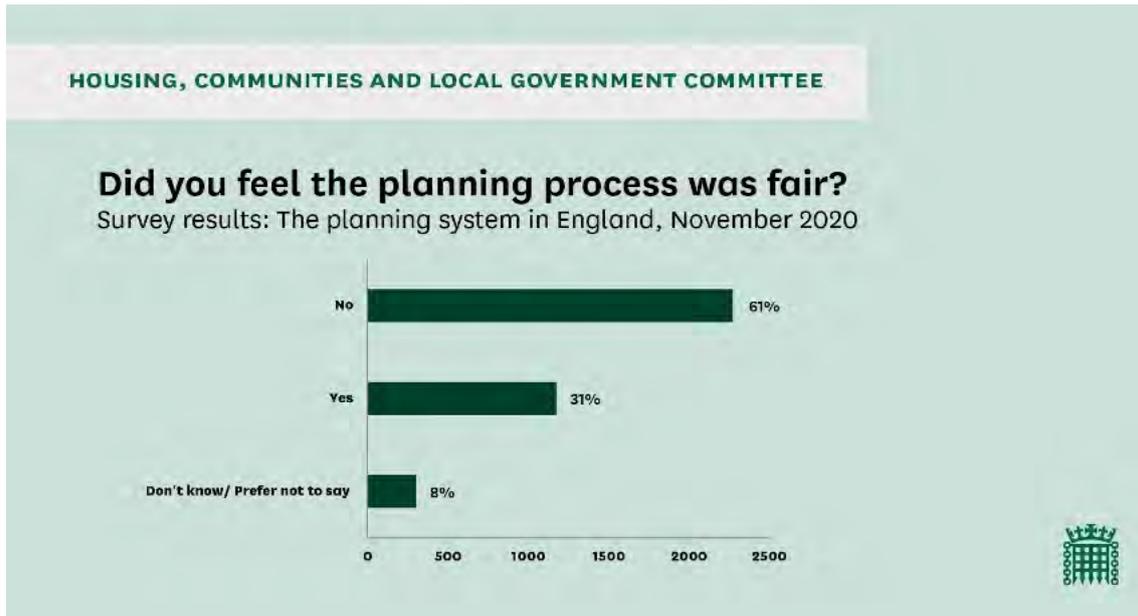
to the appearance of the buildings in relation to their environment. So many buildings are just an eyesore and they would be more acceptable if they looked appealing and fitted in with their surroundings. Our countryside and green space should not be sacrificed just to build more houses. More use should be made of brownfield sites and renovating existing buildings.”

- “Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.”
- “There are swathes of derelict offices and buildings that can be sensibly converted into homes.”
- “There may be some need for new homes but I doubt the number that is presently planned for. No mention is ever made of severely controlling second homes. If these were released the number of new builds would be greatly reduced. Unspoilt countryside is very much at a premium. Our countryside and nature cannot afford the sprawl that is envisaged.”

Experiences of the current planning system

6. We asked those who had said they had experience of the planning system whether they were satisfied with their experience, and whether they thought the process was fair.





- 63% said they were not satisfied with their experience. 61% said they did not think that the planning process was fair.

7. We also asked whether respondents felt the planning process reached decisions at the right speed. 54% disagreed that decisions were made at the right speed.

8. We wanted to know whether people could easily find out information about planning proposals. 17% of respondents thought information about planning proposals was easily available. 46% said that it was somewhat easily available, and 34% said it was not easily available.

9. The comments received also voiced concern about the state of the current planning system. There were complaints that the system was opaque, inconsistent, and was predisposed towards building more houses:

- “The current planning system is opaque and difficult for the layperson to navigate”.
- “EPlanning was intended to allow for 24/7 access. This hasn’t occurred. Too many records are not available online, which requires unnecessary time and money spent trying to access those records.”
- “Whilst my experience of the planning system has on the whole been reasonable it has been erratic and illogical with little ability to properly engage and get a consistent answer to what is acceptable and what isn’t which makes it time consuming, costly and frustrating.”
- “Planning consultations are too short and not well publicised. They don’t take enough account of the needs and demands of the area and should do this more.”
- “Planners have too much power of interpretation of ever more vague standards. Planning committees have mostly no idea on what is the right decision for a

particular submission. There is abuse of the system by developers and planners ... which leads to large scale developments being able to ignore local and national standards for a few pounds.”

- “We are supposed to live in a democratic society, how then is it possible that our very way of life our homes are amenities are under constant threat to developments that erode our very existence. The planning process is undemocratic and in the hands of unqualified people making the wrong decisions that affect whole communities we need a fairer system that allows the people to have more say in what gets built and how.”

10. There were also complaints that the system was biased towards developers, and that they were too slow at completing developments with planning permission:

- “The planning system is heavily weighted in favour of the developer on every level”.
- “It’s too expensive for councils to defend planning decisions against builders’ expensive lawyers and they always appeal so councils often have to stand down.”
- “The fact developers can keep on reapplying time and time again with a few tweaks, needs stopping. It is a waste of everyone’s time and money”.
- “Once there is an agreed house building requirement the process should be under local Government Control ... especially in the case of Planning Appeals. Large developers use ‘planning by appeal’ to overcome local objections and requirements such as infrastructure and affordable housing”.
- “There are already about 1 million planning permissions already granted for homes. The Government should concentrate on getting developers to build those houses now. Until those are built, no more permissions should be granted for sites of more 5 houses. The construction industry needs a stick more than a carrot.”
- “All new developments approved should have an agreed reasonable timescale for build out.”

11. Criticism of the planning system also came from those supportive of permitting more developments:

- “Narrow the range of people consulted in applications, currently too many people can effectively veto development from a surprisingly long distance away.”

12. Some respondents defended the current system, but with some criticisms about resourcing and other issues:

- “There is very little wrong with the current system except that the planning authorities have been deprived of resources and are therefore unable to perform effectively.”
- “Increase Local Authority resourcing to process and determine applications in accordance with timescales.”

- “Unfortunately too many local authorities, including the one I live in, made all of their planning officers redundant and have no professional input to the planning application process. This was short sighted and highly damaging.”
- “The system is fundamentally sound, however it is often over complicated by local issues which don’t relate to planning considerations being used to disrupt the system, it is also grossly underfunded at local government level which causes many problems and delays.”

Opinions about whether the planning system makes it too easy or too difficult to build

13. Some argued that the planning system was making it too difficult to build:

- “I am not averse to objections being made on planning grounds. However with the rise of social media the ease of a few objectors to promote unsubstantiated objections for their *[sic]* own purposes is increasing at an alarming rate ... I am in favour of a simplified system even to the extent of planning permissions for small schemes of under a certain size being decided by planning officers.”
- “There has to be a level of control to protect building standards and neighbourhood environments. However the balance between costs/timescales for builders and controllers (councils) and the needs/benefits to the community has to be right. I am literally amazed at the cost/ time taken to get to the build stage which is cost which will put pressure on the eventual build quality and demotivate self build/developers. My Neighbourhood Plan illustrates my point, it identifies poor quality housing—why should I invest if I cannot build what I would like/or get fair return. We must cut the cost of planning. The planners should be part of the team, not starting from a NO position but more of a proactive advisory role—guiding and nurturing. My pre-application experience gave me no advice how I could achieve what I was trying to do.”
- “The issue with the planning system is that local councillors do all that they can to frustrate housebuilding, despite the recognised housing crisis and need to address nearly 40 years of under-delivery. They see housing as a vote loser so actively obstruct it.”
- “I’m a renter paying enormous amounts of money. I don’t know if I will ever be able to afford a home. I am tired of the planning system being co-opted by wealthy homeowners who think that we don’t need more homes! Young people have a right to housing too but our voices are ignored.”

14. Contrastingly, opponents of additional building took the opposite view, that the planning system was making it too easy to build:

- “The planning process in Devon is driving social inequality. It is pitting communities and neighbours against each other and causing mental and physical distress and ill health. It is heavily weighted in favour of development and therefore those with the expertise and finances to exploit the planning to

its maximum. It needs to be significantly slowed down and for decisions to be given back to local planning office who are best placed to make the right decision for the community that they are at the heart of.”

- “Stop building so heavily in the south east and east of England we do not have the infrastructure and are losing all our lovely open space there is a lot of land north of Birmingham”.

Attitudes towards local authorities and planning departments

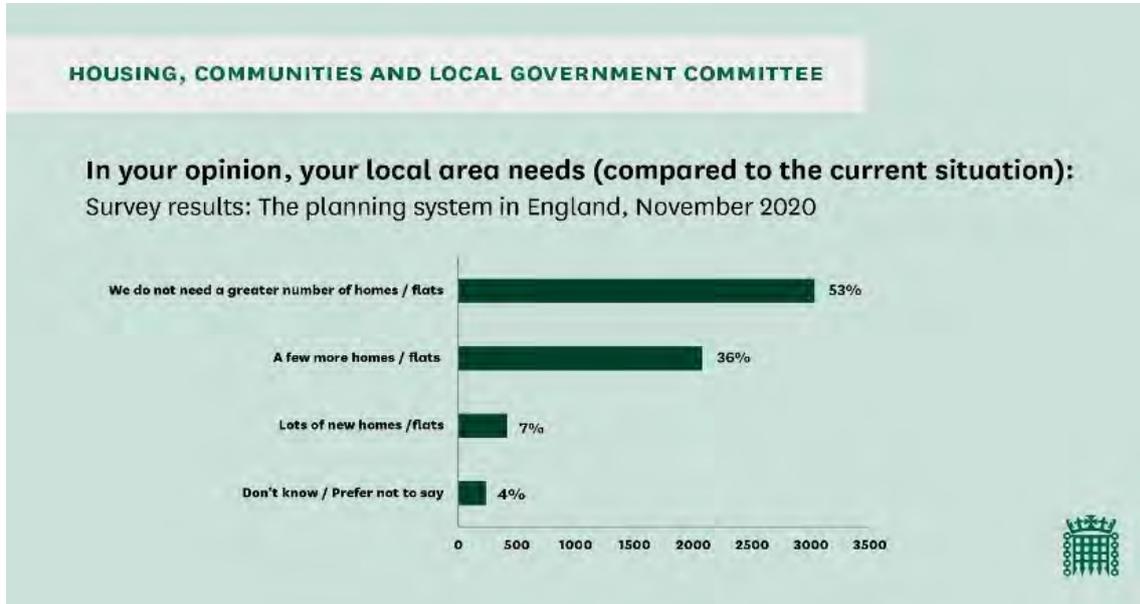
15. There were specific criticisms of the unhelpfulness and inconsistency of some planning offices. There were calls for planning committees to be better informed. Worries were also raised about conflicts of interest where councils are involved in the development. Some of the comments included:

- “At times it appears that the Planning Department deliberately obfuscate, do not make information available in a timely manner and generally would prefer it if the public did not get involved.”
- “Planning officers need to be more consistent. It seems that a successful application depends on which officer you get. New housing developments should go hand in hand with infrastructure improvements.”
- “Members of planning committees need to better understand the planning process and to read the information submitted with each application so as to avoid the frequent situation that arises where applications are refused despite the reason for refusal has been clearly dealt with within the application documents.”
- “Have been shocked at how corrupt the system is. Our District Council has become a housing developer and passes its own planning applications. Individual Councillors approve planning applications for their mates. Planning Inspectors can overturn decisions by other planning inspectors. Planning decisions are perverse - particularly in our Conservation Area. Entire system is broken, with poor or no oversight.”
- “I can only speak for applications in Cornwall but the move to give more power to Parish Councils and Town Councils who have very limited and often incorrect knowledge of planning policy and design issues is causing severe breakdown in the ability of planning applications to be dealt with fairly and promptly, the threat of refusals forcing applicants towards the costly and delayed process of an appeal is common and used as a tool for stopping and frustrating development that should otherwise simply be approved creating a more sustainable economy, improving the existing housing stock and delivering quality housing”.

Opinions about local housing need

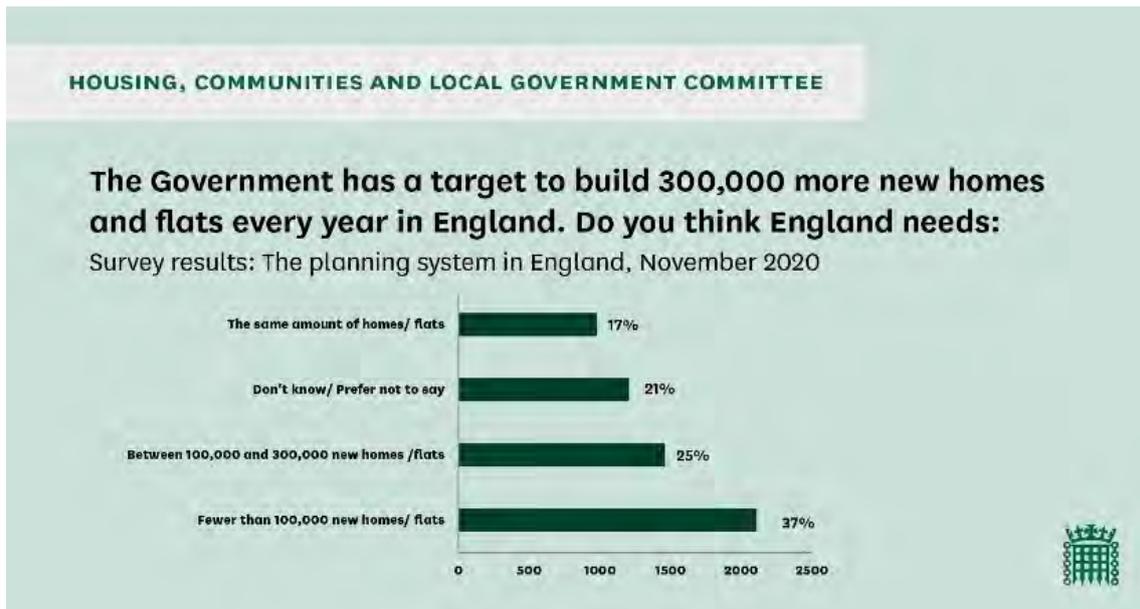
16. The majority of our respondents thought that it was too easy to build houses and flats in their area. This was echoed in responses to our question about how many new homes or flats were needed in their local area. 53% of respondents said their area did not need a

great number of homes and flats. Of those supporting more homes and flats in their area, the preferred option was for a few more properties (36%) rather than lots of additional homes or flats (7%).



Opinions about national housing need

17. To test whether people thought differently about building nationally than in their local area, we asked about the Government’s target of building 300,000 housing units a year in England. This question did elicit greater support – 17% agreed with the Government’s target. 21% did not know or preferred not to say. However, 25% preferred to build between 100,000 and 300,000 new homes and flats a year, whilst 37% preferred building fewer than 100,000 new homes and flats a year.



Government proposals for reform

18. We wanted to know respondents' views on the core principle of the Government's proposed reforms to the planning system. Accordingly, we asked our respondents which system they preferred – a system where every specific planning proposal has to be considered; or system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted; or another system entirely.

- 77% preferred a system where every specific proposal had to be considered. 15% preferred a set of rules and requirements, and 7% opted for another system.

19. There were supporters of the proposed reforms:

- “The presumption should always be in favour of development with an approval being deemed granted by the appropriate determination date for the application type, with only refusals issued where in breach of adopted policies or national guidance.”

20. Other participants proposed similar systems:

- “A system that has specific rules and requirements but each set of criteria would attract a number of “points”. These points could be varied by area but once an applicant has reached a certain threshold the application should be permitted. For example points for design, green credentials, local building style/materials, local occupancy, protection of fauna and flora, local housing need, proven local designs/locations etc. This would remove the subjectivity applied by local planning officers under delegated powers.”
- “Preapproved planning permission provided by government for these who want to build their own house”.

21. Some respondents did approve of the idea of a zoning model, but critiqued the current proposals:

- “A zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled.”
- “Whilst I agree with a set of rules and requirements that could facilitate automatic permission this is too broad a point for me to accept and support without details. These could be onerous or too wide, the devil is in the detail. So, although I support the principle I don't want the Government to think I can be counted as accepting current proposals which I feel are too broad.”

22. Other respondents were more generally critical:

- “As a practicing architect and member of an amenity group I feel that too much government policy is driven by the volume housebuilding lobby whose interests are in pushing forward unsustainable housing provision without proof of need.

We have seen the degradation of both our cities and countryside over the past few years and the powerlessness of the planning system to protect them. The White Paper will simply accelerate this.”

- “The current proposals will remove the opportunity for local people to have their say on, and influence local decisions on a case by case basis. Most ordinary people do not realise what is about to be taken away from them; they won’t understand until a new development is proposed which will impact on them and they find they have no right to comment or object.”
- “The proposal put forward by the government seems to be solving a problem that doesn’t exist. Most plans that get submitted are approved in a timely manner. The housing shortage is not caused by an issue with the planning process but by developers who are sitting on land until they can make a bigger profit.”
- “The proposals don’t seem to be based on actual experience of how the system works. Dividing the country into just three categories of land seems highly simplistic - often different types of land are mixed up with each other.”
- “The need for more homes is understood but automated permission is against democracy”.
- “The government proposals are simplistic and show a misunderstanding of the nature and inherent complexity of development in the UK. The current system, especially plan making, could do with some simplification but needs to be properly resourced and must remain locally democratically accountable.”
- “The problem with a rules and requirements approach is that it is a “one size fits all” approach and unfortunately all places aren’t the same so this will ultimately result in some bad developments taking place. The current “plan led” approach set’s out the rules and requirements to guide developers, but there is still necessary scrutiny to ensure bad developments don’t go ahead.”

23. There was a strong desire to retain—and in some cases expand—the involvement of local people and communities in the planning process:

- “Please do not take away our democratic right to comment on planning applications where we live.”
- “The English planning system takes into account local views that are important for maintaining a community.”
- “The proposed new system will take decision making away from local areas who know what is needed and know the area around them.”
- “It is vital that there is democratic involvement in considering individual planning applications, because the variety of applications and individual situations is so great that attempting instead to lay down detailed guidelines in Local Plans is bound to fail. Also I know from personal experience that most residents will not involve themselves in drafting Local Plans, and only become involved when there is an individual planning application near to their dwelling, or which affects their lives.”

Ideas for the future of the planning system

The importance of local community involvement

24. The concerns about the loss of local involvement fed into a wish to ensure local communities had a proper say in the system:

- “It is vital that the local community has a voice at every stage of planning from the local plan to individual planning applications. Neighbourhood plans have provided an excellent mechanism for community involvement and nothing must be done to reduce their effectiveness.”
- “Most of my experience is as a district councillor. The system is arcane, impenetrable and lacks transparency. The process needs simplification and more emphasis on localism. The present process of local decision followed by appeal to some random person from elsewhere embeds lack of trust even if the decision itself is fair. We need to build a new system from the ground up with local residents at the heart.”
- “Local communities should have more legal rights in terms of formal objections to a planning approval being given by a local authority, presently they only redress is via judicial review or calling in, both of which are very difficult for small rural communities to utilise.”
- “Planning approval must be kept local where local residents who will be affected by it are able to have their voice heard. Decisions should not be taken in London (or anywhere else) by people who will not be affected by the decision. This is what local democracy should be all about.”

25. This wish for local community involvement in turn linked to a wish to uphold and increase local democratic control of the planning system:

- “Localism is paramount, and to ignore it would be tantamount to riding roughshod over local democracy.”
- “The ideal DEMOCRATIC planning system would give Local ELECTED councillors the decision on where and what to build in their area, and eliminate the intervention by Appeal Inspectors who overrule them.”

26. There were mixed views about local authorities being involved. Most supported their involvement:

- “Local planners should continue to vet ALL proposed development.”
- “It is essential that any new system allows detailed local scrutiny of all new building proposals by local authorities and individuals so as to ensure that all buildings genuinely comply with environmental and energy saving requirements.”

27. However, we were also told that:

- “Controversial decisions would be better made by a small committee of experts representing a balance of interests, rather than rely a single planning officer making recommendations to elected councillors.”
- “Planning committee members should retire after a defined term, lay people should be involved and there should be greater transparency about the members and their spouse’s interests.”

Affordable and social housing

28. Respondents raised the need for affordable and social housing to be delivered through the planning system. Those supporting additional housing often emphasised that all or most of new residences should be affordable and social housing.

- “Planning should favour affordable, publicly sponsored, eco- and nature-friendly family housing.”
- “We need community ownership and community partnerships which deliver well built affordable homes.”
- “Planning on new homes should only be granted if the development actually includes properties that are available at a subsidised rate to local qualifying key workers and teachers.”
- “Ensure that there is social housing and bungalows in all planning permission—this important for elderly people who want to downsize but can’t find suitable accommodation.”
- “New homes should include more social housing.”
- “There is a significant need for social housing in the UK. However this should be balanced with the need to protect the environment. As a result, I believe more housing should be focused in inner city regeneration and brownfield sites.”

Infrastructure

29. Respondents also put considerable emphasis put on the importance of ensuring infrastructure is available:

- “Infrastructure (schools, hospitals, GP surgeries) have to be expanded before any new homes are approved.”
- “Proposals for housing must include details of infrastructure and how this will be increased in line with the increase in housing I.e. schools, doctors.”
- “All buildings that increase population need increase[s] [such as] ... utilities, health, schools, sports and recreational facilities, transport links, roads, sensible traffic & parking solutions as well a good spread of local commercial & retail outlets. Not just fast food, coffee shops, barbers, hairdressers and nail bars.”
- “There need to be levies to ensure mandatory infrastructure is put in place. It should be an integrated part of the planning process that where areas for housing

development are identified local authorities should be responsible for ensuring sufficient land within it [is] protected to build the necessary infrastructure to include as minimum new or extended education and primary care services, and green spaces.”

Other proposed reforms to the current system

30. We heard other suggestions for reform relating to multiple applications on one site, appeals and enforcement:

- “Planning proposals for a given location should always involve serious consideration of earlier submissions that have been made about the same site.”
- “The only thing wrong with the present planning system is that applicants are able to appeal against a decision, whilst those who have objected are not able to do so. Although independence of planning inspectors is essential as is the fact that they do not live/work in the area in which they are asked to assess an appeal, there are questions about the roulette wheel ‘game’ that inspectorate decisions sometimes present to the public. Too many inspectorate decisions appear to not understand local issues.”
- “At present those that will suffer from an approved application have no right of appeal, unlike applicants. That should be addressed.”
- “Enforcement when building [is] not in accordance with planning permission given needs to be strict, especially in conservation or heritage areas, otherwise there is no planning system.”

Appendix 2: Public engagement event

Details of the event

1. On 26 November 2020 we held an online public engagement event with 38 participants. The participants had been chosen drawn from those who had responded to our survey. They were selected to ensure people from a range of ages and ethnicities, living in different types of properties and across the country were involved. We would like to thank everybody who attended.

2. The participants were split into four virtual rooms, with an MP chairing the discussion in three rooms, and a member of committee staff in the fourth. Participants had been notified in advance of the three questions under discussion:

- Do you think that the current planning system is fair? What has been your experience of it?
- What should be the most important concerns for the planning system?
- Currently the majority of specific planning proposals have to be individually considered. The Government has proposed moving to a system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted. Which system do you prefer? Are there different changes that are needed?

3. This appendix summarises the responses to the three questions, drawing on information from all four rooms.

Discussion

Is the current planning system fair?

4. There was general agreement that the planning system could be unfair. Some attributed this to fundamental weaknesses and biases. Others emphasised that, since its purpose was to “arbitrate” or seek “reconciliation” between competing, and sometimes incompatible, interests, it could not always avoid being perceived as unfair. Several participants agreed, therefore, that the answer depended on a person’s perspective. One said: “if I make an application and I win, then it is fair, but the local residents who objected to the scheme may not see it as fair.” Others, recognising that the system could not satisfy everyone, thought it was “probably as good as it gets” and that “you’ll never have a perfect system.” It was suggested that those with experience of the planning system imposing large developments on local communities against their will or of struggling to get planning permission for small extensions were more likely to describe it as unfair.

5. Nonetheless, participants raised certain inherent sources of unfairness, with most agreeing that the system was weighted in favour of the large developers—those with “the deepest pockets”—who could “afford to wait and navigate the system”; and against local communities. Wealthy developers, who had access to lawyers and “clever consultants”, could “mitigate” the rules and “lean on local authority planners” to get the result they wanted. In general, participants agreed that the system could “be thwarted and bent

by virtue of the resources of large consultancies". One participant described it as "a financialised nightmare of speculation and profit". Another thought that it had been "skewed by the introduction of a very naked profit process as opposed to community wellbeing". Similarly, many participants thought the planning system too often ignored the views of local communities. As one put it: "Far too often, the immediate area and the people who live there are left out".

6. Most participants identified inconsistent decision-making as perhaps the main cause of unfairness in the system, although there was disagreement on the reasons for this inconsistency. Some thought it was due to the planning system being "too complicated" and too confusing, even for local authorities, and so unavoidably reliant on interpretation by individual planning officers. As one participant said, "it comes down to interpretation, and you often find people disagreeing on the interpretation". A minority blamed the inconsistency on planning officers not being "properly trained" to interpret the rules correctly. Others accused the officers of bias and of paying "insufficient regard" to the views of local people, particularly poorer people. One person, commenting on a planning application they had objected to, said, "I think I was treated differently because I live in social housing and I'm poor".

What should be the most important concerns for the planning system?

7. Participants disagreed, at least superficially, on whether the priority of the planning system should be to limit or to facilitate house building. However, this was often more a difference of emphasis than principle, with most strongly agreeing it should facilitate "the right development in the right places", as opposed to "wholesale, blanket planning applications" that "completely devastate our landscape". On the definition of "the right housing in the right places", there was considerable agreement. For example, many emphasised the need for development to be accompanied by the right infrastructure, such as transport, schools and hospitals, without which many places could not cope with large increases in population. One participant thought that the "main problem" with the planning system was that "transport, which is often a driver of development, is treated quite separately and often as an add-on". Another said that "sometimes we get developments that don't provide the services to go with the development sizes".

8. Most participants agreed that "full community engagement" and the "ability for local people, through the democratic process, to have a vision for where they live" were essential if the planning system was to deliver the right housing. One participant thought that if communities had a "real role in the planning system" the result would "not be more opposition to development but more and better development". In response, though, some recognised that too much engagement could result in too little certainty around planning decisions and Local Plans. One participant argued for "much more certainty" but acknowledged that more certainty could result in "rigidity" and concluded there was "a difficult balance to be struck between certainty...and flexibility".

9. A significant minority of participants were unequivocal that not enough land was being developed and that planning should be "freed up". One participant thought that "the main concern for the planning system should be to facilitate development" and that it "should be easier to build more things". Several believed society had a responsibility to provide housing for the younger generation and observed that most people objecting to development were older and already owned their own home. Another participant

argued that development should be “demand-led”, not “local authority-led”, as local authorities were only interested in reducing the number of houses being built in their area. A contrasting view was that a demand-led approach would only worsen the issue of infrastructure.

10. In addition to the main debate about how much housing the planning system should encourage, many participants thought that climate change and the environment should be a main concern for the planning system. One participant said it could contribute to the fight against climate change by encouraging housing with low fuel bills, another that it should facilitate renewable energy projects, such as ground-mounted solar installations, on the Green Belt. There was support for genuinely affordable housing; “truly affordable, not the Government’s definition”. Various other concerns were raised: the importance of “holistic planning” and “sustainable development”; making it easier to build on brownfield sites; a more flexible approach to housing targets that takes into account the amount of Green Belt land in an area; making small developments easier; action against land banking; and the “probity of the system”.

11. Finally, several participants wanted the planning system to focus more on the quality of housing, possibly through the application of “decent and consistent design standards”. The status quo had too many “tiny flats” were being built, rather than real homes for people to live in. One participant suggested that “carefully designed” development might arouse less opposition among local communities. Similarly, some participants stressed the importance of access to good-quality green spaces, highlighting the impact on people’s quality of life and mental wellbeing.

Will the proposals in the White Paper improve the planning system?

Zoning

12. As in the debate about how much development there should be, participants appeared to disagree strongly on the merits of zoning, but often there was only a difference of emphasis. Many cautiously welcomed the idea but were concerned that having only three zones was “too simplistic”. One participant thought zoning “much too blunt an instrument”, though this could have been more a criticism of the number of zones. Others worried that a “simplistic zoning into three types of zone” would not “take enough account of the complexity of the natural world” and that the proposals could result in a “free-for-all” in parts of the country. Some participants, though, were more enthusiastic. One said they were “all for zoning”, a second thought it “the right way to go”, though it probably needed more than three zones. Another welcomed the “degree of certainty” it would bring. One participant came close to summing up the majority opinion when they said: “I don’t think everything needs to be zoned, but I think where you identify broad areas for development, in general the white paper changes are a positive move forward.”

Local Plans

13. There was some support for having simplified Local Plans. One participant commented: “I think central government’s right, in a way, to think that these big 500-page documents with generic policies, which I’m going to argue one way, or the local authority officer’s going argue the other way, are an absolute waste of time.” More participants

expressed concern, however, that simplified Local Plans would be unable to cope with the complexity of urban areas and that trying “to put something prescriptive in a local plan that will be detailed enough to cope with the variety within the town will be almost impossible”. On the other hand, there was some support for the certainty of a Local Plan, with one participant thinking that “the idea that you can pop an allocation in a local plan and then give it a degree of more certainty to save planning applications would be welcome.”

Local engagement

14. Support for zoning was tempered by concern about what it meant for local engagement. Some participants were very alarmed at the prospect of communities losing the right to contribute to planning decisions beyond the initial plan-making stage. One said: “the loss of the historic community right to involvement” would be an “awful denial of local democracy”. Others warned of the danger that people would feel disenfranchised if they were not engaged at the local plan level and then found they could not object when something was being built. As a result, there was a feeling that the process would need “a lot of local involvement upfront”. Another participant thought the national rules would “be subject to so much criticism in individual cases that really, in a democratic society, those affected by developments should be able to comment on them.” Overall, there was a strong feeling that the “democratic accountability”, whenever it did occur, would need to be “good enough” for people “to accept the outcomes and outputs of the system”.

Design codes

15. On the requirement on local authorities and neighbourhoods to produce design codes, those participants who mentioned it were generally supportive. There was however some concern about a lack of detail and that it could become confusing. One participant wondered if “each local authority will have to develop a design code for each neighbourhood, or each distinctly different place, or area, within the local authority boundaries” and thought that “might be quite a lot of design codes” and that “each design code will need to be pretty detailed”. Another participant wondered if extra resources would be provided to implement the proposals. One person thought the key to making zoning work was having good design codes, though another was critical of the whole idea, saying: “I don’t think there can be any confidence in a system that effectively grants automatic planning permission on the basis of design codes that define beauty for us.”

Formal minutes

Thursday 27 May 2021

Members present:

Mr Clive Betts, in the Chair

Bob Blackman	Ian Byrne
Florence Eshalomi	Ben Everitt
Rachel Hopkins	Mary Robinson
Mohammad Yasin	

Draft report (*The future of the planning system in England*) proposed by the Chair, brought up and read.

Ordered, That the report be read a second time, paragraph by paragraph.

Paragraphs 1 to 232 read and agreed to.

Appendices agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134

[Adjourned until Monday 7 June at 3.30pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 9 November 2020

Brian Berry, Chief Executive, Federation of Master Builders; **Kate Henderson**, Chief Executive, National Housing Federation; **Philip Barnes**, Group Land and Planning Director, Barratt Developments

[Q1–31](#)

Lisa Fairmaner, Head of London Plan and Growth Strategies, Greater London Authority; **Andrew Longley**, Head, North Northamptonshire Joint Planning and Delivery Unit

[Q32–62](#)

Monday 23 November 2020

Tony Mulhall, Associate Director, The Royal Institution of Chartered Surveyors (RICS); **Philip Waddy**, Chair of the RIBA Expert Advisory Group on Planning, Royal Institute of British Architects; **Paula Hewitt**, 1st Vice President, ADEPT; **Richard Blyth**, Head of Policy, Royal Town Planning Institute (RTPI)

[Q63–88](#)

Claire Dutch, Partner, Co-Head of Planning and Environment, Ashurst LLP; **Nigel Wilson**, Chair, Homes for the North; **Ingrid Samuel**, Historic Environment Director, National Trust; **Steve Quartermain**

[Q89–116](#)

Monday 7 December 2020

Rt Hon Christopher Pincher MP, Minister of State for Housing, Ministry of Housing, Communities and Local Government; **Simon Gallagher**, Director of Planning, Ministry of Housing, Communities and Local Government

[Q117–175](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

FPS numbers are generated by the evidence processing system and so may not be complete.

- 1 All Party Parliamentary Group On Alternative Dispute Resolution ([FPS0109](#))
- 2 Abri ([FPS0078](#))
- 3 Accessible Retail ([FPS0053](#))
- 4 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 5 Adam Smith Institute ([FPS0085](#))
- 6 Aldersgate Group ([FPS0120](#))
- 7 Anchor Hanover ([FPS0074](#))
- 8 Anglian Water ([FPS0146](#))
- 9 Ark Data Centres ([FPS0063](#))
- 10 Ashford Borough Council ([FPS0016](#))
- 11 Ashford KALC ([FPS0060](#))
- 12 Association of Convenience Stores ([FPS0069](#))
- 13 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 14 BRE Group ([FPS0042](#))
- 15 Bartlett School of Planning, University College London ([FPS0097](#))
- 16 Bristol City Council ([FPS0119](#))
- 17 British Property Federation ([FPS0127](#))
- 18 Bus Users UK Charitable Trust Ltd ([FPS0026](#))
- 19 Country Land and Business Association ([FPS0049](#))
- 20 Colvin, Andrew ([FPS0020](#))
- 21 CPRE—The Countryside Charity ([FPS0077](#)) and ([FPS0165](#))
- 22 Campaign for National Parks ([FPS0043](#))
- 23 Canal & River Trust ([FPS0048](#))
- 24 Caudwell Children ([FPS0010](#))
- 25 Centre for Ageing Better ([FPS0055](#))
- 26 Centre for Cities ([FPS0144](#))
- 27 Centre for Natural Material Innovation ([FPS0117](#))
- 28 Chartered Institute for Archaeologists (CIfA); Council for British Archaeology (CBA); and Association of Local Government Archaeological Officers (ALGAO:UK) ([FPS0080](#))
- 29 Chartered Institute of Arbitrators ([FPS0099](#))
- 30 City of London Corporation ([FPS0148](#))
- 31 Civic Voice ([FPS0076](#))
- 32 Clean Air in London ([FPS0087](#))
- 33 Clegg, Liam (Lecturer, University of York) ([FPS0019](#))

- 34 Collaborative Mobility UK ([FPS0160](#))
- 35 Commonplace ([FPS0136](#))
- 36 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 37 County Councils Network ([FPS0121](#))
- 38 Crawford, Cllr John ([FPS0008](#))
- 39 Cycling UK ([FPS0123](#))
- 40 Daventry District Council ([FPS0011](#))
- 41 District Councils' Network ([FPS0082](#))
- 42 Eagar, David ([FPS0009](#))
- 43 Elsey, Dennis ([FPS0145](#))
- 44 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; and Emeritus Professor Christine Whitehead ([FPS0164](#))
- 45 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; and Professor Nick Gallent ([FPS0131](#))
- 46 Energy UK ([FPS0105](#))
- 47 England's Economic Heartland (Sub-national Transport Body) ([FPS0062](#))
- 48 Foye, Dr Chris (Knowledge Exchange Associate, UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; and Dr Bilge Serin ([FPS0033](#))
- 49 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))
- 50 GL Hearn ([FPS0141](#))
- 51 Gilyead, Mr Richard ([FPS0022](#))
- 52 Goodstadt, Professor Vincent (Independent Policy Advisor, Vincent Goodstadt) ([FPS0058](#))
- 53 Greater London Authority ([FPS0149](#))
- 54 Hever Parish Council ([FPS0007](#))
- 55 Hills Homes Developments Ltd ([FPS0084](#))
- 56 Historic England ([FPS0092](#))
- 57 Home Builders Federation ([FPS0073](#))
- 58 Homes for the North ([FPS0107](#)) and ([FPS0166](#))
- 59 Homes for the South West ([FPS0070](#))
- 60 Institute of Environmental Management and Assessment ([FPS0168](#))
- 61 Inspired Villages ([FPS0167](#))
- 62 Institute of Historic Building Conservation ([FPS0044](#))
- 63 Institution of Civil Engineers ([FPS0035](#))
- 64 Just Space ([FPS0115](#))
- 65 Kruczkowski, Dr Stefan (Urban Designer and Company Director, Urban Design Doctor Limited) ([FPS0135](#))

- 66 Kent Association of Local Councils ([FPS0028](#))
- 67 LSE London ([FPS0139](#))
- 68 Land Promoters and Developers Federation ([FPS0138](#))
- 69 Lifestory Group ([FPS0116](#))
- 70 Local Government Association ([FPS0056](#))
- 71 Locality ([FPS0086](#))
- 72 London Borough of Hackney ([FPS0091](#))
- 73 London Forum of Amenity & Civic Societies ([FPS0156](#))
- 74 London Gypsies and Travellers ([FPS0067](#))
- 75 London Tenants Federaiton ([FPS0112](#))
- 76 MCS Charitable Foundation ([FPS0102](#))
- 77 Manor Property Group; and Qdos Education ([FPS0051](#))
- 78 Marshall, Dr Tim (Emeritus Professor of Planning, Oxford Brookes University) ([FPS0079](#))
- 79 McCarthy & Stone ([FPS0061](#))
- 80 Midland Heart ([FPS0152](#))
- 81 Mineral Products Association ([FPS0050](#))
- 82 Morris, Dr Ken ([FPS0001](#))
- 83 National Association of Local Councils ([FPS0021](#))
- 84 National Fire Chiefs Council ([FPS0040](#))
- 85 National Flood Forum ([FPS0126](#))
- 86 National Housing Federation ([FPS0158](#))
- 87 National Organisation of Residents Associations ([FPS0005](#))
- 88 National Trust ([FPS0157](#))
- 89 National Grid ([FPS0088](#))
- 90 Neighbourhood Planners. London ([FPS0032](#))
- 91 Newcastle City Council ([FPS0159](#))
- 92 News Media Association ([FPS0068](#))
- 93 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))
- 94 North Southampton Community Forum ([FPS0018](#))
- 95 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))
- 96 Oneill Homer ([FPS0111](#))
- 97 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))
- 98 Planning Oxfordshire's Environment and Transport Sustainably ([FPS0108](#))
- 99 Paulson, K ([FPS0024](#))
- 100 Peel L&P ([FPS0094](#))
- 101 Place Alliance ([FPS0054](#))
- 102 Pocket Living ([FPS0023](#))

- 103 Policy Connect ([FPS0014](#))
- 104 PortalPlanQuest Limited ([FPS0030](#))
- 105 PricedOut ([FPS0129](#))
- 106 QC, Paul G Tucker ([FPS0153](#))
- 107 QC, Richard Harwood OBE (Joint Head of Chambers, 39 Essex Chambers) ([FPS0059](#))
- 108 Rentplus-UK Ltd ([FPS0047](#))
- 109 Rother Association of Local Councils (RALC) ([FPS0012](#))
- 110 Rother District Council and Burwash: Save our Fields ([FPS0143](#))
- 111 Royal Institution of Chartered Surveyors ([FPS0065](#))
- 112 Royal Town Planning Institute ([FPS0113](#))
- 113 Rush, Robert ([FPS0163](#))
- 114 Rutland County Council ([FPS0071](#))
- 115 Sage Housing ([FPS0090](#))
- 116 Save Greater Manchester Green Belt ([FPS0132](#))
- 117 Savills ([FPS0101](#))
- 118 Scharf, Mr Daniel ([FPS0002](#))
- 119 Shelter ([FPS0154](#))
- 120 Shtebunaev, Mr Simeon (Doctoral Researcher, Birmingham City University) ([FPS0072](#))
- 121 Silverdale Parish Council ([FPS0100](#))
- 122 South Staffordshire Council ([FPS0142](#))
- 123 South Worcestershire Councils ([FPS0015](#))
- 124 Southwark Council ([FPS0110](#))
- 125 Spicer, Mrs Allyson ([FPS0162](#))
- 126 St Albans Civic Society ([FPS0057](#))
- 127 Stevenson, Mark ([FPS0083](#))
- 128 Stonewater ([FPS0103](#))
- 129 Sustrans ([FPS0151](#))
- 130 Town and Country Planning Association ([FPS0034](#))
- 131 Tait, Professor Malcolm (Professor of Planning, University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning, University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning, University of Sheffield); and Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning, University of Sheffield) ([FPS0098](#))
- 132 Tamworth Borough Council ([FPS0013](#))
- 133 Tenterden Town Council ([FPS0003](#))
- 134 The Beaconsfield Society (Civic Society) ([FPS0130](#))
- 135 The Chartered Institute of Building ([FPS0096](#))
- 136 The Federation of Master Builders (FMB) ([FPS0125](#))
- 137 The Heritage Alliance ([FPS0066](#))

- 138 The Highgate Society ([FPS0155](#))
- 139 The Smith Institute ([FPS0038](#))
- 140 Transport Planning Society ([FPS0039](#))
- 141 UK Women's Budget Group ([FPS0025](#))
- 142 UK2070 Commission ([FPS0128](#))
- 143 Urban Mobility Partnership ([FPS0122](#))
- 144 Urban Vision Enterprise CIC; and D2H Land Planning Development ([FPS0037](#))
- 145 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 146 Water UK ([FPS0140](#))
- 147 Wenban-Smith, Alan (Proprieto , Urban & Regional Policy) ([FPS0124](#))
- 148 Wildlife & Countryside Link (Link) ([FPS0075](#))
- 149 Wood, Cllr Andrew (Canary Wharf ward Councillor, LB Tower Hamlets) ([FPS0137](#))
- 150 Woodland Trust ([FPS0045](#))
- 151 World Heritage UK ([FPS0046](#))
- 152 YIMBY Alliance; London YIMBY; Oxford YIMBY; Brighton YIMBY; PricedOut; and Cambridge YIMBY ([FPS0017](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

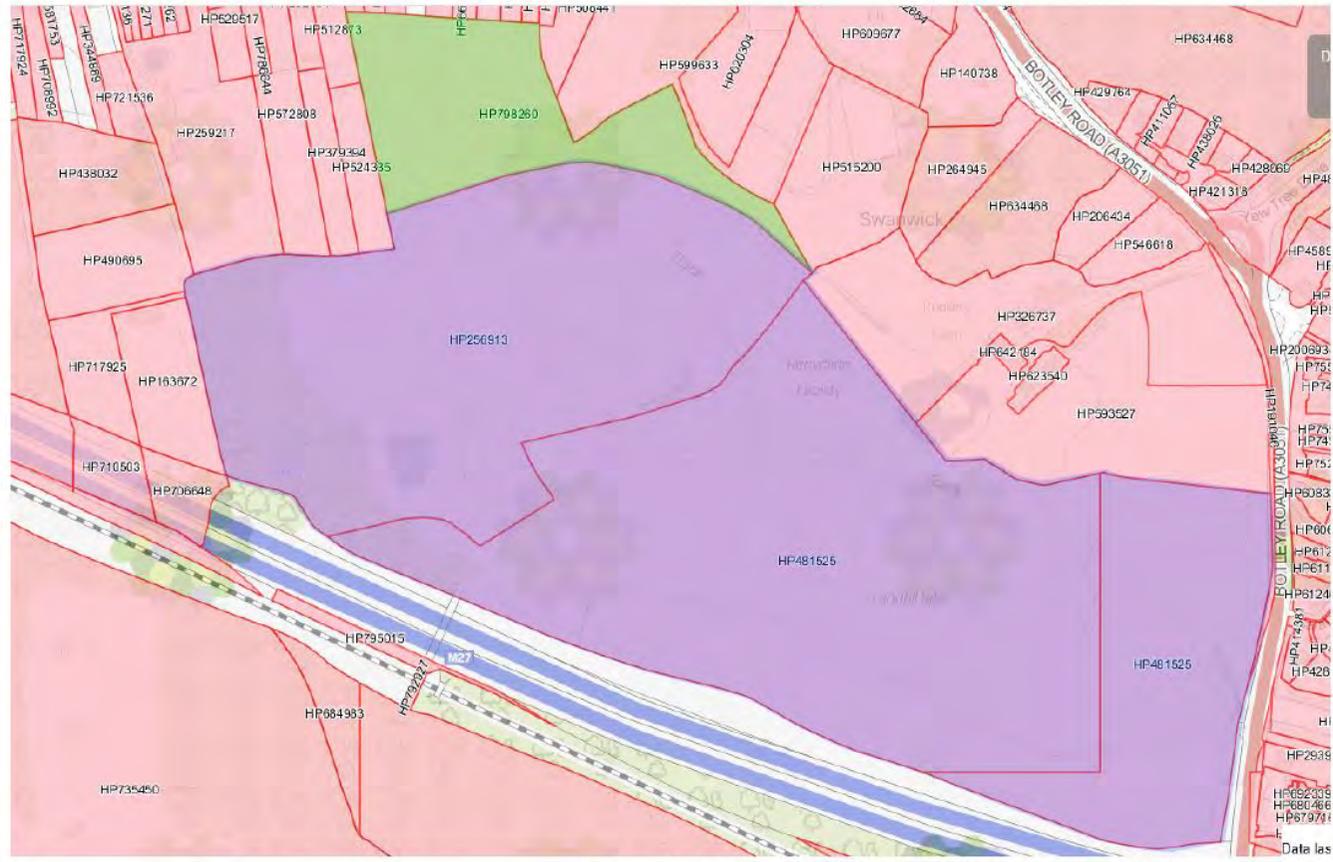
Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting the homeless and the private rented sector: MHCLG's response to Covid-19	HC 1329
7th	Cladding Remediation—Follow-up	HC 1249

Session 2021–22

Number	Title	Reference
1st	The future of the planning system in England	HC 38

Appendix 4

Shaded Green [Redacted]
Shaded Blue - Raymond Brown Rookery Properties Ltd



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Appendix 6 and 7 submitted separately



From: [Smith, David](#)
To: [Robert Storey](#)
Subject: RE: Rookery - Implementation of Permanent Aggregate Recycling Permission
Date: 13 April 2021 12:54:06
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

Hi Rob,

Apologies for the delay.

I can confirm that the pre-commencement schemes have been submitted as required and that the digging of the footings for the new office has begun. On that basis, it is the County Council's consideration that planning permission P/18/0978/CC has been implemented.

Regards,

David Smith
Enforcement Officer



Hampshire Services offers a range of professional consultancy services to partner organisations.
www.hants.gov.uk/sharedexpertise

Strategic Planning offers a pre-application service to help improve the quality of applications and speed up decision-making. Information on the Council's pre-application service is available [here](#).

In support of the e-government agenda, the County Council welcomes the online submission of planning applications which can be submitted [here](#).

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.

Local Plan Feedback Form (Original Scanned also)

Mrs Iris Grist



Comments:

Paragraph 2.12 “Maximise development within the urban area and away from the countryside”

Paragraph 3.6 Settlement boundaries

Paragraph 3.9 Areas of special landscape quality e.g. Portsdown Hill, This is outside the defined urban area, is in the countryside and is on Portsdown Hill

Policy HA56- Down End Road West

Housing Allocation Site- HA56 Down End Road, West

Not sound

What Modifications is necessary... Take any site, east or west of Downend Road out of the plan. It is a lie to say that these two sites are not on Portsdown Hill. 3.9 says that Portsdown Hill is an area of ‘special landscape quality’

How would the modifications make the Plan legally compliant or sound?

It actually says that there are no housing allocations on Portsdown Hill, so it is unsound to add HA4 and HA56. So these areas should be taken out of the Plan.

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

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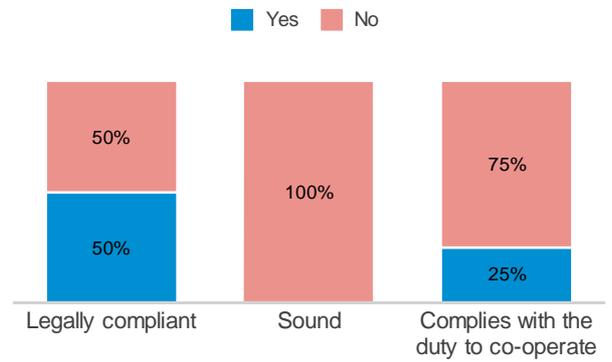
No I don't want to take part in a hearing session.

Paragraph | 3.3

4 Representations



	Legally compliant	Sound	Complies with the duty to co-operate
Total	4	4	4
Yes	2 50%	0 0%	1 25%
No	2 50%	4 100%	3 75%



Respondent: Mrs Valerie Wyatt (297-541547)

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

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

'where it is not' is the phrase my comment relates to for the purpose of a change. I would like to point out that paragraph 3.9 concludes that there are no housing allocations in the Hamble valley (among other areas listed) hence 'where is not' being the revision. Although the eastern section of area 02.2a (as described in the 2017 and 2020 documents listed in 3.9) has been removed from the ASLQ, the western section is still included. This geographical area includes Brook Avenue, where HA32 Egmont Nursery is situated, therefore it is not factually correct to say that there are 'no development allocations' in the areas listed. Brook Avenue is situated in the valley of the River Hamble and the two documents I have cited agree. The Fareham Local Plan 2037 Figure 3.3 page 31 shows the Areas of Special Landscape Quality in Fareham Borough but there has been a small hole cut out of it to accommodate this housing development site. This makes no sense when the area is considered in reality. The site is a former nursery which closed down nearly 20 years ago. Less than a quarter of the site is covered in derelict, low rise wooden framed greenhouses overgrown with ruderal vegetation. The north western quadrant of the site was used for grazing horses until 2017 and now, along with most of the site, is green open space. The site is fronted by a native species hedge which allows views through to the adjacent Holly Hill Nature Reserve with its area of ancient woodland only 34 metres from the site boundary. 200 metres away downhill to the northwest are the protected sites of the River Hamble (SPA, SAC and Ramsar). It also forms a valuable link in the Local Ecological Network (see Fareham Local Plan 2037 Appendix C page 332). The site is an integral part of the local landscape which has been recognized as having qualities which are worthy of protection from urban encroachment. The housing development was granted permission in spite of it being contrary to policies and strategies in the extant development plan. Although the judicial review of this decision was dismissed in the High Court in May 2021, local residents have asked the Court of Appeal for permission to appeal the judgment as we wish to protect the semi rural character of this part of Warsash. The planning officer in his report to the planning committee even said 'the development would have an urbanising effect which would be harmful to the character and appearance of the countryside'. The site is 140 metres away from the urban boundary and over 400 metres from Brook Lane, the nearest public highway. The road is a private street with no footway and is less than 5.5 metres wide in places. There are only 2 street lights along the route to Brook Lane. In the SHELAA April 2021 no mention is made of the pedestrian access to the site of HA32 Egmont Nursery but for Discounted Housing Site 3050 (page 161) which is 200 metres closer to Brook Lane, it says that footway provision would be required. Construction of a footway would not be feasible because of the narrow width and ownership of the road. The application, (P/18/0592/OA) should not have been granted permission as it failed to meet the criteria under the extant plan. This application would also fail to meet the necessary criteria under the proposed new plan. According to Policy HP2: New Small-Scale Development Outside Urban Areas not more than four dwellings would be permitted, so principally it would fail on the number of dwellings, but it would also fail on most of the other criteria. Under Policy HP4: Five-Year Housing Land Supply it would fail as it is not adjacent to the existing urban boundary and therefore it would not meet all of the criteria for that policy too. It would also have unacceptable environmental, amenity and traffic implications. I understand that the current application's status is beyond the remit of the Planning Inspectorate but you have the opportunity to remove this unsuitable housing allocation from the Fareham Local Plan 2037 should the planning permission be quashed before the adoption process is completed.

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

If the planning permission is not quashed by the Court of Appeal then Hamble should be removed from the main text and 3.9 should end with 'except HA32 in the Hamble valley.'

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

It would make it factually correct.

Your suggested revised wording of any policy or text:

See above

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

Yes, I want to take part in a hearing session

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

The Planning Inspector may wish to understand why permission was given for this development although it was contrary to the extant plan which had been previously adopted.

Respondent: Mr Robert Marshall

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

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

Note: This does not relate to para. 3.3. This was used to pass onto next stage. It refers to paragraph 3.15. Although this is not a new para. it is relevant given the new housing allocations. The Plan and its evidence base do not adequately set out the reasons for the selection of sites that are allocated and the reasons for rejecting reasonable alternatives. There is an extensive evidence base, but it is not clear how much of this has been used in site selection. For example, there are sites with low ratings for accessibility or high landscape sensitivity that have been selected for allocation when other sites with better accessibility or low landscape sensitivity have been rejected without adequate justification being set out. Paragraph 3.15 of the Plan states that, "the need to find sustainable locations for development that are accessible to local facilities and services runs throughout the Local Plan and the revised Development Strategy. Each growth scenario, each potential development area and then each site considered for development has been assessed against the sustainability objectives set by the Council in the Sustainability Appraisal." However, there is no reference to the Sustainability Appraisal and its findings in the Strategic Housing and Employment Land Availability Assessment (SHELAA) which appears to be the only document that sets out reasons for site selection or rejection.

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

Prepare, publish and carry out consultation on comprehensive site assessments that clearly set out the relevant data from the SHFI AA and the SA/SFA

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

It would meet the requirement for a comprehensive and up-to-date evidence base.

Your suggested revised wording of any policy or text:

N/A

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

Yes, I want to take part in a hearing session

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

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

Respondent: Mr Nicholas John (297-13127)

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

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

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. Parts 1, 2 and 3 are below which I have linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places (NB the 'Review of ASLQ and Gaps' is not available for selection). Parts 4 & 5 are submitted separately against HP4 and HA54/55 as best available approximations]

Objection to the 2021 Revised Publication Local Plan At the end of 2020 FBC published a 'Publication Local Plan'. Apparently, there was a consultation about it, but no publicity was posted to my door. In the depths of Covid, I was totally unaware of it. That was based on an NPPF requirement to build 403 a year and seems to have been uncontroversial compared to the appalling 'SGA' Draft Plan (520 p.a.) that was floated a year ago. In December 2020, the government inexplicably decided not to use 2018 ONS statistics but revert to older 2014 stats for the NPPF, resulting in 541 homes p.a. In response, the FBC Executive has published a HIGHLY CONTROVERSIAL 'Revised' Plan. I consider this to be UNSOUND for several reasons.

PART 1: Unreasonable Government Targets The total number of houses proposed is staggering. The Govt appears to be totally irrational in its expectations and does not see 'the big picture'. The numerical algorithm is flawed. The Govt and FBC have failed to hold an intelligent negotiation. The result is forcing FBC to make hasty, poor and dubious decisions with irrevocable bad consequences

PART 2: Poor Consultation The Plan has been conceived by a small Executive as a fait accompli, avoiding opportunities for a proper 2-way discussion of alternatives. There has been publicity, but the feedback mechanism is obstructive and intimidating. Directed only to the Inspector, there is no stage for FBC to modify its Plan.

PART 3: Partisan Solutions Faced with a difficult problem, the Executive seem to exhibit a hint of gerrymandering, with 99% of the additional housing allocated East of the Meon. ASLQ's are proposed to future-protect nearly all of the Western Ward green space.

PART 4: Core Values and The Strategic Gap Rigorously developed policies to retain character and separation of town/village settlements ignored. Majority of new development in Strategic Gap.

PART 5: Planning Proposals in The Strategic Gap (HA54 and HA55) To recommend deep encroachment into the Gap at the same point from both sides, having already taken out the middle with the By-pass, shows that this Plan is driven by the developers not by any objective consideration. I will submit more detail on PARTS 4 and 5 in separate Representations.

PART 1: Government Targets This problem starts with Govt policy to deliver 300,000 new homes nationally. This is not particularly driven to 'house the homeless' or help first time buyers. The objective is to stimulate economic activity. Another stated policy is to 'level up' the economy across the country, but these policies are not working together. Post BREXIT, there should be less focus on the EU-facing South-East, and more business North and West. The NPPF algorithm appears to support a viscous circle of targeting more houses in the SE where there are jobs instead of boosting the economy elsewhere. South Hants is vastly over built but just getting worse. The decision to use 2014 stats is indefensible. FBC should be claiming a mitigating factor that more recent ONS stats indicate a lower demand. The NPPF number is then inflated by 20% because HMG are sceptical about FBC's ability to deliver due to its recent failure to meet 3YHDT. This is largely due to Nitrates restrictions and HMG should take this into account. Rather than concoct 'too clever by half' mitigation schemes, HMG should recognise the serious environmental 'algae' issue and look to REDUCING nitrates rather than 'net zero'. HMG does not actually want FBC to deliver more houses than are needed (silly), the buffer is a safety margin. Why then does FBC add an additional 11% margin on top for the same reason? As neighbouring councils appear to be benefitting from the 2014 stats U-turn, while Fareham loses out, the 'Unmet need' adjustments should reflect this. FBC is not generally delinquent on housing delivery. The Welborne project is finally coming together but the ramp up is slow. With a reasonable expectation of high housing delivery in later years, HMG should allow a slower start up. The desperation to grab low hanging fruit, meet 3YHDT and avoid the 20% buffer is driving FBC to make BAD proposals. FBC do not seem to be pushing back much. The Inspector may see his role as squeezing as many houses out of apparently compliant councils and keep his (or her) powder dry. Hopefully, in the public interest, he will on inspection recommend that FBC lower the targets.

PART 2: Poor Consultation The U-Turn on NPPF stats was last December. The Executive knew that allocating the additional housing numbers would be controversial and unpopular. There was ample time to engage with the public and discuss best solutions, ideally around the May elections involving candidates and voters. Instead, this was kept under wraps, voters (and most councillors) thinking that their objections to the SGA's had been listened to and that the administration had reprieved the Strategic Gap and other areas. The Revised Plan was only later revealed, with apparently no time to 'revise' it by public debate or even in full council. There has been publicity and meetings, but feedback is only possible to the Inspector. Much handwashing, with FBC 'not interested' in alternative approaches. The feedback mechanism is quite diabolical, comments limited to 'legality, soundness and co-operation'. Users must specify unique policies or developments they want to comment on. Worse still, comments are restricted only to aspects that have changed in the Revision. 'Evidence' posted before the original 'consultation' cannot be refuted, even though it has only become relevant in the 'Revised' Plan. The 'Survey' system is obstructive and certain to intimidate all but the very dogged contributor. The process seems deliberately opaque. CAT meetings are sparse as people feel powerless. The Executive claim their process is entirely legal, but this merely speaks of the sorry state of local democracy. The Inspector may accept that formalities have been observed but should look carefully to be sure that the public interest is being fairly served. (5818). A Plan may be 'legal, sound and co-operative' but that does not mean it is a good, right or the best solution.

PART 3: Partisan Solutions The requirement to find an additional 138 homes per year, must have been something of a challenge to Council Leaders, not least about positioning this to their own constituency voters in the May elections. FBC had already faced a similar challenge in 2019/20 and responded with a large housing 'Strategic Growth Area' to replace most of the Strategic Gap where there should be a presumption against development. I and many others submitted objections to that Draft Plan, but these are now excluded from the current Consultation. I will attempt to resubmit my 2020 objection as it is still relevant and provides background. Facing the new challenge, FBC has revamped and hardened the SGA approach, having worn down resistance and evading real consultation. Note that the FBC Executive, and the Planning Committee are comfortably dominated by one Party and by councillors from the Western Wards. They contain no councillors

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

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Rather than concoct 'too clever by half' mitigation schemes, HMG should recognise the serious environmental 'algae' issue and look to REDUCING nitrates rather than 'net zero'. HMG does not actually want FBC to deliver more houses than are needed (silly), the buffer is a safety margin. Why then does FBC add an additional 11% margin on top for the same reason? As neighbouring councils appear to be benefitting from the 2014 stats U-turn, while Fareham loses out, the 'Unmet need' adjustments should reflect this. FBC is not generally delinquent on housing delivery. The Welborne project is finally coming together but the ramp up is slow. With a reasonable expectation of high housing delivery in later years, HMG should allow a slower start up. The desperation to grab low hanging fruit, meet 3YHDT and avoid the 20% buffer is driving FBC to make BAD proposals. FBC do not seem to be pushing back much. The Inspector may see his role as squeezing as many houses out of apparently compliant councils and keep his (or her) powder dry. Hopefully, in the public interest, he will on inspection recommend that FBC lower the targets. PART 2: Poor Consultation The U-Turn on NPPF stats was last December. The Executive knew that allocating the additional housing numbers would be controversial and unpopular. There was ample time to engage with the public and discuss best solutions, ideally around the May elections involving candidates and voters. Instead, this was kept under wraps, voters (and most councillors) thinking that their objections to the SGA's had been listened to and that the administration had relieved the Strategic Gap and other areas. The Revised Plan was only later revealed, with apparently no time to 'revise' it by public debate or even in full council. There has been publicity and meetings, but feedback is only possible to the Inspector. Much handwashing, with FBC 'not interested' in alternative approaches. The feedback mechanism is quite diabolical, comments limited to 'legality, soundness and co-operation'. Users must specify unique policies or developments they want to comment on. Worse still, comments are restricted only to aspects that have changed in the Revision. 'Evidence' posted before the original 'consultation' cannot be refuted, even though it has only become relevant in the 'Revised' Plan. The 'Survey' system is obstructive and certain to intimidate all but the very dogged contributor. The process seems deliberately opaque. CAT meetings are sparse as people feel powerless. The Executive claim their process is entirely legal, but this merely speaks of the sorry state of local democracy. The Inspector may accept that formalities have been observed but should look carefully to be sure that the public interest is being fairly served. (5818). A Plan may be 'legal, sound and co-operative' but that does not mean it is a good, right or the best solution. PART 3: Partisan Solutions The requirement to find an additional 138 homes per year, must have been something of a challenge to Council Leaders, not least about positioning this to their own constituency voters in the May elections. FBC had already faced a similar challenge in 2019/20 and responded with a large housing 'Strategic Growth Area' to replace most of the Strategic Gap where there should be a presumption against development. I and many others submitted objections to that Draft Plan, but these are now excluded from the current Consultation. I will attempt to resubmit my 2020 objection as it is still relevant and provides background. Facing the new challenge, FBC has revamped and hardened the SGA approach, having worn down resistance and evading real consultation. Note that the FBC Executive, and the Planning Committee are comfortably dominated by one Party and by councillors from the Western Wards. They contain no councillors

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

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

I have already suggested, for example to Cllr Woodward that Take out the 180 designated for Persimmon and (if you really, really need the numbers) put back in the 150 originally planned for Rookery Farm (that you make great mention of below) which mysteriously remain reprieved, despite the renewed government pressure. That could provide a crumb of decency. You already have 16-homes granted permission at 'The Grange', inside the Gap, to help balance. Having approved The Grange, there will now be housing development along one side of St Edmunds church and cemetery. The Persimmon development on the other side, and the resulting destruction of the 'country lane' ambience of Oakcroft Lane, would subsume the church and grounds into a housing estate. The Gap is supposed to protect 'settlement character' as well as provide 'settlement segregation'. I have heard say that the Rookery Farm proposal was difficult due to access etc for emergency vehicles etc. This suggests a lack of imagination. There is an existing small bridge over the M27 that could allow additional access from Addison Road - if not upgradable for general traffic it could at least allow emergency vehicles.

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

It would go a small way to reducing the suggestion of Gerrymandering in the Plan in that 99% of the additional housing indicated in the Revised Plan has been allocated to eastern wards with virtually nothing west of the Meon

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Your suggested revised wording of any policy or text:

See above

See above

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

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

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

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

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Respondent: Mrs Hilary Megginson (237-11536)

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

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

Legally Compliant: The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in 'Fareham Today' on Page 4 of the Reg. 19 Statement of Consultation, which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and confusing to members of the public wishing to provide commentary in what is already a lengthy and complex process. This consultation exercise restricts public comments to the revisions and additions to this version but the previous draft Publication had to be scrapped, due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. To restrict comments for this consultation is totally unfair as the public may want to comment on the whole plan not just the revisions. The consultation website even restricts drop down options to the revised sections only. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. 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. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. In May 2021 residents challenged this council in the high court. The case was won with the Judge confirming 1) that the council acted unlawfully and unfairly towards the residents, that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and 2) that the Planning Committee failed to grapple with resident's request for a deferral. He stated the judgement needs to be shared with everyone concerned within the council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of their views being ignored. For all of the above reasons, this consultation process and Publication Plan is not legally compliant. Complies with Duty to cooperate: Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan. Sound: The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. It is an unfair distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contribution is 21%. There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). Therefore, another environmental impact assessment must be conducted showing the cumulative effect of HA1 in its entirety. 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 masterplans is vital to ensure that developments are sustainable, appropriately planned and designed". Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan which is extant. Para 4.8 Allows the LPA to consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in the extant 2015 Plan, page 38 ignores this, stating that housing will be provided through HA1 and other local sites. Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and have submitted applications that the LPA have resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming their sites fit well with HA1 has now resulted in the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift toward the Developers. It is discriminatory that community-generated evidence carries less weight than that provided by Developers consultants. E.g. regarding previous use of land in Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwatch teams. Para 9.51 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 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

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

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

Public consultation in the true sense of the word needs to be demonstrated by this council. It should not be an 'ask and ignore' approach which at best, is all we have had since 2016. To facilitate a consultation process that a lay man would understand, communicating the proposals and implications with clarity and in plain English. The current process is complex, sometimes inaccurate and has the effect of discouraging engagement from residents, not because they don't want to but because they find the whole process off-putting, overwhelming and confusing. This Publication plan consultation is an example. Equal weight needs to be applied to all party's representation in planning decisions and this has to be evident to all concerned. Premature and risky decisions like the ones made in this and the previous plan must not be repeated in the future. Restricting the scope of a public consultation should not be allowed. Lessons must be learned from High Court Judgements against this council on the way they handle members of the public. Distribution of new dwellings must be fair. High numbers of housing development on adjacent sites must be coordinated with a Masterplan Settlement boundaries need to be protected when making decisions and determining planning applications, not moved to enable the granting of permission in countryside Protected sites must be restored to favourable conditions and water quality improved. Biodiversity net gain targets must be planned for and achieved Lessons must be learned from High Court Judgements in order for this council to fulfil their legal obligations with regard to the Habitats Directive. CO2 emission targets need to be stated and achieved Education proposed extensions of child placements need to extend to the length of this plan i.e. up to 2037 and reflect the numbers of new dwellings such as 1001 in Warsash Health care provision needs to be expanded to reflect the numbers of new dwellings such as those in Warsash

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

Communication of any documents that impact the public need to be written clearly and concisely. Not everyone is trained in planning law. This would help to fulfil the council's legal obligation to consult. Application of the rules at all times should be a given. If the council's rules state a petition will trigger a debate at full council if it meets the required number of signatures, this should be applied. All evidence presented regardless of who presents it should at least be considered to carry equal weight by the council. Concerns over what may or may not happen if an application or consultation does not go the way the council want it to, shouldn't be a deciding factor. Council procedures need to be reviewed to ensure a democratic rather than autocratic approach to decision making More certainty on the council's own housing position with regard to dependancy on Welborne, its ability to meet unmet need of neighbouring boroughs and the capacity to do so in respect of it's 5 year land supply will avoid unnecessary taxpayer's expense such as we have seen in the preparation of this plan, the second one to be 'ripped up' and not adopted since 2017. Masterplans are required in order to comply with Design Policy D3 para. 11.44 Maximising development within urban areas is required to comply with Para. 2.12 "Strategic Priorities" There is a legal obligations to comply with the Habitats Directive Para. 8.60 Section 8 mentions the requirement of meeting CO2 emission targets but currently those targets are not stated. The infrastructure Deliver Plan at para.10.26 and 10.27 describes Education as critical prioritisation The infrastructure Deliver Plan at para.10.26 describes Health Care as critical prioritisation

Your suggested revised wording of any policy or text:

A 'variety of methods' used to solicit comments from the public should be expanded to 'ensure the material is easily understood.' Members of the public need to be clear about what they can expect when engaging with the council. A simple 'if you do this', 'we will do that' would suffice. The rules and guidance need to be executed correctly. The council needs to demonstrate how they have applied equal weight to the public's contributions and that of other representatives regardless of whether 'for' or 'against' a proposal. References to be made to applying the recommended up to date methodology not one which may or may not be adopted in the future Any risk regarding dependencies impacting this council's ability to deliver the plan needs to be explicit with appropriate contingency built in. This plan should contain accurate accounts of due process and obligations Procedures need to be reviewed regularly to ensure compliance with guidance Policies and procedures must be reported on compliance and be seen to be applying them Its important to display policies and procedures in the public domain but equally important that this council follows its own guidance not changing the rules when it suits them Critical prioritisation and legal obligations must be addressed in plans

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

Yes, I want to take part in a hearing session

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

As the representative of thousands of local residents since 2016, there is a need for them to have a voice in decisions which impact their lives. Community involvement can easily be evidenced but consideration for their concerns and suggestions is absent and has been for years. The accuracy and undemocratic approach described in my submission is replicated in a number of topics within this plan.

Comments on the Local Plan 2037

Test of Soundness - Settlement Definition

- In the Foreword to the Publication Plan written by the Executive Member for Planning and Development states the vision of the Council to “distribute development across the Borough and achieve maximum community benefit from that development”.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan, alone contributes 832 dwellings to this number - 14%. This is not distributing “development across the Borough”. It is concentrating it in a small area of the Borough.
- As for “achieving maximum community benefit from that development”, the opposite will occur. An example is HA1 land to the north and south of Greenaway Lane. The 832 dwellings (14% of the total) “proposed” for this area will bring a minimum of 1,600 extra vehicles. The area is within a peninsula with only 3 roads in or out. It is already at maximum capacity for traffic. There are not enough school places at the moment. No new infrastructure is planned. There will be negative community effects.
- in the Foreword to the Publication Plan it states “greenfield sites are less favoured locations for development. Para 2.10 of the Publication Plan states “Fareham Borough will retain it’s identity, valued landscapes and settlement definition and will protect it’s natural, built and historic assets”.
- The proposed allocation of Policy HA1 (which is not in the current extant Local Plan) contradicts these aspirations and also those of Para 2.12 “Strategic Priorities” which “strive to maximise development within the urban area and away from the wider countryside and to create places that encourage healthier lifestyles”.
- Policy HA1 (currently Greenfield sites) is proposed to be re-designated as an urban area. This re-designation to urban status and the movement of the Settlement Boundary to encompass it is a blatant, stealthy manoeuvre by the Council which seems unethical and is done only to suit it’s own objectives.
- Strategic Priority 2 states “in the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition”. Or, as the Council has done, re-designate countryside as urban where convenient.
- Strategic Policy DS1 (paras 3.36 and 5.6) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Policy HA1 calls for the efficient use of existing buildings to meet such need on a one for one replacement dwelling basis. Inconveniently for the Council, these conditions do not apply to HA1 so the Council has simply redrawn the urban boundary so green fields (an easy option for Developers) can be covered in houses.

- Looking at Policy HP4 Para 5.24, HA1 fails to meet criteria e) as the proposals for development will demonstrably have unacceptable environmental, amenity and traffic implications.

Test of Soundness - Infrastructure

- Para 10.14 refers to the Local Plan Strategic Transport Assessment which at para 14.6 states “In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective”.
- However, the area HA1 isn’t assessed within the Local Plan Strategic Transport Assessment so the statement above doesn’t apply to HA1 with 832 dwellings.
- Para 10.15 of the Publication Plan in the Transport plan actually doesn’t include an analysis of streets where the majority of the houses are proposed. When there are 832 new dwellings proposed in HA1 (14% of the total for Fareham) why hasn’t more consideration been given to this area in the Transport Assessment?
- With an average of two vehicles per dwelling, an additional 1,660 vehicles will be on local roads. There is existing congestion but there is no mention of any mitigation that will be required to reduce this congestion now or by 2037.
- The Publication Plan fails the Test of Soundness by not being inclusive of all areas and not being Positively Prepared in this regard.
- Policy HA1 on page 53 refers to traffic routes and despite their being a Planning Decision to limit access onto Greenaway Lane to 6 dwellings due to the narrowness of the Lane with no pavements and ditches along its length in places this has been removed. The Plan now proposes access for up to 140 dwellings through a widening of the Lane when there is actually no scope for widening.
- This will result in a very considerable impact on the countryside character of the Lane and to the safety of it’s non vehicular users.
- Page 54 suggests multiple new accesses onto the already busy Brook Lane some within a few hundred yards of each other. This number could have been reduced considerably had there been no piecemeal development a Masterplan for HA1 (discussed in detail below). The proximity and positioning of these access roads are a recipe for gridlock and accident black spots.
- Policy HA1, page 54, indicates the need for two junior football pitches to be provided. These are not shown in the plan for HA1. Probably because every greenfield site possible location is being covered in housing.

Test of Soundness - Housing Need Methodology

- It is indicated at Para 3.27, fig 3.2, that there are 8 potential growth areas. These are not shown on the map. There is a lack of clarity.
- What is the definition of small scale development? Is it sites of less than 1 Ha or a development of not more than 4 units? Page 158 Policy HP2 is in conflict with Para 4.13.

- A contingency buffer of 1,094 dwellings has been made. However, Page 37 Paras 4.12 and 4.16 as well as Policy H1 shows that the Plan is heavily reliant on the certainty of delivery of the 3,610 dwellings at Welbourne by 2037.
- A previous version of the Publication Plan was scrapped because of a Government change of Housing need methodology. The Government is currently debating a White Paper on “Planning for the Future” which would change the housing need methodology again. Para 4.2 describes the methodology used to calculate Fareham’s housing need on which the whole Plan is based. This Publication Plan is premature and risky as the outcome of the White Paper could change the methodology again.

Test of Soundness - Occupancy Rates

- The claims regarding occupancy rates in this Publication Plan are not used consistently in the Council’s own proposals and requirements. The Council argues for an average occupancy rate of 2.4 for a 4/5 bedroom house in regards to Nitrate budget calculations. Yet in Para 5.41 it is stated that the occupancy rates for affordable homes will be in the range of 4-6.

Test of Soundness - Carbon Reduction

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised there is a climate change emergency. The Council for the Protection of Rural England Hampshire believes it is therefore imperative that the Local Plans set ambitious targets and action plans with accountability for achievement in the reduction of carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant Local Plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development also needs to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval.

This is not routinely done in Planning Committee in Fareham and this Publication Plan should be embracing the opportunity to apply these requirements to all Planning Approvals going forward.

- Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets. It does not state what the target should be it refers to individual developments power generation rather than what each development should achieve over and above Building Regulations requirements. The Plan is not positively prepared.
- Similarly in Para 11.35, the Council does not have a sound and effective approach to carbon emissions reduction in the Borough.
- Policy CC1 describes Green Infrastructure but the Borough does not have a Green Belt and non is planned.

Test of Soundness - Healthcare

Para 10.27 in the Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards. There is no scope to do this.

Complies with Need to Cooperate - Housing Need Methodology

Para 4.6. In agreeing to take up a shortfall of 900 homes from Portsmouth, Fareham Council are taking a big risk. We await the Government's response to last year's consultation on the planning White Paper, Planning for the Future, which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Matters of Legal Compliance - Community Involvement

- The residents have challenged the Council in the High Court of Justice in May 2021 and won their case the judge confirmed the following points: a) that the Council acted unlawfully and unfairly towards the residents. The residents evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council. b) that the Planning Committee failed to grapple with the residents request for a deferment. He further stated the "judgement needs to be shared with everyone concerned within the Council in this case, as their are lessons to be learnt from this".
- The Court action was funded by the residents, and costs were considerable, which shows the strength of feeling. The Council, of course, paid out of public funds.
- The residents have been ignored consistently. Since 2017 there have been protest marches, deputations and objections. A petition against the various versions of Draft Local Plans exceeded the required number of signatures needed to trigger a Full Council meeting debate but a debate was refused. The residents raised a challenge to this to the Council's Scrutiny Board but the refusal still stood. To date no debate regarding the petition has taken place.
- The residents have provided community generated evidence to the Council but this has not been considered as good as the desk exercise evidence provided by the Developers. Examples of the community generated evidence ignored by the Council includes evidence on previous land use which has shown that the previous use of land used by the Developer's to calculate their Nitrate budget is incorrect and traffic survey results produced by the residents and Community Speedwatch teams were simply dismissed. This is discriminatory.
- it has been found and confirmed by the Council that the Publication Plan contains errors. The errors are as follows: a) there are sites not included from page 74 of the SHELAA and also on page 52 of the Plan. b) some sites included on page 52 of the Plan have been included in error. c) the addendum on page 56 of the Plan includes an incorrect address. d) perhaps the worst error is that sites identified as suitable for development but which have not yet obtained planning permission are excluded from the total numbers given for HA1. The residents cannot therefore properly establish the impact of this Plan on their community. A Publication Plan containing such large errors relating to the number of properties to be built is Unsound.
- The Introduction to the Publication Plan, Page 1 Para 1.5, states that representations should focus solely on "Tests of Soundness". However, the guidance given in Fareham Today contradicts this and specifies two other areas to focus on, namely "Legal Compliance" and "Duty to Cooperate". A further error in the Plan and misleading and confusing to residents of the Borough wishing to comment on the Plan.

Matters of Legal Compliance - Housing Allocations

- please refer to my para 3 above relating to the errors in this Publication Plan regarding housing numbers. The Publication Plan is Unsound with respect to housing numbers and therefore also housing allocations.
- Para 1.16 of the Publication Plan makes no mention at all of the 2017 Unadopted Draft Local Plan which never came into effect. This Unadopted Plan is what sparked the resident's petition, marches and huge numbers of objections because the area known as HA1 first appeared in the 2017 Plan proposing over 800 houses in one small area which is Warsash. An area with no infrastructure in any respect to support such an expansion.
- In this Publication Plan Officers confirm it is the previous 2015 Plan which is extant. Para 4.8 allows the Council to consider housing sites allocated in the previous adopted Local Plan. As

already established, HA1 did not feature in the 2015 Plan so HA1 should not appear in this Publication Plan.

- However, Page 38 of the Publication Plan ignores this fact stating that HA1 and other sites local to HA1 are included.
- Across the Borough (excluding Wellbourne) the total new homes proposed for specific sites up to 2037 is 5,946. It is proposed The Western Wards (already heavily developed in recent years) contribution to this total number is 1,248 dwellings - 21%. Warsash (part of the Western Wards) is to have 1,001 dwellings - 17%. HA1, which does appear in the adopted 2015 plan) alone contributes 832 dwellings to this number - 14%. This is an unfair distribution of housing allocation
- Further, within HA1 (which is not urban but consists of greenfield sites cheek by jowl with each other) there is no inter connectivity between the sites. All Developers are working in complete isolation to one another resulting in piecemeal development and an unnecessary number of access roads. The Council have failed to implement a "Masterplan" which should have considered the wider picture. Developers are not required to consider the site next door and therefore don't.
- This is contrary to Design Policy D3 para 11.44 which states "Coordination of development within and adjacent to existing settlements and as part of area wide development strategies and master plans is vital to ensure that developments are sustainable, appropriately planned and designed"
- A further Environmental Impact Assessment must be conducted showing the cumulative effect of HA1 in it's entirety.
- in this Publication Plan, Para 4.19 Housing Policies, there are a large number of allocations that are no longer proposed, namely HA 2, 5, 6, 8, 11, 14, 16, 18, 20, 21, and 25. Why was it decided to leave HA1 in as an allocation? How was the Objectively Assessed Housing Need arrived at for HA1?
- The Council's decision to propose HA1 within the now irrelevant 2017 Local Plan, has been taken advantage of by Developers who have submitted numerous applications. The Council within Planning Committee have resolved to grant permission on many of the sites already and advanced preparation for building has commenced on a number of them. This is ahead of the Publication Plan being approved.
- Other Developers have been claiming their sites fit well within HA1. This has resulted in the Council adjusting the boundaries of HA1 to accommodate them. Turning what was designated as Countryside into land for development in the process. A power shift towards the Developers it would seem. The Council is willing to listen to Developers but not to the residents of the Borough.

Matters of Legal Compliance - Habitats Directive and biodiversity

- The Habitats Directive Strategic Policy NE1 requires designated sites be protected and ENHANCED. The Publication Plan Para 9.51 states that the Council as the Local Planning Authority is (merely) aspiring to Nitrate Neutrality. On page 247, Para 9.54 it is indicated that proposals for development should provide a net REDUCTION in eutrophication for the designated sites in an unfavourable condition so as to restore conditions to favourable. Nowhere does the authority require ENHANCEMENT.
- Para 9.50 (NE4) of the Publication Plan confirms the lesser requirement by stating that permissions will be granted when the integrity of designated sites is maintained. No IMPROVEMENT is required for permission to be granted.
- Policy D4 states that the Council will only "**seek** to improve water quality".
- It is clear that the Local Planning Authority's watered down approach contravenes the Habitats Directive. Given the proximity of the SAC and RAMSAR protected sites to the proposed developments in the Borough (particularly to the Western Wards and HA1 sites) it is not clear how any development could be considered without negatively impacting the protected sites.
- Based on the proximity of the Western Wards and HA1 to the protected sites the deliverability of the proposed developments whilst properly satisfying the Habitats Directive is questionable.

- all the Developments in the Western Wards and HA1 are obtaining nitrate neutrality by purchasing “nitrate credits” from a site on the Isle of Wight owned by the Hants and Isle of Wight Trust which is being re-wilded. (A process that is going to take approximately over ten years). Therefore the protected sites will obtain no benefit from the so called nitrate neutrality of the developments. With this third party approach, water quality in the Solent will not be improved and the designated sites condition (currently unfavourable) cannot be maintained or improved. The approach is flawed.
- Habitats Regulation Assessment. Natural England advise that it is the responsibility of the Local Planning Authority to fulfil it’s legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). This surely cannot be achieved by buying nitrate credits from the Isle of Wight. to offset the harmful nutrients generated by residential developments in, say, HA1.
- Given the above legal responsibility, The “Introduction” in Para 1.45 surprisingly does not make any mention of the protected sites in and around the Solent.
- in May 2021 in the High Court the judge stated that the Natural England advice note will need to be reviewed in the light of his judgement. He added the judgement should not be interpreted as giving the advice note a clean bill of health. Thus, the Local Planning Authority is not complying with something that is of itself not advice that is robust enough.
- Strategic Policies NE1 and NE2. Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea for a number of years. This is despite having protected designated sites in our waters which skirt the whole of Fareham Borough Council. This policy of Southern Water’s was discovered as part of the Environment Agency’s largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this is addressed the unfavourable condition of the Solent and in particular the protected designated sites cannot be improved.
- The Borough does not have the sewage treatment capacity to cope with all the new building developments. The Solent SAC, SPA and RAMSAR cannot be protected and their quality improved until the capacity for the treatment of raw sewage is addressed. This issue is not dealt with in this Publication Plan but it is absolutely key to resolve sewage treatment before any building should go ahead.

FAREHAM Local Plan 2037

Introduction

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

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

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

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

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

What can I make a representation on?

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

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

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

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

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

What happens next?

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

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

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

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

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

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

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

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

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

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

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

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

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: mr

First Name: Andrew

Last Name: Jackson



A3 Please provide the Agent's details:

Title: _____

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

9.51 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. Policy NE4 confirms permissions will be granted when the integrity of designated sites be maintained but the LPA will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes these policies. It is unclear how any development could be contemplated in the Fareham Borough without need for proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust stated the wording needed to be changed to be consistent with the policy "to protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as the policy seeks to enhance and reconnect ecological networks where they have been compromised.

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

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was H Objectively Assessed Housing Need arrived at for this site?

Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift to Finally and critically sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B1c Which part of the Policies Map ?

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

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in that housing will be provided through HA1 and other local sites.

The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. If 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contain There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). assessment must be conducted showing the cumulative effect of HA1 in its entirety. This is contrary to Design for development within and adjacent to existing settlements and as part of area wide development strategies and are sustainable, appropriately planned and designed".

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

B2 Do you think the Revised Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

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

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

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered deputations and of

It is discriminatory that community-generated evidence carries less weight than that provided by Developer's c Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwat The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests c guidance in Fareham Today which includes the additional areas of" Legal Compliance" and "Duty to Cooperate" the public wishing to provide commentary.

Finally, and critically, sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

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

B4c Your suggested revised wording of any policy or text:

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

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

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

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

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

Thank you for taking part and having your say.

Further comments on the Fareham Local Plan

which I have been unable to include in your too strict formatted comments form

Strategic policy NE2: The Hampshire and Isle of Wight Wildlife Trust considers a wording change to Policy 'NE2: Biodiversity and Nature Conservation' to ensure that the delivery of 'net gains' in biodiversity is the minimum required achievement. New wording to be "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and deliver net gains in biodiversity, where possible." Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. In line with the NPPF and in order to achieve net gain in biodiversity, the following change of wording is proposed by Natural England "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity". The policy states 1 or more dwellings should provide 10% net gain for biodiversity.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated the Natural England advice note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable.

Test of Soundness

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own objectives.

Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary!

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as

well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots.

Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect.

Para 10.14 refers to the Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan?

Para 3.27 fig 3.2 Where are the indicated 8 potential growth areas shown on the map? This map needs more clarity.

Page 158 Policy HP2 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 units?

Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. The previous version of the Publication plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it.

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

Para 11.35 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a sound and effective approach to carbon emissions reduction in the Borough.

Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

Policy CC1 describes 'Green infrastructure' but nowhere in the Borough do we have Green Belt and according to this plan none is planned to be defined as such.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is-designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval."

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

Complies with Duty to Cooperate:

Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Respondent: Mrs Linda Morgan (296-511110)

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

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

paragraph 3.32 'Important views from the built form' What does this mean, that the new houses get a lovely view? so what about everyone elses view when walking in the field..it will be a small foot path surrounded by houses.

Paragraph 3:42 , which is not in the drop down, says (new developments should) 'not have an adverse effect on traffic and noise' and 'defining settlement character and providing green infrastructure' you will be TAKING away green infrastructure. Paragraph 3:45 which is also not in the dropdown 'PROTECTING THE COUNTRYSIDE SETTING OF STUBBINGTON' how is your plan sound? you are NOT doing this.

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

remove HA54 from the plan, out it back in the GAP

remove HA54 from the plan

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

FBC will have stuck to their promises

Put it back in the strategic gap the area FBC said they would protect

Your suggested revised wording of any policy or text:

AS per above

as above

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

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

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



Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

-
- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable.”
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



FAREHAM Local Plan 2037

Introduction

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

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

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

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

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

What can I make a representation on?

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

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

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

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

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

What happens next?

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

PERSONAL DETAILS

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

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

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

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

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

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

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

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

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

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

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

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Mr

First Name:

Jayson

Last Name:

Grygiel

Job Title: (where relevant)

Manager of Planning Policy

Organisation: (where relevant)

Gosport Borough Council

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the A

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

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

B1c Which part of the Policies Map?

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

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

B2 Do you think the Revised Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

Gosport Borough Council whilst supporting the overall intention of Policy DS1: Development in the Countryside it considers that amendments are required to the wording in order for the policy to be deemed **effective** to deliver cross-boundary strategic objectives.

Comments continued on next page

B3 Extension:

Policy DS1 relates to development in the countryside and the overall approach is to limit development in the countryside outside of the urban area boundaries as defined on the Policies Map. The policy sets out those circumstances where development will be supported outside the urban area boundary. In most instances these circumstances are limited in scope and scale. In addition the policy includes five criteria (i-v) which any of the identified exceptions need to adhere to. This includes requiring developers of any such exception to demonstrate that their proposal:

- requires a site outside of the urban area;
- would conserve and enhance landscapes;
- recognises the intrinsic character and beauty of the countryside;
- is not on Best and Most Versatile agricultural land; and
- if relevant the development does not significantly affect the integrity of a Strategic Gap.

Whilst many of the exceptions appear reasonable, particularly when assessed against the five criteria outlined above, there is concern relating to development cited in point e) in the policy which reads:

Proposals for development in the countryside, which is defined as land outside the Urban Area boundary, as shown on the Policies Map, will be supported where the proposal (inter alia)

e) is for housing development compliant with one of the following policies HP1, HP2, HP4, HP5 HP6 and HP11.

The Council does not have particular concerns with the link to Policies HP1, HP2 and HP11 nor the way these policies are worded. Policy HP1 is a standard 'housing in the countryside' policy relating to the conversion of existing buildings and replacement dwellings; Policy HP2 enables very small scale development of no more than 4 dwellings in scale with its surroundings; and HP11 is a standard criteria-based policy relating to sites for gypsies, travellers and travelling showpeople.

However the Council has concerns over the following aspects:

- The link in Policy DS1 to Policy HP4 and the wording of Policy HP4;
- The link in Policy DS1 to Policy HP5, although the wording of HP5 is not a particular issue;
- The link in Policy DS1 to Policy HP6 and the wording of Policy HP6

Taking each in turn, Policy HP4 relates to the Five Year Housing Supply and where the Council cannot demonstrate a five year supply of land for residential development, additional housing sites outside the urban area boundary may be permitted where they meet all the following criteria:

- The proposal is relative in scale to the demonstrated five year housing land supply shortfall;
- The proposal is sustainably located adjacent to, and well related to, the existing urban area boundaries and can be well integrated with the neighbouring settlement;
- The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant does not affect the integrity of a Strategic Gap;
- It can be demonstrated that the proposal is deliverable in the short term; and
- The proposal would not have unacceptable environmental, amenity and traffic implications.

The Council objects to the both the wording of **Policy HP4** and the link to DS1 policy as it implies that if Fareham's five year housing supply is not met, the first area of search is outside of the urban area boundary. Instead the policy should refer to sites within urban areas, brownfield land, underutilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered.

It is understandable why the FLP2037 has a policy relating to this matter as the Government's National Planning Policy Framework (NPPF) requires local planning authorities to have a five year housing supply and if this cannot be demonstrated the relevant allocation policies in an adopted Local Plan (even a recently adopted one) becomes out of date and consequently housing can take place on sites previously not identified for housing. Both Councils have made representations to the Government in the past regarding this matter and how it is detrimental to a plan-led system by creating uncertainty for local communities and undermining the effective provision of infrastructure to serve these new residents. This is particularly the case when such sites can proceed on a cumulative and speculative basis without a comprehensive assessment of impacts that would normally be undertaken at the local plan-making stage.

This policy is therefore aiming to set out criteria to assess any proposal that comes forward that is not allocated in an adopted Local Plan. However it is this Council's view that the presence of the policy seems to direct development towards greenfield sites quite readily before other urban and more sustainable sites are fully considered.

Policy HP5 relates to the provision of affordable housing on sites of 10 or more and the Council has no particular issue with the wording of HP5. However when it is linked with Policy DS1 it could be interpreted that FBC will accept in principle the development of any affordable housing site outside the urban area boundary. Whilst the criteria i-v exists there is concern that unsuitable developments in the Strategic Gap could be developed in a piecemeal fashion with a number of different speculative sites coming forward adjacent to each other of varying sizes. It is considered that the inclusion of a link to HP5 does not provide sufficient certainty of what development will take place over the plan period; nor does it ensure that the environmental, transport and infrastructure implications of each affordable housing development has been fully assessed in combination with adopted allocations or other speculative proposals coming forward over the plan period.

Whilst it is not considered the intention of the policy it could potentially enable large scale housing development outside of the urban area boundary if it can be demonstrated that 40% affordable housing is being achieved.

In the light of this it is not proposed to amend the wording of Policy HP5 only that the link included in DS1 is removed. Instead if development does come forward in the countryside through other policy mechanisms this policy could still be used as each policy in the plan needs to be read in conjunction with all other relevant plans and consequently the affordable housing policy would still apply for developments over 10 dwellings. The removal of the reference in DS1 would remove this being cited as a primary reason for development in the Strategic Gap ahead of more suitable sites within the urban area in both Fareham and Gosport Boroughs.

Policy HP6 which is also linked to point e) of Policy DS1, relates to affordable housing exception sites and is a commonly used policy across England to allow small affordable housing sites adjacent to villages to be developed on land which would not normally be permitted to come forward. This would enable viable schemes to be implemented to meet very local needs. In principle the Council does not have an objection to such a policy nor its link to DS1 enabling such schemes to come forward outside the urban area. However the way in which the policy is worded could enable the development of significant schemes in the strategic gap. The policy includes the following text:

Policy HP6: Exception Sites

The development of Rural Exception Sites will be permitted where:

- a) All dwellings are affordable (as defined in the NPPF); and*
- b) The affordable delivery is not meeting the affordable housing need and the development is relative in scale to the shortfall; and*
- c) The development is located adjacent to, and well related to, the existing urban area boundaries; and*
- d) The affordable rent products will be brought forward by, and will be managed by, a not for profit social housing provider who is regulated by Homes England; and*
- e) The affordable housing meets the local needs of the adjacent settlement.*

The development of Entry-Level Exception Sites suitable for first time buyers (or those looking to rent their first home) will be permitted where:

- a) The site is adjacent to existing settlements; and*
- b) All dwellings are affordable (as defined in the NPPF), and a range of affordable tenure types, including those that are suitable for first-time renters or buyers are provided; and*
- c) The site is less than 1 hectare or relative in scale (does not exceed 5% of the size of the adjacent settlement); and*
- d) It can be demonstrated, based on an up to date local housing needs assessment, that the need for the housing proposed will not be met through the allocations in the Plan or development with extant planning permission.*

Whilst it appears from the accompanying justification text that the intention of the policy is to enable the development of small sites there is concern that the wording of the policy as shown above could be used to enable much larger scale development. For example, the first part of the policy could potentially facilitate a single or a series of large scale affordable housing developments in the Strategic Gap. If such schemes are promoted speculatively in a number of locations in the Strategic Gap there would be no opportunity to assess the in-combination environmental, landscape or infrastructure implications for the Gosport Peninsula.

The second part of the policy would allow entry-level exception sites with a limit of 1 hectare and a proviso that the scheme does not exceed 5% of the size of the adjacent settlement. Potentially this could lead to a series of 1 hectare entry home exception sites to be developed adjacent to the Gosport Borough boundary and as the town is large the 5% restriction would be meaningless.

It is clear from the recent number of speculative applications in the Strategic Gap how both parts of the policy (together with HP4 and HP5) could be used by developers to argue a case for development in these locations with the detrimental implications as set out previously in the Council's objections to the Regulation 18 consultations.

Whilst this does not appear to be the policy's intention the wording could encourage speculative development to come forward within the Strategic Gap. The Council is particularly concerned that the proposed wording and links will undermine the effectiveness of the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington including its function of separating the settlements, providing an effective transport corridor serving the Gosport Peninsula as well as its role for providing green infrastructure benefits for the area. This representation and the Council's concerns regarding the impact of development within the Strategic Gap should be read in conjunction with the Appendix submitted with the Council's representation relating to Policy DP2.

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

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

Link with HP4: If Policy DP1 is to be linked with Policy HP4 then Policy HP4 needs to be changed to reflect that sites in the countryside are not the first area of search for development if there is not a five year supply. Instead other sources of supply should be identified including sites within urban areas, brownfield land, under-utilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered.

Link with HP5: To remove link to Policy HP5 in part e of Policy DP1 as the link implies that any affordable housing scheme will be accepted in the countryside in addition to the provisions of HP6. The link is not necessary, instead if an affordable housing came forward through a different policy mechanism Policy HP5 could still be applied as policies are read in conjunction with each other. It is not necessary to provide an explicit link in HP5 as it infers that any and all affordable housing schemes would be treated as acceptable outside the urban area (not just those exception sites referred to in Policy HP6).

Link with HP6: If Policy DP1 is to be linked with HP6, the wording of the policy HP6 c) needs to be amended to refer to, 'existing urban area boundaries for settlements that are within Fareham Borough only'. This would then provide clarity that development adjacent to Gosport Borough would not be considered under this policy.

The policy needs to explicitly mention that rural exception sites relate to 'small sites' only and define what it meant by this term. The term is used in the justification text (paragraph 5.46 of FLP) although is not defined. This will avoid unintended significant development in the Strategic Gap.

Finally there needs to be some explicit wording which resists successive one hectare parcels of land coming forward in the same vicinity.

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

These suggested modifications would make the policy sound as it would become an effective policy by improving clarity by providing sufficient protection of the countryside and directing development to urban brownfield sites. It would meet cross-boundary objectives. Consequently this would be in accordance with the National Planning Policy Framework.

B4c Your suggested revised wording of any policy or text:

Remove link to Policy HP5 in DP1

If wording as suggested above for policies HP4 and HP6 is included then it would be appropriate to retain the links in DP1

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

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

Yes, I want to take part in a hearing session

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

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

The Council requests to attend any session regarding the future of the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington including the proposed wording changes to Policy DP1 if the Inspector considers it will assist the examination.

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

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL

White, Lauren

From: Planning Policy
Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

Just to confirm that, as stated on original email, I **do not** wish to attend to participate in the examination process.

Regards,

Phil Hawkins.

On 29 Jul 2021, at 13:05, Trott, Katherine <KaTrott@Fareham.gov.uk> wrote:

Dear Mr Hawkins

Thank you for submitting your comments for the Revised Publication Local Plan consultation.

The Planning Strategy team will include your comments as part of the submission to the independent Planning Inspector who will examine whether the plan is sound. This examination process is "in public", you can attend the hearing sessions and put your points directly to the Inspector. This is your opportunity to tell us you want to do this. The Inspector will want to know why you are making the comment and whether you wish to see the plan changed in any way. By return of email please let us know whether you consider it necessary to participate in the examination process and why.

Remember that your comments on the Plan must refer to the changes that have been made since the last consultation and relate to the rules of:

- Soundness
- Legal compliance
- The duty to cooperate

Please [visit our website](#) for more information

What happens next?

The consultation closes on 30 July. Following collation of the feedback, we will be submitting the Local Plan to the Independent Planning Inspector for examination.

All of the consultation responses from this consultation will be forwarded, together with the Publication Plan and supporting evidence, to the Planning Inspector for consideration. The Council are not in control of the timings of the examination however it is estimated that it will take place over the winter/spring 2021/2022.

Kind regards

Katherine Trott
Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil [REDACTED]
Subject: FBC Draft [REDACTED] s

Good Morning Mr Hawkins,

I can confirm we have safely received your consultation comments below.

I have forwarded your email onto the Consultation team and they will log your comments.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Eileen & Phil [REDACTED]
Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

As per my telephone conversation with Mr. Peter Drake of the FBC Planning Department, I am listing my comments on the Draft Local Plan below, as the online documentation does not allow me to include all of my comments due to the limit on the number of 'characters' within the form.

I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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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Regulation 19 – Submission Draft

Project:	Land west of Downend Rd, Portchester	Date:	28 July 2021
Subject:	Fareham Local Plan	Reference:	249501F

Representation made to Fareham's Draft Local Plan 2037

Formal submission of representation will be made on 28 July via email to Fareham Borough Council.

Response to consultation form

A1. Is an agent appointed:

Yes:

No:

A2. Please provide your details:

Title: c/o agent
First name:
Last name:
Job title:
Organisation: Miller Homes
Address:
Postcode:
Telephone number:
Email address:

A3. Please provide the Agent's details:

Title: Mrs
First name: Lindsay
Last name: Goodyear
Job title:
Organisation:
Address:
Postcode:
Telephone number:
Email address:





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

- Paragraph (B1a)
- DS1 Policy (B1b)
- Policies map (B1c)

B1a Which paragraph?

n/a

B1b Which policy?

DS1 Development in the countryside

B1c Which part of the policies map?

n/a

B2. Do you think the Publication Local Plan is:

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

B3. Please provide detail you have to support your answers above

The wording of policy DS1 is not consistent with National Policy. The policy outlines criteria where development outside the urban area will be supported, but requires proposals in these instances to demonstrate that they are not the best and most versatile agricultural land.

The NPPF is clear that whilst planning policies need to recognise the best and most versatile agricultural land (paragraph 175), footnote 58 is clear that “*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality*”. The National Policy stance is not to prevent the use of the best and most versatile agricultural land but to support a preference for lower quality land and this only applies to ‘*significant developments*’. The policy text should be amended to be consistent with this approach.

B4a. What modifications(s) is necessary to make the Local Plan legally compliant and or sound?

The policy text should be consistent with National Policy and not seek to prevent development on the best and most versatile agricultural land but to demonstrate a preference for low quality land. It should be noted that other factors need to be taken into consideration, for instance, the lowest quality agricultural land may not be in the most accessible locations or suitable for development.



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

Providing consistency with National Planning Policy would make this part of the policy sound, the text for criterion m) can be deleted as this aspect is covered by National Policy.

B4c. Your suggested revised working of any policy or text:

Delete criterion m, this aspect is covered by National Planning Policy.

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:

No:

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

Miller Homes should be provided with an opportunity to participate at the hearing part of the examination. The issues raised in regard to the soundness of the Draft Local Plan, in the submitted representation, require detailed examination before an independent inspector.

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

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

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
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2.0 Completed Representations Form 2-20

APPENDICES:

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

1.0 Introduction

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

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title:

Organisa

Address:

Postcode

Telephon

Email Ad



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

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

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

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

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

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

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

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

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

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

The RPLP Is Unsound

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

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

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

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

To be 'justified', the Local Plan must:

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

To be 'effective', the Local Plan must:

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

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

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

The RPLP has not been positively prepared because it:

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

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

The RPLP is not justified because it:

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

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

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

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

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

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

The RPLP is not effective because it:

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

The RPLP is not consistent with national policy because it:

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

The RPLP does not meet the Duty to Cooperate

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

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

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

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

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

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

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

Paragraph 3.9 of the RPLP states:

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

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

Policy DS1: Development in the Countryside

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

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

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

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

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

Policy DS3: Landscape

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BL1: Broad Location for Housing Growth

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

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

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

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

Policy HP1 New Residential Development

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

For clarity, amend to add:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

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

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

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

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

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

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)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:



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?

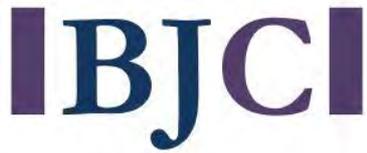
A paragraph Go to B1a YES

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	<i>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</i>	<i>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</i>	<i>Page 35</i>

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".*

Respondent: Mrs Linda Morgan (296-511110)

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

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

paragraph 3.32 'Important views from the built form' What does this mean, that the new houses get a lovely view? so what about everyone else's view when walking in the field..it will be a small foot path surrounded by houses.

Paragraph 3:42 , which is not in the drop down, says (new developments should) 'not have an adverse effect on traffic and noise' and 'defining settlement character and providing green infrastructure' you will be TAKING away green infrastructure. Paragraph 3:45 which is also not in the dropdown 'PROTECTING THE COUNTRYSIDE SETTING OF STUBBINGTON' how is your plan sound? you are NOT doing this.

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

remove HA54 from the plan, put it back in the GAP

remove HA54 from the plan

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

FBC will have stuck to their promises

Put it back in the strategic gap the area FBC said they would protect

Your suggested revised wording of any policy or text:

AS per above

as above

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

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

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

Respondent: Mrs Linda Morgan (296-511110)

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

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

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

FBC will have stuck to their promises

Put it back in the strategic gap the area FBC said they would protect

Your suggested revised wording of any policy or text:

AS per above

as above

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

White, Lauren

From: Planning Policy
Subject: FW: Titchfield Village Trust response

From: Nick Girdler [REDACTED]
Sent: 24 June 2021 10:54
To: Consultation <Consultation@fareham.gov.uk>
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.

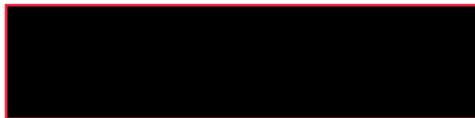
'The primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities.'

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 pan is therefore adopted.

Nick Girdler



White, Lauren

From: Planning Policy
Subject: RE: Fareham Plan

From: michael berridge [REDACTED]
Date: Monday, July 5, 2021, 5:07:22 PM
To: <customerservicecentre@fareham.gov.uk>
Subject: Fareham Plan

Sir,

I sent this letter to my MP who covers Stubbington Lee and Gosport. I find your consultation comments form for the new Fareham Plan confusing and long winded, and does not seem to allow for general comments to be made. I do agree with her reply in trying to maintain the strategic gap as it is at present, without further housing within that area which is mostly in her constituency.

As I said in the letter, the concreting over of this land will impact on the Gosport penninsular as much, if not more than it will on Fareham. I don't know if you can appeal to the housing minister on the housing numbers he is asking for? If so then I think it should be done due to the geographical position and difficulties of getting on and off the penninsula. Apart from the A32 (which is jammed up everyday) the only roads, including the new ones, are little more than country lanes and create problems morning and evenings already, without adding at least 1500 homes to the area.

Yours faithfully

Mr M. Berridge

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)

Detail from the Government website in relation to planning and the affect of developing on strategic gaps

Councillors

8. Local people should take the lead in shaping their neighbourhoods and elected councillors have a key leadership role in this process. The role of councillors in district, county or single tier councils will vary depending on whether they sit on the planning committee (which makes decisions on planning applications) or not. However, all councillors have a role to play in representing the views and aspirations of residents in plan-making and when planning applications affecting their ward are being considered.

9. Changes in the Localism Act 2011 clarified the ability of councillors to be able to discuss matters which may relate to a planning application prior to voting on that application at committee, as long as they can show that they are going to make their judgement on the application with an open mind, listening to all the evidence and not having pre-determined their decision.

10. See further information on [probity in planning](#).

The Local Plan and revised Local Plan has not abided by the rules outlined by the Government as this goes against representing the views and aspirations of residents

Local Plans

27. Local Plans are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Local Plans address needs and opportunities in relation to housing, the local economy, community facilities and infrastructure. They should safeguard the environment, enable adaptation to climate change and help secure high quality accessible design. The Local Plan provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications.

28. Producing the Local Plan should be a shared endeavour – led by the local planning authority but in collaboration with local communities, developers, landowners and other interested parties.

32. Local planning authorities' responsibility to meet the housing needs of their areas should be seen in the context of the other policies set out in National Planning Policy Framework. This means that the requirement to meet housing needs must be balanced against other important considerations, such as protecting the Green Belt or addressing climate change and flooding.

Engaging with their communities in in deployment of local plans. A number of developments been rejected in the development stage and when planning permission had been sought. It was even detailed by Councillors that developments like the ones to the land south of Longfield and on other strategic gaps would not ever be developed and would look to make these areas protected area in order to maintain strategic gaps and environmental factors and maintaining a Clean Air Zone (CAZ) required by HCC. The revised Local Plan is looking to develop on these strategic gaps without any great level of public consultation.

Housing needs must be balanced against other important considerations, such as protecting the Green Belt or addressing climate change and flooding. There is also an issue with rising phosphate levels into the Solent, Air quality, traffic, Wildlife habitat and hedgerows to name a few. The revised Local Plan to develop on the strategic gaps does not comply with these factors and little consultation has been made in making the changes to the revised Plan.

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:

Gordon

Last Name:

Ash

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

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

B1c Which part of the Policies Map ?

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

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

B2 Do you think the Revised Publication Local Plan is:

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

Alternative sites and expansion of the Welbourne proposal which can manage air quality, traffic flow and nitrates

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

By finding alternative sites and developing the Welbourne proposal, the air quality, traffic flow and nitrates level can be maintained at current levels, or improved levels as advised by HCC.

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



Fareham Borough Council
Local Plan 2037

Revised Regulation 19 Consultation

July 2021



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1 INTRODUCTION

1.1 Context

1.1.1 Gladman welcome the opportunity to comment on the Fareham Borough Council Local Plan Regulation 19 consultation and request to be updated on future consultations and the progress of the Local Plan.

1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the development plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Examinations in Public.

1.1.3 The Council will need to carefully consider its policy choice and ensure that the proposed approach positively responds to the revised National Planning Policy Framework (2019). There will also be a need to take consideration of changing circumstances associated with national planning policy and guidance over the course of the plan preparation period, including the Government's emerging proposals for the planning system, as set out in the Ministry for Housing, Communities and Local Government (MHCLG) consultations on "Changes to the Current Planning System, August 2020", "Planning for the Future, August 2020" and "National Planning Policy Framework and National Model Design Code: consultation proposals".

1.2 Plan Making

1.2.1 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.

-
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2 LEGAL COMPLIANCE

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2020 Sevenoaks District Council Local Plan examination and subsequent Judicial Review, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 2.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration, as set out in the Planning Practice Guidance (PPG) it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, Canterbury must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross-boundary strategic issues, and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 2.1.3 The revised Framework (2019) introduced a number of significant changes to how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SoCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. Planning guidance sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SoCG), throughout the plan making process¹. The SoCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.

¹ PPG Reference ID: 61-001-20180913

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- 2.1.4 The issue is particularly crucial for the Fareham Local Plan given the work currently being undertaken through the Partnership for South Hampshire (PFSH) which is seeking to identify Strategic Development Opportunity Areas to address identified unmet need across the sub-region.
- 2.1.5 The PFSH is currently working on a new SOCG between all the constituent authorities which will effectively supersede the Spatial Position Statement (June 2016). Paragraph 3.17 of the submission Local Plan confirms that bilateral conversations with neighbouring authorities have been undertaken and the Council is aware of unmet needs arising across the region due to neighbouring borough's capacity to address any unmet need. The Council acknowledges at paragraph 4.4 that there is a significant likelihood of a substantial level of unmet housing needs in the sub-region with figures released in September 2020 suggesting unmet need in the sub-region of circa 10,750 dwellings. This figure is derived from 11 councils who are all at varying stages of plan preparation.
- 2.1.6 It is noted that Portsmouth City Council (PCC) have written to the Council requesting a contribution of 1,000 dwellings to assist in meeting their unmet housing needs. Gosport Borough Council (GBC) is also likely to have an issue with unmet housing need, currently estimated to be in the region of 2,500 dwellings
- 2.1.7 In principle, Gladman support the Council's decision to increase the housing target by 900 dwellings to contribute toward the unmet housing needs issue of the wider area. However, Gladman are concerned that without a signed SOCG between constituent authorities, it is difficult to consider whether this level of housing is sufficient to meet the wider needs of the area.
- 2.1.8 Gladman recommend that a further consultation which considers the outcome of the work of the PFSH will be required so that the Local Plan can reflect the outcome of that process prior to the submission of the Local Plan to the Secretary of State for examination.
- 2.1.9 Since effective cooperation is an ongoing issue, Gladman reserve the right to provide further comments in relation to this matter once further evidence and signed statements become available.

2.2 Sustainability Appraisal

- 2.2.1** In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the Local Plan's proposals on sustainable development when judged against reasonable alternatives.
- 2.2.2** Fareham Borough Council should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed, and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the Fareham Borough Local Plan's decision-making and scoring should be robust, justified and transparent.

3 NATIONAL PLANNING GUIDANCE

3.1 National Planning Policy Framework

3.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019 and July 2021. These publications are revisions to the initial 2012 Framework and implemented changes that were informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and Planning for the Future consultation.

3.1.2 The revised Framework introduced a number of major changes to national policy which provide further clarification to national planning policy as well as new measures on a range of matters. Crucially, national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, Paragraph 16 of the Framework (2021) states that Plans should:

"a) Be prepared with the objective of contributing to the achievement of sustainable development;

b) Be prepared positively, in a way that is aspirational but deliverable;

c) Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;

d) Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;

e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and

f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.1.3 To support the Government’s continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can be brought forward, without delay, to meet housing needs.
- 3.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing needs assessment defined using the standard method, unless there are exceptional circumstances to justify an alternative approach.
- 3.1.5 Once the minimum number of homes that are required is identified, the strategic planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing needs. While Annex 2 of the Framework (2021) provides definitions for the terms “deliverable” and “developable”.
- 3.1.6 Once a local planning authority has identified its housing needs, these needs should be met as a minimum, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so. This includes considering the application of policies such as those relating to Green Belt and giving consideration as to whether or not these provide a strong reason for restricting the overall scale, type and distribution of development (paragraph 11b)i.). Where it is found that full delivery of housing needs cannot be achieved (owing to conflict with specific policies of the NPPF), Local Authorities are required to engage with their neighbours to ensure that identified housing needs can be met in full (see Paragraph 35 of the NPPF 2021).
- 3.1.7 The July 2021 revision to the NPPF provides greater focus on the environment, design quality and place-making alongside providing additional guidance in relation to flooding setting out a Flood Risk Vulnerability Classification at Annex 3, the importance of Tree-lined streets and amendments to Article 4 directions. Additionally, Local Plans which have not yet progressed to Regulation 19 stage should ensure that where strategic developments such as new settlements or significant extensions are required, they are set within a vision that looks ahead at least 30 years (See paragraph 22).
- 3.1.8 The amendments coincide with the publication of the National Design Guide and National Model Design Code, a toolkit which helps local communities to shape local design needs

and provide guidance for creating environmentally responsive, sustainable and distinctive places with a consistent and high-quality standard of design.

3.2 Planning Practice Guidance

- 3.2.1 The Planning Practice Guidance (PPG) was first published by the Government to provide clarity on how specific elements of the NPPF should be interpreted. The PPG has been updated to reflect the changes introduced by the revised NPPF to national planning policy. The most significant changes to the PPG relate to defining housing need, housing supply and housing delivery performance.
- 3.2.2 The Standard Method was introduced by the Government to simplify the process of defining housing need, avoid significant delay in plan preparation and ultimately facilitate the Government's ambition to achieve 300,000 new homes annually.
- 3.2.3 Revisions to the PPG on the 20th February 2019 confirmed the need for local planning authorities to use the 2014-household projections as the starting point for the assessment of housing need under the standard method².
- 3.2.4 It is also vital to consider the economic impact of COVID-19 and the long-term role that housing will play in supporting the recovery of the economy, both locally and nationally. We support the Council in its positive approach to plan for above the minimum requirement, which will enable Fareham to capture a larger proportion of the £7 billion yearly housebuilder contributions³. With 218,000 homes predicted not to be built due to COVID-19 from now to 2024/25⁴, it is also imperative that Fareham Borough Local Plan identifies sufficient land to support the delivery of homes.
- 3.2.5 In order for the housing needs for the whole plan period to be met, it will also be essential to provide sufficient headroom within the housing supply. In this regard, Gladman supports the Home Builders Federation's recommendation that local plan should seek to identify

² PPG Paragraph: 005 Reference ID: 2a-005-20190220

³ MHCLG (2020). 'Planning for the Future'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

⁴ Shelter & Savills (2020). 'Over 80,000 new homes will be lost in one year due to COVID chaos'. Available at: https://england.shelter.org.uk/media/press_releases/articles/over_80,000_new_homes_will_be_lost_in_one_year_to_covid_chaos

sufficient deliverable sites to provide a 20% buffer between the housing requirement and supply.

3.3 National Planning Policy Consultations

- 3.3.1 On the 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.
- 3.3.2 A further consultation on immediate changes to the current planning system closed on 01 October 2020⁵. Of significant note is a proposed revised standard method for calculating local housing need, which proposed to incorporate a percentage of existing stock as the baseline of the calculation.
- 3.3.3 In December 2020 the Government published their response to the 'Changes to the Current Planning System'. This document provides an overview of the consultation responses before highlighting that it has been deemed that the most appropriate approach is to retain the Standard Method in the current form with an additional 35% uplift to the 'post-cap number' for 20 local authorities. The Government's rationale behind this approach is to increase home-building in existing urban areas to make the most of previously developed brownfield land over and above that in the existing standard method.
- 3.3.4 The latest correspondence from Government regarding the revisions to the Standard Method for calculating local housing need will not affect the minimum local housing need which Fareham Borough Council should Plan for.
- 3.3.5 In her speech at the State Opening of Parliament in May 2021, the Queen announced that the Government will introduce "laws to modernise the planning system, so that more homes can be built, will be brought forward...". Notes accompanying the speech confirm that a future Planning Bill will seek to create a simpler, faster, and more modern planning system that ensures homes and infrastructure can be delivered more quickly across England. Timings on the publication of the draft Planning Bill remain uncertain, however, subject to the outcomes of this process, the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new

⁵ Ministry of Housing, Communities & Local Government: Changes to the Current Planning System Consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

legislation to implement the changes. It will be important that the Council keeps abreast with the implementation of these changes to determine any potential implications for the Local Plan.

4 REVISED REGULATION 19 CONSULTATION

4.1 Vision and Objectives

4.1.1 In principle, Gladman support the Council's vision and objectives. In particular, we support the Plan's commitment to accommodating development to address the need for new homes and employment space in Fareham Borough and the commitment to ensuring a strong and diverse economy is delivered.

4.1.2 Notwithstanding this, it is considered the Plan could go further in its aims to support housing and economic growth of the wider sub-region with reference to assisting neighbouring authorities with any unmet housing needs. This is particularly important due to the ongoing work of the PfSH and outstanding evidence relating to unmet housing needs and how this will be redistributed across the PfSH area.

4.2 Strategic Policy DS1: Development in the Countryside

4.2.1 Strategic Policy DS1 states proposals for development in the countryside, which is defined as land outside the Urban Area boundary, will only be supported in a narrow set of circumstances.

4.2.2 Gladman are opposed to the use of settlement boundaries, as these are often used as an arbitrary tool to prevent otherwise sustainable proposals from going forward. The policy wording as currently drafted only allows for development in a narrow set of circumstances (i.e. replacement dwelling, previously developed land etc.) and does not allow for sufficient flexibility to respond to changes of circumstance such as a shortfall in housing supply. Gladman believe that this policy should be modified to a criteria-based policy which will provide a more appropriate mechanism for assessing the merits of individual development proposed, based on their specific circumstances and ability to deliver sustainable development rather than being discounted simply due to a sites location beyond an artificial boundary.

4.2.3 To achieve this; a criteria based approach would allow the plan to protect itself against unsustainable development whilst at the same time offering a flexible solution to the consideration of development opportunities outside these boundaries that are able to come forward to meet identified needs should the Council's housing land supply start to

fail. Gladman refer to the submission version of the Harbrough Local Plan, Policy GD2, which states:

"in addition to sites allocated by this Local Plan and neighbourhood plans, development within or contiguous with the existing or committed built up area of the Market Harbrough, Key Centres, the Leicestershire Principal Urban Area (PUA), Rural Centres and Selected Rural Villages will be permitted where..."

- 4.2.4 A series of criteria follows.
- 4.2.5 Clearly the policy here would need to reflect the local circumstances of Fareham but it does provide an example of a local authority taking a proactive approach to guiding development and ensuring that it can meet its housing target as well as plan for approaches if and when problems arise over the course of a plan period with regard to the delivery of allocated sites. Accordingly, Gladman recommend the use of a criteria-based policy should be included within the FLP to ensure housing needs are met in full.
- 4.2.6 In addition, the second element of the policy requires proposals to demonstrate that if they require a location outside of the urban area, do not significantly affect the integrity of a Strategic Gap and are not located on Best and Most Versatile (BMV) agricultural land. Gladman are unclear with the necessity of including this additional criteria as these matters are dealt with elsewhere within the FLP and therefore their inclusion in Policy DS1 leads to unnecessary duplication and not in accordance with the NPPF2019. As such, this element of the policy should be deleted as the finer details of each of these issues are dealt with elsewhere within the draft Local Plan

4.3 Strategic Policy DS2: Development in Strategic Gaps

- 4.3.1 The above policy identifies two Strategic Gaps whereby development proposals would not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.
- 4.3.2 Gladman consider that new development can often be located in countryside gaps without leading to the physical or visual merging of settlements, eroding the sense of separation between them or resulting in the loss of openness and character. It is important that such designations are supported by robust evidence and that the policy wording allows for sites to be considered on their individual merits. In this regard, the policy is currently worded in

a negative stance which may affect the consideration of development proposals. Gladman consider that the policy should be reconsidered in a positive manner and modified to allow for a balancing exercise to be undertaken which assesses any harm to the visual or functional separation of settlements against the benefits of the proposal rather than seeking to apply a blanket restriction on development in these areas.

4.4 Strategic Policy H1: Housing Provision

Housing Need

4.4.1 Strategic Policy H1 makes provision for at least 9,560 net additional dwellings across the borough during the period 2021 – 2037.

4.4.2 Gladman support the Council's decision to revert back to the Standard Methodology as calculated through national guidance which sets a minimum provision of 541 dwellings per annum. Although it should be remember that the housing need figure calculated through the Standard Method should be considered as a starting point as it does not take into account other factors which affect demographic behaviours (e.g. affordability, economic adjustments etc).

Phasing

4.4.3 Policy H1 outlines the Council's intention to phase the delivery of the housing requirement over the plan period. The housing requirement is phased as follows:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/24
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/37.

4.4.4 The result of this element of the policy acts to artificially suppress the delivery of development in the early years of the plan due to strategic site issues given the majority of housing supply comprises of the Welborne Garden Village. Indeed, the Council has not achieved annual delivery figures in excess of 450 dwellings since 2007-08 so it is unclear how

the Council expects to achieve these delivery rates especially towards the back end of the plan period without a sufficient supply and mix of housing sites.

4.4.5 The Framework is clear in its intention to boost significantly the supply of housing. This strategy is further underlined by the buffers applied by national policy and the PPG's approach that requires local authorities to meet housing shortfall within a five year period.

4.4.6 Gladman consider that the backloading of land supply will likely threaten the overall deliverability of the Plan. Should the Council fail to deliver these higher rates towards the end of the plan period, there is little flexibility or opportunity provided to ensure the housing requirement can be met in full. The phasing approach is therefore unsound and should be deleted and replaced with a flat annual requirement of 541 dpa.

Buffer

4.4.7 The Council have included a 11% supply buffer to allow for contingency for under delivery associated with the reliance on large strategic sites within the housing supply.

4.4.8 Gladman would suggest that given the uncertainty surrounding both the delivery of strategic scale sites and the potential for unmet need within the wider sub-region, that this contingency should be increased to 20% which reflects the Home Builders Federation's advice.

Housing Provision

4.4.9 To ensure the soundness of the Plan, Gladman submit that additional housing land is needed to ensure that the Council is able to demonstrate a robust supply of housing land should any of the sites within the Council's supply slip away. This is particularly important due to the reliance on sites with resolutions to grant planning permission and the vast majority of the Council's supply comprising of the Welborne Garden Village.

4.4.10 Whilst Gladman does not wish to comment on the suitability of sites selected, the Council will need to be able to demonstrate that sites will come forward as anticipated and take account of site specific issues and/or reflects the requirements and timescales of key infrastructure to be provided by sites selected. It is imperative that these assumptions are made in collaboration with landowners/land promoters to ensure these details are up-to-date at the point of submission. In this regard, it is difficult to assess the Council's consideration of sites as the Housing Trajectory at Appendix B only provides a cursory

overview of expected delivery rates over the plan period and does not provide an individual break down of anticipated delivery rates on individual sites. As such, Gladman reserves the right to provide further detailed comments at the examination should further information be made available.

- 4.4.11 To ensure the effectiveness of the Plan in ensuring a supply of specific deliverable sites sufficient to maintain a five year housing requirement over the course of the plan period, additional allocations are considered necessary. Indeed, the planning committee has resolved to grant outline planning permission for Welborne Garden City in October 2019 to provide up to 6,000 dwellings over the plan period and beyond. There are a number of key factors that can affect the delivery of Garden Villages, Strategic Sites and smaller scale development opportunities such as the signing of s106 agreements, reserve matters applications and improvements to infrastructure prior to development commencing, discharge of planning conditions, marketing of development and so on, all of which can affect the delivery of homes. The Council will need to avoid a continued reliance associated with the Garden Village and large scale strategic allocations over the plan period and instead allocate additional housing land to ensure a competitive and responsive supply of housing is available to support housing delivery of the Council's large strategic allocations.

4.5 Policy HP1: New Residential Development

- 4.5.1 Policy HP1 states residential development within the urban area boundary will be supported in principle. Residential development in locations outside of the urban area boundary will only be permitted if it involves the conversion of an existing non-residential building or it is for a replacement dwelling which is of an appropriate character to the location.
- 4.5.2 Gladman do not consider the above policy to be positively prepared as it is restrictive and goes against the ethos of the Framework to significantly boost the supply of housing. The policy should be amended to be flexible in accordance with the approach outlined in section 4.2 of these representations.

4.6 Policy HP2: New Small-Scale Development Outside the Urban Areas

- 4.6.1 The above policy states new small-scale development outside the urban area boundary, as shown on the policies map, will be permitted where a site is located within or adjacent to

existing areas of housing; or well related to settlement boundary and is within reasonable walking distance to a good bus service route or train station.

- 4.6.2 In principle, Gladman support the inclusion of this policy which allows for small scale development beyond the urban area. However, we would question the decision to limit development to no more than 4 units as this is contrary to the ethos of the Framework which seeks to significantly boost housing supply. Gladman consider such a policy should be included within the draft Local Plan without any limitations on size of development to ensure the Council are able to demonstrate a strong and robust housing land supply should sites identified slip away.
- 4.6.3 In addition, Gladman query how a decision maker is expected to apply this policy consistently and with ease as it contradicts the approach taken in Policy HP1 and reinforces the need for Policy HP1 to be deleted and the criteria listed to be amalgamated into Policy H2.

4.7 Policy HP4: Five Year Housing Land Supply

- 4.7.1 Policy HP4 outlines the Council's approach to circumstances where it cannot demonstrate a five year housing land supply, a criteria then follows. In principle, Gladman support this approach but would suggest that the policy is modified to 'may be will be permitted where they meet the following criteria' as opposed to the current use of wording.
- 4.7.2 Criterion (a) of the proposed policy suggests that a site needs to be relative in scale to the demonstrated shortfall in the housing land supply. A proposal which comes forward which is considered to be sustainable and in conformity with other policies of the Local Plan should be considered to be acceptable in planning terms regardless of whether it is relative to the scale and size of the housing land supply shortfall. Gladman consider that the reference to scale should be removed in order to allow for additional flexibility in the supply of housing as it will assist the Council in ensuring that a 5 year housing land supply can be maintained going forward.
- 4.7.3 In addition, Criterion (b) states that a site should be adjacent to the existing urban settlement boundaries to be considered sustainable. This criterion is too onerous as sites which are well related to, but not directly adjacent to existing settlements could, be considered to be sustainable when assessed against policies contained in the Local Plan as a whole. Again, Criterion (b) should be amended to reflect this.

4.8 Policy HP7: Adaptable and Accessible Dwellings

4.8.1 Policy HP7 requires at least 15% of all new dwellings to be built to optional building regulation M4(2) and on all schemes over 100 dwellings, at least 2% of private housing and 5% of affordable housing shall be provided as wheelchair accessible category M4(3) standard.

4.8.2 In this regard, Gladman refer to the PPG which provides additional guidance on the use of these optional standards. The Council need to ensure that this policy is in line with the guidance and that the justification and specific detail of the policy take account of the various factors which the PPG refers to:

"Based on their housing needs assessment and other available datasets it will be for the local planning authorities to set out how they intend to approach the need for Requirement M4(2) (accessible and adaptable dwellings), and / or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- ***The likely future need for older and disabled people (including wheelchair user dwellings).***
- ***Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes, or care homes).***
- ***The accessibility and adaptability of existing stock.***
- ***How needs vary across different tenures.***
- ***The overall impact of viability".⁶***

4.8.3 Gladman note that these technical standards have deliberately been set as optional standards which, if to be included as a policy in the FLP, would need to be justified by robust evidence.

4.8.4 When considering this policy, the Council need to be aware of the impact that these requirements, particularly M4(3) have on scheme viability (due in part to size requirements)

⁶ PPG ID: 56-007-20150327

and the knock-on effects that this could have on the delivery of much needed housing. In order to be able to include such requirements in the Local Plan, the Council will need to be able to robustly justify the inclusion and demonstrate that consideration has been given to this requirement within the viability study. The provision of M4(3) wheelchair user dwellings, is far more onerous in terms of size requirements; therefore, it is crucial that the implications of the proposed policy requirement have been properly tested.

4.8.5 In addition to this, with regard to M4(3) Gladman refer to the PPG which states

"Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.

Local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling."⁷

4.8.6 This clearly demonstrates that M4(3) should only be applied to affordable homes within the Council's control and therefore Policy HP7 should be updated to reflect this and reference to private homes deleted.

4.8.7 Gladman submit that the Council must be able to demonstrate through robust evidence the justification for these policy requirements within the Local Plan in order for them to be found sound at examination. The NPPF footnote 49 states:

"Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties..."

4.8.8 Gladman do not consider that a general reference to an ageing population to be sufficient justification for the inclusion of these policy requirements. In this regard, Gladman refer to the Inspector's report for the Derby Local Plan (December 2016), which at paragraph 117 states

⁷ PPG ID: 56-009-20150327

"Although there is general evidence of an ageing population in the SHMA, having regard to the PPG this does not amount to the justification required for the LP to include the optional standards and the specific proportion of Part M4(2) dwellings..."

4.9 Policy HP9: Self and Custom Build Homes

4.9.1 Whilst Gladman support the inclusion of a policy in relation to self-build and custom build units, as this is in line with Government aims and objectives, we raise concerns regarding the detail within this policy.

4.9.2 It is expected that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for self and custom build homes. Gladman welcome the flexibility provided by this policy which recognises that plots which do not sell within 12 months of initial promotion, are able to be developed for housing other than self-build homes.

4.9.3 However, Gladman query the evidential justification for 40 dwellings (gross) being the trigger for the provision of self-build and custom build housing. The Council's Self Build Register only identifies 180 residents which does not translate to demand for this form of housing. Gladman consider that this policy would benefit from re-wording to state that, rather than being required on all schemes of 40 or more dwellings, that if up-to-date evidence indicates that there is a demand in the particular location then schemes are encouraged to make provision. Such a modification would help ensure that market housing is not unnecessarily delayed for a period of 12 months if there is no interest in self-build housing on individual sites.

4.10 Policy D5: Internal Space Standards

4.10.1 Policy D5 requires all new dwellings, including subdivisions and conversions to meet the nationally described space standards (NDSS) or future equivalent as a minimum.

4.10.2 In this regard Gladman refer to the Written Ministerial Statement (WMS) dated 25th March 2015 which confirms that:

"The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG".

4.10.3 Furthermore with particular reference to the NDSS the PPG confirms:

"where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies".⁸

4.10.4 If the Council wishes to adopt this standard it should be justified by meeting the criteria set out in the PPG, including need, viability and impact on affordability.

4.10.5 The Council will need to provide robust evidence to justify the inclusion of the space standards within a policy in the Local Plan. Similarly to the accessibility standards, if it had been the Government's intention that all properties were built to these standards then these standards would have been made mandatory rather than optional.

4.10.6 Gladman's concerns regarding the optional national space standards relates to the additional cost and the implications for affordability. Where, for example, a housebuilder would normally build a standard 2-bedroom unit at 72sqm, the national space standards would require the dwellings to have certain dimensions which would mean they could only be built at a minimum of 79sqm, which could add significantly to the cost of the property and in turn increase the cost of an entry level 2-bedroom house, further exacerbating the affordability issues in the area.

4.10.7 The Council need to take these factors into account and will need robust evidence on both need and viability to support the proposed policy requirements outlined in Policy D5.

⁸ PPG ID: 56-020-20150327.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the Fareham Borough Local Plan Regulation 19 Revised Consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the Fareham Borough Local Plan and Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



FAREHAM Local Plan 2037

Introduction

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

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

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

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

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

What can I make a representation on?

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

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

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

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

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

What happens next?

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

PERSONAL DETAILS

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

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

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

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

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

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

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

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

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

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

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

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title:

Mr

First Name:

Jayson

Last Name:

Grygiel

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

A3 Please provide the Agent's details:

Title:

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

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

DS2: Development in the Strategic Gaps

B1c Which part of the Policies Map?

The Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Gosport Borough Council supports:

- the extent of the Strategic Gap as shown on the latest Policies Map which now includes the land east of Newgate Lane East
- that the land east of Newgate Lane East (formerly known as HA2) is no longer identified as a housing allocation in the FLP2037

B3 Extension:

Gosport Borough Council had previously objected to major development proposals in the long-established Strategic Gap between the settlements of Fareham, Gosport, Lee-on-the-Solent and Stubbington including land east of Newgate Lane East (known as HA2).

Key reasons for objections included :

- The proposal would physically and visually diminish the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington;
- The proposals would negate the benefits being provided by the new improvements to Newgate Lane and the Stubbington Bypass with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
- The proposal would significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would potentially lead to a significant increase of traffic on residential roads;
- The proposal, as described, would be very car dependent with no provision for public transport. This would increase the amount of trips using Newgate Lane and exacerbate existing congestion and air quality issues;
- There is insufficient information on supporting infrastructure required including education, medical and community facilities;

The Council therefore strongly fully supports Fareham Borough Council's position on this matter in the Publication Draft (Regulation 19) version of the Fareham Local Plan.

It is however recognised that reverting to the original and current position of protecting the Strategic Gap will lead to a number of other objections from landowners and developers. Consequently to assist the Inspector with understanding Gosport Borough Council's position on the need to protect the Strategic Gap the Council has attached its three previous representations to the previous Regulation 18 consultations (listed below)(Appendix 1a, 1b and 1c respectively):

- The Consultation Draft Fareham Local Plan (DFLP) which was reported to the Regulatory Board on 6th December 2017
- The Fareham Borough Local Plan 2036: Issues and Options which was reported to the Regulatory Board on 25th July 2019
- The Fareham Borough Local Plan 2036: Supplement which was reported to the Regulatory Board on 28th February 2020

The objection to the third consultation (Feb 2020) covers all the Council's objections to the proposed development in the Strategic Gap. This includes the Council's original objection to the Newgate Lane allocation (HA2), which whilst was not subject to the third consultation, the Council considered that it was necessary to append our comments in order that our concerns for the whole Strategic Gap could be read together.

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?

No modifications required for this particular matter

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

N/A

B4c Your suggested revised wording of any policy or text:

N/A

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):

Gosport Borough Council supports Fareham Borough Council's position. However the Council is prepared to attend any session regarding the future of the Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington if the Inspector considers it will assist the examination.

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

Thank you for taking part and having your say.

FAREHAM
BOROUGH COUNCIL



GOSPORT
Borough Council

Ms Claire Burnett
Head of Planning Strategy and Regeneration
Fareham Borough Council
Civic Offices,
Civic Way,
Fareham,
Hampshire.
PO16 7AZ

Please ask for:

Jayson Grygiel

Direct dial:



8th December 2017

By e-mail

Dear Ms Burnett

Draft Fareham Borough Local Plan 2036

Following Gosport Borough Council's consideration of the Draft Fareham Borough Local Plan 2036 (DFLP) at its Regulatory Board of 6th December 2017 the Council would like to make the following representations.

Summary of comments

- This Council considers that Fareham Borough Council (FBC) has not fully met its responsibility under the duty to cooperate as the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
- That in the light of the requirements of the PUSH Spatial Position Statement and the Government's potential new standard methodology for calculating housing requirements, FBC consider whether there is the potential for any additional housing sites which are suitable, available and achievable (Policy H1 and Policy DA1).
- That FBC considers whether there is any potential to increase the affordable housing requirement from 30% (Policy H2).
- That this Council strongly objects to the proposed residential allocation at Newgate Lane for the reasons set out later in this submission (Policy HA2) and summarised below:
 - The proposal would physically and visually diminish the long-established Strategic Gap between Gosport/Fareham and Lee-on-the-Solent/Stubbington;
 - The proposal has the potential to negate the benefits being provided by the new improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the

local economy including accessibility to the Solent Enterprise Zone at Daedalus;

- The proposal has the potential to significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would potentially lead to a significant increase of traffic on residential roads;
 - The proposal, as described, is very car dependent with no provision for public transport. This would exacerbate the amount of trips using Newgate Lane;
 - Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and this may be difficult to mitigate given the scale of the allocation and limited public transport choice;
 - There is insufficient information on supporting infrastructure required including education, medical and community facilities;
 - There is no provision in the policy to protect the amenities of existing residents in the vicinity.
- That this Council supports the additional employment allocation at Daedalus (Policy SP3) with further comments highlighted later in this submission.
 - That this Council supports the following policies:
 - Policy E5: Boatyards which aims to protect important marine sites for employment purposes;
 - Policy INF2: Sustainable Transport which aims to ensure the accessibility of existing highways networks are not harmed and provision is made for public transport and active travel;
 - Policy INF3: Road Network Improvements which safeguards the route of the Stubbington Bypass;
 - Policy D4: Coordination of Development and Piecemeal Proposals which aims to ensure a coordinated approach to development.

These matters and a number of other comments are further detailed in the following sections and are based on the Council's Regulatory Board Report and its subsequent resolution.

Duty to Cooperate

Local authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.

The national Planning Practice Guidance (PPG) states that local planning authorities and other public bodies need to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified. This will help to identify and assess the implications of any strategic cross boundary

issues on which they need to work together and maximise the effectiveness of Local Plans.

This Council is particularly concerned regarding the impacts of the proposed residential allocation of Newgate Lane on residents and businesses of Gosport Borough (as detailed later in this submission). The Council considers that FBC have not had any meaningful engagement with Gosport Borough Council (nor Hampshire County Council, as the highway authority) on the proposed allocation, particularly regarding key cross boundary matters such as the designation of the Strategic Gap, and key infrastructure issues including transport, education and health.

With regard to the duty to cooperate the PPG states that planning for infrastructure is a critical element of strategic planning. The National Planning Policy Framework (NPPF) (paragraph 162) makes clear that local planning authorities should work with other local planning authorities and providers to assess the quality and capacity of a range of infrastructure types. This will ensure that key infrastructure such as transport, telecommunications, energy, water, health, social care and education, is properly planned. Planning for infrastructure is therefore a key requirement of the effectiveness element of the test of Local Plan soundness, which requires plans to be deliverable and based on effective joint working on cross boundary strategic priorities.

Housing requirements

The DFLP makes it clear that providing new homes to address housing need is a critical part of any Local Plan and a key requirement of the NPPF. Its development strategy aims to use previously developed land where available and greenfield land around the edges of existing urban areas in order to meet remaining housing needs but otherwise it states that it aims to strictly control development outside urban areas.

The DFLP makes provision for 11,300 dwellings over the period 2011-2036 (452 dwellings per annum). This figure has been informed by the PUSH Strategic Housing Market Assessment (SHMA Jan 2014) with an Objectively Assessed Housing Need (OAHN) Update published in April 2016. Subsequently the PUSH authorities considered the potential distribution of most of the housing requirement to 2034 and included this in the PUSH Spatial Position Statement (H1) (June 2016).

The various requirements of the OAHN, the PUSH Spatial Position Statement and the dwelling figures included in the DFLP are summarised in the table below:

Table 1: FLP Dwelling Target in comparison with OAHN and PUSH Spatial Position figure

	Timeframe	Borough total	Annualised
PUSH SHMA and Objectively Assessed Housing Needs (OAHN) (April 2016)	2011-2036 (25 yrs)	10,500	420
PUSH Spatial Position Statement	2011-2034 (23 yrs)	10,460	455 ¹
Fareham Local Plan 2036	2011-2036	11,300	455 (2011-2034) 420 (2034-2036)

It is therefore recognised that the DFLP meets the April 2016 OAHN requirements

¹ Rounded

over the period to 2036 by over 7%. It also noted that the sources of housing supply identified in Table 2 below, is currently higher than the DFLP requirement of 11,300.

Table 2: Sources of supply

Housing supply source	Number of dwellings
Housing completions (2011/12-2016/17)	1,859
Planning permissions	1,136
Windfall	1,320
Welborne (up to 2036)	3,840
Fareham Town Centre housing allocations	577
New Housing allocations	2,827
Total	11,559

It is important to recognise that the PUSH Planning Position Statement (paragraph 5.30) identifies that across the mainland PUSH area there is a shortfall of 6,300 dwellings (or 6.5%) to 2034 and when the Portsmouth housing market area (HMA) is considered separately there is a 4,180 dwellings shortfall (or 9%). Fareham Borough is located with the Portsmouth and Southampton HMA's and the inter-relationship between the two areas is recognised.

The PUSH Position Statement states that, *"Local authorities should actively seek opportunities to identify additional potential for housing provision to address the shortfall against the objectively assessed need through the local plan process" (H1)*. It adds that, *"any such potential opportunities will be tested against the principles of sustainable development set out in the National Planning Policy Framework and this Position Statement."*

The proposed dwelling figure in the DFLP in effect reduces the overall shortfall of the PUSH mainland requirement by 800 dwellings². A significant question is whether there is sufficient capacity in the remaining parts of the Portsmouth HMA (Gosport, Havant, Portsmouth, Winchester (part) and East Hampshire (part)) to meet the remainder of this shortfall; if this cannot be demonstrated and if Fareham are unable to adequately justify why sites have or have not been allocated the Fareham Plan may be deemed to be unsound.

It is also important to recognise that the Government has recently consulted on a standard methodology to calculate housing need in a document entitled *'Planning for the right homes in the right places'*. Plans submitted to the Secretary of State after 31st March 2018 will need to use the new standard methodology. FBC are proposing to submit their plan in Autumn 2018. The latest calculated need figure included with the Government's consultation document highlights a figure of 531 per annum for Fareham Borough compared to the current figure for Fareham (420 per annum). This would result in an allocation requirement of 13,275 dwellings as opposed to 11,300 dwellings during a 25 year period.

The new methodology also requires a *'Statement of Common Ground'* to be produced between neighbouring local planning authorities which would form part of the statutory duty to cooperate. On this basis the PUSH authorities need to continue

² Based on the following calculation
 The OAHN figure for Fareham Borough between 2011-2036 is **10,500** (Table 1 of the PUSH Spatial Position Statement)
 The DFLP proposes **11,300** dwellings. 11,300- 10,500=**800**

to work collaboratively to meet the housing market shortfall and FBC needs to be satisfied (and be able to satisfy the Inspector) that it has explored all other opportunities which are suitable, available and achievable, and can be tested favourably against the relevant sustainability principles set out in the NPPF.

Affordable Housing

Policy H2 of the DFLP relates to affordable housing which requires that on sites of 11 or more (or residential proposals with a total floorspace exceeding 1,000m²) proposals shall provide 30% of dwellings as affordable housing or 20% within the Fareham town centre boundary. This is based on a viability assessment. This would include the requirement that 10% of the overall dwellings on site would be an affordable home ownership product.

The Gosport Borough Local Plan 2011-2029 (GBLP) requires 40% affordable housing on sites of 10 or more. The affordability of dwellings in Fareham Borough is an issue. For example, the ratio of median house price to median gross annual workplace earnings is 9.22 in Fareham compared to 7.01 in Gosport. In the light of this and the fact that Gosport Borough has been able to achieve 40% affordable housing on numerous sites, FBC may wish to consider seeking a higher proportion of affordable housing. This may require re-examination of the assumptions made as part of their housing viability work. If there are viability issues these can be addressed as part of the provisions of the policy which outlines an open book approach with a third party assessment of development viability.

Newgate Lane Housing Allocation

In order to meet its housing requirement the DFLP identifies a number of housing allocations across the Plan area. Of particular relevance to Gosport Borough is the allocation of land at Newgate Lane for between 370 and 475 dwellings (Policy HA2).

It is acknowledged that FBC needs to find sufficient land to meet its housing requirements and that dwellings at this site would also assist in meeting the needs of people living in Gosport. However, there are a number of significant issues raised by this allocation, which are outlined below, and which it will be necessary for FBC to fully consider.

Strategic Gap

In order to accommodate the Newgate Lane residential allocation the DFLP proposes to amend the Strategic Gap between 'Fareham/Bridgemarky and Stubbington/Lee-on-the-Solent', which is identified in the GBLP (Policy LP3) and FBC's current Local Plan (Policy CS22 of the Core Strategy). GBC and FBC have worked collaboratively in the past to define the boundaries of the Strategic Gap and have been successful in maintaining a functional gap and visual separation between the settlements.

The sub-regional PUSH Spatial Position Statement states that Councils should identify in their Local Plans strategic countryside gaps of sub-regional importance and that these gaps are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities. It recognises that gaps can provide the space for necessary uses such as recreation areas, transport corridors and environmental mitigation.

FBC's current Policy CS22 states that '*development proposals will not be permitted*

either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of the settlements’. The Policy recognises that maintaining separation will prevent coalescence of the settlements in this densely settled part of South Hampshire.

The justification text states that gaps between settlements help define and maintain the separate identity of individual settlements and have strong local support. It adds that Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. It acknowledges that continuing pressure for high levels of development mean that maintaining gaps continues to be justified.

It is considered that this remains relevant in the case of the Newgate Lane area. Indeed the current boundary has been supported by a Planning Inspector as recently as May 2015. In his report into the Examination in Public for the Fareham Local Plan Part 2, the Inspector refers to FBC’s evidence regarding the review of Strategic Gaps and states,

‘although the review did not specifically take into account the route of the Stubbington by-pass and the Newgate Lane improvements, there is no reason to conclude that these proposals would justify altering the boundary of the gap in those locations. Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council’s approach is sound.’

The latest DFLP also includes a policy relating to Strategic Gaps (Policy SP6) which continues to prevent the coalescence of urban areas and to maintain the separate identity of settlements. It also identifies a Strategic Gap between *‘Fareham/Bridgemary and Stubbington/Lee-on-the-Solent’*. It states, *‘development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements’*. The justification text acknowledges 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’*. It also clearly states in Paragraph 4.39 that, *‘further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemary along with maintaining the separate identity of Peel Common.’* This therefore appears to contradict the removal of the Newgate Lane area from the Strategic Gap.

The proposed removal of this land from the Strategic Gap also appears to be at odds with FBC’s own supporting evidence. The Fareham Landscape Assessment (2017) incorporates a review of the Strategic Gap designation including the ‘Woodcot area’ which includes the land covered by the proposed Newgate Lane allocation. It concludes,

‘This is a cohesive area of undeveloped landscape which performs an important role in respect of the primary purposes of the Strategic Gap i.e. in defining the edges, separate identity and settings of Fareham and Gosport, preventing their coalescence. Even minor encroachment beyond existing settlement boundaries could have an adverse effect on these functions and the overall integrity of the landscape and Strategic Gap. It is recommended that the Gap boundaries remain unchanged.’

Gosport Borough Council agrees with these findings set out in the Fareham Landscape Assessment and considers that the Woodcot area should remain an integral part of the Strategic Gap.

Whilst it is recognised that the local plan process is the appropriate time to review such designations it is considered that the proposed change at Newgate Lane will affect the integrity of the remaining gap by significantly reducing its width. The residential proposal by its sheer scale will undoubtedly harm the integrity of the gap and will diminish the physical and visual separation of the settlements.

Transport and accessibility

The Council also objects to the proposed allocation due to the potential negative impacts on the new Newgate Lane route. The new route was designed to achieve the following:

- improving access to the Peninsula including the Solent Enterprise Zone at Daedalus;
- increasing capacity and easing existing congestion on the route;
- creating fewer interruptions to traffic flow caused by turning traffic, or on-road cyclists;
- improving the alignment for safety reasons.

These objectives would be undermined by the proposed development. It was not intended that the improvements would facilitate new housing development.

The DFLP is accompanied by an Interim Transport Assessment for the DFLP allocations (Oct 2017) which recognises that the current Volume over Capacity (v/c) exceed 100% in the PM peak on Newgate Lane and is approaching available practical capacity in the AM peak resulting in significant congestion. Consequently it is already recognised that traffic exceeds the available capacity on this strategic route. Table 3 summarises information from this document which highlights that this situation is predicted to worsen over the period to 2036 and consequently the report recognises that Newgate Lane will experience ‘more noticeable increases in traffic flow.’

Table 3: Road capacity on Newgate Lane

	Volume over Capacity (v/c) on Newgate Lane		
	2015	2036 Baseline: Existing adopted local plan commitments (S Hants) with planned transport improvements*1	2036 Baseline plus DFLP allocations*2
AM	83%	98%	100%
PM	102%	106%	107%

*1 including Stubbington Bypass and Newgate Lane improvements
 *2 this does not include any potential growth in Gosport Borough arising from the Gosport Borough Local Plan Review

At the present time this allocation has not been assessed by the Local Highway Authority to determine the implications on the highway capacity of Newgate Lane and no modelling work has been assessed to consider the trip generation from this level

of development, either in terms of numbers of additional vehicles or their likely distribution on the highway network or highway safety. Therefore the Council has no option but to object to the proposed allocation in the DFLP on this issue at this stage. Gosport Borough Council is very concerned that the proposed allocation will have a detrimental impact on the existing significant congestion problems on the Gosport Peninsula and detract from recent and proposed improvements that aim to improve traffic flow to, and from, the Peninsula. This is critical for the future economic prosperity of the Borough including achieving the full potential of the Enterprise Zone.

The north-south movements along Newgate Lane should not be hindered by any proposed new access arrangements for the proposed allocation and the Council objects to any proposals which will significantly hinder this flow. A new access off the proposed roundabout will introduce an interruption to traffic flow, particularly as it is envisaged to serve the whole development and that by its location and limited transport choice the proposed allocation would be very car-dependent. Indeed the supporting FBC Sustainability Appraisal concedes that the *'majority of sites [in the DFLP] are sustainably located which will improve accessibility and encourage travel by sustainable modes, although the urban fringe sites at Funtley Road and Newgate Lane South are less sustainably located.'*

Due to the lack of detailed available information it is not known what the likely impacts will be on the links and junctions further north e.g. the northern section of Newgate Lane, the Longfield Avenue roundabout, the northern section of the A32 and the Quay Street roundabouts and beyond to the M27 Junction 11. Additionally, vehicles travelling south from the site will also reduce the capacity of the recently improved Peel Common Roundabout, which may also have significant implications for traffic queuing on Rowner Road.

Given that the proposed allocation may well negate the benefits gained by the Newgate Lane road improvements it will also be necessary to consider whether this site together with other potential residential developments on the south side of Fareham could cumulatively have a detrimental impact on the function and objectives of the Stubbington Bypass. It is important to note that the DFLP states in paragraph 11.46 that the Stubbington Bypass is not being provided with an intention of serving or facilitating additional new homes. FBC is therefore not being consistent in its policy approach between the Stubbington Bypass and the Newgate Lane improvements.

The Newgate Lane allocation policy (HA2) includes a criterion that makes provision for off-site highway improvements and mitigation works, however, this Council requires further details of such measures, and questions whether the principle of any proposal at this site would be able to satisfactorily mitigate these impacts.

The Council is also concerned that the proposed allocation would not meet the requirements of the DFLP sustainable transport policy (Policy INF2). Amongst other things, this policy aims to ensure that development:

- does not demonstrate a severe cumulative impact (causing demonstrable harm) on the operation, safety or accessibility to the local or strategic highway networks; and
- mitigates impacts on the local or strategic highway networks arising from the development itself, or the cumulative effects of development on the network, through provision of improvements or enhancements to the existing network to accommodate additional traffic; or contributions towards necessary or relevant transport improvements.

In the light of the above policy it is considered that the proposed allocation may not be able to provide any meaningful improvements to satisfy these requirements given the current and ongoing access issues to and from the Gosport Peninsula.

The DFLP originally proposed two other vehicular accesses (in addition to Newgate Lane) which link the potential new allocation to the existing residential communities in Gosport. This includes Brookers Lane as a secondary access for a limited number of dwellings.

The other proposed access off Tukes Avenue has now been withdrawn following a recently issued addendum by FBC which reads, *'The site promoter has advised Fareham Borough Council that the potential access identified via the demolition of two houses on Tukes Avenue (165 and 167) is a factual error. The site promoter has confirmed that potential vehicle access via these properties is not being pursued'*

Notwithstanding that the residents of these and adjacent properties were most unfortunately not previously notified of these proposals, it is not clear from this statement whether the site promoter will be seeking an alternative access on the eastern boundary. It is considered that any such access points from housing areas within Gosport, will add to traffic on the local highway network within Gosport, which again has not yet been quantified in terms of number/distribution and junction/link capacity. The nature and scale of these access points will have a direct impact on their use/attractiveness, particularly if through routes are created. The creation of such accesses may create rat-runs through the existing residential areas within Gosport, due to perceived journey time savings compared with joining Rowner Road/Peel Common Roundabout. This could be exacerbated with the development of the Stubbington Bypass.

Despite the addendum significant concerns remain regarding any proposed access onto Tukes Avenue. These include:

- The amenities of neighbouring residents as an access road will serve a considerable number of dwellings;
- The capacity of Tukes Avenue and adjoining roads to take the additional traffic; and
- The proximity to facilities such as Woodcot Primary School and the impact on pedestrian safety.

There is no mention of improving public transport with regard to the proposed allocation. This needs further consideration to reduce the site's car dependency which would add further pressure on Newgate Lane. This will also have a detrimental impact on the existing Air Quality Management Areas within Fareham. It will be necessary to explore strategic transport options such as the potential for a new bus rapid transit link which could connect Lee-on-the-Solent, Daedalus, Newgate Lane, and the Busway through to Fareham.

Cycle and pedestrian links to the adjacent Bridgemaury and Peel Common are identified in Policy HA2.

Residential amenities and design

Any development of this scale on greenfield land will create significant concerns from existing residents particularly in areas immediately adjoining the site. It will be critical that their amenities are not harmed by any future proposals on this site and this

should be reflected in Policy HA2.

School provision

Provision is included in the policy to ensure improvements to local schools and early-years childcare (as identified by the Local Education Authority). However, there is insufficient detail of how local school places could be affected by the proposals. It will be necessary to understand the impact of the new housing development on local schools as any development on this site is likely to include a high proportion of households with children.

Community facilities

It will also be important to understand whether any new development at Newgate Lane can be sufficiently supported by other community facilities in the area including health facilities (such as GPs) and community hall provision and whether it is necessary to provide new community facilities as part of the development. Consequently without such information such proposals cannot be supported.

Policy CF1 of the DFLP recognises the need for community facilities as part of large residential developments and that these should be delivered to prescribed timescales to meet the needs of the community. The DFLP specifically mentions Bridgemary School as the primary location for community facilities (sport pitches, courts, hall and stage, and various meeting and conference rooms for hire). It states that these facilities are generally less than 1km from within the allocation and that it is not considered necessary for additional space to be provided with the allocation.

Policy LP32 of the GBLP requires the consideration of community facilities for new residential developments (normally for sites of 100 dwellings or more). It is therefore considered appropriate for FBC to further assess the community requirements of a development of this scale and include such provision within Policy HA2.

Open space

The proposals as set out in Policy HA2 include a number of open space requirements including:

- Neighbourhood Equipped Area of Play (NEAP) and a Multi-Use Games Area for older children on-site;
- Improvements to existing off-site sports facilities at Brookers Field and Tukes Avenue which are GBC-owned facilities.
- The potential to take a financial contribution to improve sports pitch provision and associated facilities at Tukes Avenue Open Space and/or Brookers Field Recreation Ground.

It will be necessary to ensure such provision meets the requirements of any new community without affecting that enjoyed by existing residents.

Air quality

Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and therefore it would be necessary to include measures mentioned in Policy INF2 specifically to mitigate this impact for this development allocation. This may be difficult for a development of this scale with limited public transport choice. The issue of air quality is highlighted in the Interim Traffic Assessment which notes that in January 2017, Fareham and Gosport Environmental Health Partnership issued the Annual Status Report 2016, which concluded that both the existing AQMAs need to

be extended as locations outside of the AQMAs had exceeded the annual mean NO2 objective for Fareham. The AQMA extensions were agreed in October 2017.

Drainage

The area includes a number of drainage ditches which are part of the River Alver catchment. The development allocation proposes to retain and enhance these drainage ditches as part of a Sustainable Drainage System (SuDS). It will be important to understand the impact of any development on potential for surface water flooding in the vicinity and the water quality of the River Alver.

Natural environment

It is recognised that the proposal aims to retain existing field and tree boundaries and to incorporate street trees and verges to reflect the character of Bridgemary.

Employment policies

Employment floorspace requirements

The Draft Plan is proposing 130,000m² of new employment floorspace for the whole of Fareham Borough (Policy E1) which is based on the figure included in the PUSH Spatial Position Statement with the additional two years included on a pro-rata basis (and then rounded to nearest '000 m²).

Daedalus

Of particular interest to Gosport Borough is the proposed extension to the employment allocation at Daedalus (Policy SP3) which will result in an additional 48,000 m² of employment floorspace with a total of 98,000m² of light industrial, general industrial and warehousing floorspace (B1c, B2 and B8 uses) with ancillary office accommodation (B1a) plus 4,000sq.m of retained floorspace. This extended area includes the 2nd runway on the Daedalus East part of the site.

The Policy makes provision for:

- an employment hub that contributes positively to the creation of aviation, non-aviation and skills/innovation employment clusters;
- ancillary service infrastructure and facilities to support the Solent Airport, and Faraday and Swordfish Business Parks;
- broad aviation uses which support the long term sustainability of the airfield;
- strategically important energy and communications infrastructure;
- skilled jobs that take advantage of and develop local skills; and
- accessible public open space and enhancements to the strategic green infrastructure network.

In principle, this additional area allocated for employment is strongly supported as it will bring additional jobs and investment to the Peninsula which will be accessible to Gosport residents and reduce out-commuting on the A32.

However, it is important to raise a number of concerns with FBC which are set out below.

- No mention is made of the Daedalus Waterfront area and the cross boundary issues. The Council consider that the policy and justification text needs to recognise the full context of the site and that part of the Daedalus site is within Gosport Borough. It is important to recognise the opportunities of the Waterfront and how these contribute to the success of the whole site. It will

also be important to consider issues across the boundary including those relating to the provision of infrastructure in order not to prejudice delivery of the Waterfront.

- It is important that the proposed additional employment allocation set out in Policy SP3, which is over and above that set out in the original Outline Planning Permission, is subject to additional evidence with regard to issues such as transport movements. This is necessary in order not to prejudice development on those parts of the site that already have Outline permission. These areas may come forward at a later date than the proposed allocation due to issues relating to contamination and the presence of important heritage assets that may affect the overall viability and speed of delivery.

The Strategic Gap covering Daedalus including the Airport and the extended employment allocation will remain in order to prevent coalescence of the Stubbington/Lee-on-the Solent with Fareham/Gosport. It is proposed that the additional development at Daedalus will be perceived as an 'isolated' campus style commercial development within the airfield site which has a separate identity rather than an extension of the surrounding urban area. There needs to be a specific criterion in Policy SP3 regarding this issue to ensure that the appearance and function of the Strategic Gap is sufficiently protected with more detailed guidance as part of the justification text.

Marine economy

The other main employment policy of particular relevance to the Gosport economy is Policy E5 which relates to boatyards. This policy aims to protect marine-related employment uses. This policy is supported as the availability of waterfront sites around the Solent is limited and the marine businesses they support contribute to one of the key sectors of the sub-regional economy.

Transport

The DFLP safeguards the land required for the Stubbington Bypass and associated junctions (Policy INF3). It recognises that this route forms part of Hampshire County Council's plan for improving access to Fareham and Gosport and seeks to ease congestion, improve safety and the area's economic prosperity by encouraging investment and regeneration, including at the Solent Enterprise Zone at Daedalus. The accompanying text acknowledges this will create a reliable route for traffic wishing to travel from the Gosport Peninsula westwards towards the M27 at Junction 9, in conjunction with recently completed works at St Margaret's Roundabout on the A27, and works underway to upgrade the A27 between the Titchfield Gyratory and Segensworth to two lanes in both directions. It states that the bypass is not being provided with an intention of serving or facilitating additional new homes. The safeguarding of the Stubbington Bypass route is supported.

There also appears to be a proposed improvement on the DFLP Policies Map at the Delme Roundabout (A27) but this is not mentioned in the Plan itself. Therefore clarification is sought on this proposal.

The DFLP also aims to encourage sustainable and active travel modes (Policy INF2) which is supported. This issue has become particularly important for FBC due to the requirements associated with the Air Quality Management Areas (AQMAs) associated with the northern end of Newgate Lane and Gosport Road, and Portland Street.

Consequently development will be required to support the use of alternative vehicle types and fuels such as the installation of Electric Vehicle charging equipment in residential properties and communal parking area.

Other policies

Retail

The Fareham Local Plan does not allocate any addition retail floorspace as it acknowledges that its Town Centre has seen a significant increase in vacant retail floorspace from 5,345 m² to 10,234m² between 2016 and 2017 (representing an increased vacancy rate from 6% to 11%). Its evidence suggests there will be a requirement beyond 2026 but it has been decided to consider this when the Plan is next reviewed, recognising that the Government is proposing a requirement to review Local Plans every five years.³

Proposals relating to out-of-town shopping areas such as Speedfields Park (Newgate Lane) will be subject to Policy R4 which requires an impact assessment in accordance with the NPPF for proposals of 500sq.m or over (both new units or extensions) in order to demonstrate that there is no significant adverse effect on the vitality and viability of existing or proposed centres. This approach is supported.

Community Facilities and Open Space

It is noted that the Plan includes a number of policies relating to community facilities and open space which seek to retain and improve existing facilities.

Natural Environment

The Plan includes a series of policies relating to biodiversity including commitment to the Solent Recreation Mitigation Partnership, of which GBC is also a partner. It also includes provision relating to coastal flood risk management including the provisions of the River Hamble to Portchester Coastal Strategy prepared by the East Solent Coastal Partnership.

Design

The Plan includes a number of design and heritage policies which aim to protect the local distinctiveness of the landscape and built environment, and create a sense of place.

Policy D4 aims to coordinate development and states where proposals come forward that are part of a wider development site, supporting information will be expected to demonstrate that the proposal will not prejudice the development of the adjoining site and that the proposal maximises place-making opportunities. It adds that development proposals will not be permitted that: prevent or limit the potential for developing an adjoining site; or which do not maximise connectivity and permeability opportunities; or address mitigation needs relating to the wider development potential.

The aims of Policy D4 are supported and may be applicable with regard to the development of sites such as Daedalus.

³ As proposed in the Government's Housing White Paper - Fixing our broken housing market (Feb 2017)

Concluding remarks

In the light of the above comments it would be useful if we could meet with you to discuss these issues further. In the meantime if you require any clarification on these matters please do not hesitate to contact me or Jayson Grygiel, the Deputy Head of Planning Services (Policy) for further assistance.

Yours sincerely

Debbie Gore
Head of Planning Services



GOSPORT
Borough Council

Ms Claire Burnett
Head of Planning Strategy and Regeneration
Fareham Borough Council
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PO16 7AZ

Please ask for:

Jayson Grygiel

Direct dial:



25th July 2019

By e-mail

Dear Claire

Fareham Borough Local Plan 2036: Issues and Options

Thank you for consulting Gosport Borough Council (GBC) on the Issues and Options document for the Fareham Borough Local Plan 2036. I can advise that the document was considered at the Council's Regulatory Board of 23rd July 2019.

A summary of our representations, based on the Board's resolution, is set out below with more detailed comments attached (Appendix 1). These additional comments also form part of the Council's representations.

- Gosport Borough Council strongly opposes significant housing development in the current Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington as it does not represent 'good growth' and that it merits continued protection from any future development. The reasons for the objection, set out in Appendix 1, are summarised as follows:
 - There is an imperative requirement to safeguard effective strategic transport routes through the Strategic Gap to improve accessibility to, and from, the Gosport Peninsula to support the local economy. Further allocations will individually and cumulatively exacerbate accessibility constraints for reasons detailed in Appendix 1.
 - Further allocations will lead to the extensive erosion of the Strategic Gap, which is a long established planning principle in the South Hampshire area, as identified by the Partnership for South Hampshire's Spatial Position Statement that aims to prevent coalescence of settlements, maintain a sense of place and settlement identity, and provide a countryside setting for the sub region and local communities.

- More specifically this Council maintains its objection in full to the proposed residential allocation at Newgate Lane (referred to in the previous Draft Fareham Local Plan (DFLP) (2017) as HA2) for the reasons set out below:
 - The proposal would physically and visually diminish the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington;
 - The proposal would negate the benefits provided by the recent improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
 - The proposal would significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would lead to a significant increase of traffic on residential roads;
 - The proposal, as previously described in the DFLP is very car dependent with no provision for public transport. This would exacerbate the number of trips using Newgate Lane
 - There is insufficient information on supporting infrastructure required including education, medical and community facilities;
- Both Councils should proceed to publish the bilateral Statement of Common Ground as practicably as possible identifying major areas of agreement and non-agreement.
- Both Councils should consider producing an agreed strategy for the strategic gap as part of our Statement of Common Ground work which can be included in the respective Local Plans. This strategy should aim to provide multi-functional benefits to local communities as set out in detail within Appendix 1.
- FBC should consider opportunities to increase residential densities at the proposed Welborne development to reduce the need to develop in the Strategic Gap. It should also consider increasing densities in sustainable locations within Fareham Borough including within, and adjacent to, centres, and in close proximity to railway stations.

In the light of the above comments it will be important to maintain our ongoing dialogue as part of our bilateral Statement of Common Ground work as well as our continued involvement as part of the multilateral PUSH initiatives. In the meantime if you require any clarification on these matters please do not hesitate to contact me.

Yours sincerely



Jayson Grygiel
Manager of Planning Policy

Appendix 1: Gosport Borough Council's detailed representations to the Fareham Local Plan: Issues and Options Consultation- July 2019

The detailed comments summarised in the attached letter are detailed below.

1.0 Land in the Fareham, Gosport, Lee-on-the-Solent, Stubbington Strategic Gap including the HA2 allocation

1.1 Firstly it is recognised that the standardised methodology introduced by the National Planning Policy Framework has increased the required number of dwellings that Fareham Borough Council need to consider over the Plan period to 2036 and hence the need to assess additional sites for residential allocations. However Gosport Borough Council strongly opposes new residential development in the Fareham-Gosport- Lee-on-the Solent and Stubbington (FGLS) Strategic Gap for a number of reasons set out below.

1.2 The Issues and Options document recognises that, '*previous planning policies have designated the whole area as a strategic gap in order to prevent Fareham and Stubbington from merging and help to define distinctive communities,*' and that, '*given the additional housing requirement, the Council is having to look again at the purpose of this existing strategic gap and its characteristics.*'

1.3 The Issues and Option Consultation also continues to identify the land between the Newgate Lane improvements and the Borough boundary at Bridgemary and Peel Common as a housing allocation (previously referred to as HA2).

1.4 As this site remains identified as an allocation and there has been no additional evidence to address any of the Council's substantial concerns it is proposed that the Council reiterates the comments made previously on this matter. Similarly as many of the Council's objections to HA2 are relevant to other potential allocations in the Fareham, Gosport, Lee-on-the-Solent and Stubbington (FGLS) Strategic Gap, it is proposed to set out our representations relating to HA2 and any potential additional allocations as a number of themes:

- Transport and Accessibility
- Air quality
- The principle of maintaining a Strategic Gap to prevent coalescence and protect the identity of settlements.
- Protecting the Strategic Gap to deliver multi-functional benefits for local communities
- Community and open space infrastructure

Transport and accessibility

1.5 **Why is a strategic transport corridor so important?** One of the Council's

primary concerns is the impact of potential new development, including HA2 and any additional allocations, will have on the effectiveness of the strategic transport corridor through the existing Strategic Gap. It is considered that any allocations which have access directly onto the recently improved Newgate Lane and the proposed Stubbington Bypass will negate the benefits these proposals will deliver to improve accessibility to, and from, the Peninsula.

- 1.6 These improvements are aimed at addressing existing acute transport infrastructure deficiencies, not to enable development on greenfield sites directly adjacent to the routes. Instead this improved infrastructure can bring regeneration benefits to difficult brownfield sites in Gosport and make them more attractive to investors. The NPPF is very clear that policies should promote the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 1.7 The issue of maintaining an effective transport corridor is imperative for Gosport's future prosperity. The Stubbington Bypass route is the only opportunity to improve vehicular access to the Borough. If the benefits of the Stubbington Bypass are negated by significant development being built with access directly onto the Bypass, this last opportunity would be lost and there would be a real sense that Gosport has been 'blocked in'.
- 1.8 This would perhaps be less significant if Gosport had its own railway station and had a reasonable job density rate with limited out-commuting. However this is certainly not the case.
- 1.9 Gosport has the lowest job density in the South East of England and one of the lowest in England at only 0.51 jobs per resident person of working age. Such a low job density has significant implications for the Borough including the considerable scale of daily out-commuting which puts tremendous pressure on the existing road system resulting in acute traffic congestion and high levels of air pollution as evidenced in the air quality management areas identified within Fareham Borough at the north end of the Peninsula. This congestion results in the road network reaching full capacity and an extended peak time spreading on key routes. This actual congestion as well as the wider perception of congestion that exists can act as a disincentive for business and employment investment. Gosport has limited transport options with no fixed rail link and hence the effectiveness of the small number of road routes from Gosport is even more important.
- 1.10 **Specific accessibility issues relating to HA2 and other allocations having direct access onto Newgate Lane East:** The Council would wish to maintain its objection to the HA2 proposal which included access directly onto Newgate Lane East. The Council's specific concerns regarding HA2 are also likely to be applicable to any further allocations in this area.
- 1.11 It is important to recognise that Newgate Lane East and other associated improvements were designed to achieve the following:
 - improving access to the Peninsula including the Solent Enterprise Zone at Daedalus;
 - increasing capacity and easing existing congestion on the route;

- creating fewer interruptions to traffic flow caused by turning traffic, or on-road cyclists;
- improving the alignment for safety reasons.

1.12 These objectives would be undermined by the proposed development at HA2 and other similar allocations. It was not intended that the strategic highways improvements would facilitate new housing development. Gosport Borough Council is very concerned that the HA2 proposed allocation and additional ones will have a detrimental impact on the existing significant congestion problems on the Gosport Peninsula and detract from recent and proposed improvements that aim to improve traffic flow to, and from, the Peninsula. This is critical for the future economic prosperity of the Borough including achieving the full potential of the Enterprise Zone.

1.13 The earlier Draft Fareham Local Plan (2017) (DFLP) was accompanied by an Interim Transport Assessment for the DFLP allocations (Oct 2017) which recognised that the current Volume over Capacity (v/c) exceed 100% in the PM peak on Newgate Lane and is approaching available practical capacity in the AM peak resulting in significant congestion. Consequently it is already recognised that traffic exceeds the available capacity on this strategic route. Table 1 summarises information from this document which highlighted that this situation is predicted to worsen over the period to 2036 and consequently the report recognised that Newgate Lane will experience *'more noticeable increases in traffic flow.'*

Table 1: Road capacity on Newgate Lane

	Volume over Capacity (v/c) on Newgate Lane		
	2015	2036 Baseline: Existing adopted local plan commitments (S Hants) with planned transport improvements* 1	2036 Baseline plus DFLP allocations*2
AM	83%	98%	100%
PM	102%	106%	107%

*1 including Stubbington Bypass and Newgate Lane improvements

*2 this does not include any potential growth in Gosport Borough arising from the Gosport Borough Local Plan 2036

1.14 Additional allocations in the Strategic Gap would exacerbate the situation still further. It will also be necessary to take into account the additional allocations being put forward as part of the emerging work for the Gosport Borough Local Plan 2036.

1.15 The north-south movements along Newgate Lane should not be hindered by any new access arrangements for any proposed allocation, and consequently the Council objects to any proposals which will significantly hinder this flow. A new access off the proposed roundabout will introduce an interruption to traffic flow, particularly as it is envisaged to serve the whole development and that by its location and limited transport choice the proposed allocation would be very car-dependent. Indeed the supporting FBC Sustainability Appraisal for the previous DFLP concedes that the *'majority of sites [in the DFLP] are sustainably located which will improve*

accessibility and encourage travel by sustainable modes, although the urban fringe sites at Funtley Road and Newgate Lane South are less sustainably located.'

- 1.16 Due to the lack of detailed information available at the Issues and Options stage it is not known what the likely impacts will be on the links and junctions further north e.g. the northern section of Newgate Lane, the Longfield Avenue roundabout, the northern section of the A32 and the Quay Street roundabouts and beyond to the M27 Junction 11. Additionally, vehicles travelling south from the site will also reduce the capacity of the recently improved Peel Common Roundabout, which may also have significant implications for traffic queuing on Rowner Road.
- 1.17 **Potential impact on the effectiveness of the Stubbington Bypass:** Given that proposed allocations may well negate the benefits gained by the Newgate Lane road improvements it will also be necessary to consider whether the HA2 site together with other potential residential allocations could cumulatively have a detrimental impact on the function and objectives of the Stubbington Bypass. .
- 1.18 The DFLP recognised that this route forms part of Hampshire County Council's plan for improving access to Fareham and Gosport and seeks to ease congestion, improve safety and the area's economic prosperity by encouraging investment and regeneration, including at the Solent Enterprise Zone at Daedalus. The accompanying text in the DFLP acknowledged this will create a reliable route for traffic wishing to travel from the Gosport Peninsula westwards towards the M27 at Junction 9, in conjunction with recently completed works at St Margaret's Roundabout on the A27, and works underway to upgrade the A27 between the Titchfield Gyratory and Segensworth to two lanes in both directions. It is important to note that the DFLP stated in paragraph 11.46 that the Stubbington Bypass is **not** being provided with an intention of serving or facilitating additional new homes. GBC consider that FBC's position in the DFLP relating to the Stubbington Bypass is still valid and should be maintained.

Air quality

- 1.19 Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and therefore it would be necessary to include measures mentioned in Policy INF2 of the DFLP which promotes sustainable transport to mitigate this impact. This is likely to be very difficult for allocations in the Strategic Gap of this scale with limited public transport choice.

The principle of maintaining a Strategic Gap to prevent coalescence and protect the identity of settlements

- 1.20 The Strategic Gap is identified in the Gosport Borough Local Plan 2011-2029 (GBLP) (Policy LP3) and FBC's current Local Plan (Policy CS22 of the Core Strategy). GBC and FBC have worked collaboratively in the past to define the boundaries of the Strategic Gap and have been successful in maintaining a functional gap and visual separation between the settlements.

- 1.21 In order to accommodate the HA2 residential allocation the DFLP proposed to amend the Strategic Gap and this would be the likely consequence of any further proposed allocations within this broad area.
- 1.22 The sub-regional PUSH Spatial Position Statement states that Councils should identify in their Local Plans strategic countryside gaps of sub-regional importance and that these gaps are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities. It recognises that gaps can provide the space for necessary uses such as recreation areas, transport corridors and environmental mitigation.
- 1.23 FBC's current Policy CS22 states that '*development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of the settlements*'. The Policy recognises that maintaining separation will prevent coalescence of the settlements in this densely settled part of South Hampshire.
- 1.24 The justification text states that gaps between settlements help define and maintain the separate identity of individual settlements and have strong local support. It adds that Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. It acknowledges that continuing pressure for high levels of development mean that maintaining gaps continues to be justified.
- 1.25 The Issues and Options consultation appears to encourage a move from this position by suggesting that development in the Gap could be appropriate through 'careful planning'. This Council strongly opposes this change in approach and considers that the HA2 allocation and additional residential proposals will have a significant and detrimental impact on the current form and function of the Strategic Gap and no amount of 'careful planning' would be able to mitigate these impacts.
- 1.26 It is considered the text of Policy CS22 remains relevant in the specific case of the Newgate Lane area and much of the remainder of the strategic gap. Indeed the current boundary has been supported by a Planning Inspector as recently as May 2015. In his report into the Examination in Public for the Fareham Local Plan Part 2, the Inspector refers to FBC's evidence regarding the review of Strategic Gaps and states,
- 'although the review did not specifically take into account the route of the Stubbington by-pass and the Newgate Lane improvements, there is no reason to conclude that these proposals would justify altering the boundary of the gap in those locations. Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound.'*
- 1.27 The DFLP (2017) also included a policy relating to Strategic Gaps (Policy

SP6) which continues to prevent the coalescence of urban areas and to maintain the separate identity of settlements. It also identified a Strategic Gap between 'Fareham/Bridgemarky and Stubbington/Lee-on-the-Solent'. It stated, 'development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements'. The justification text acknowledged 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'. It also clearly stated in Paragraph 4.39 that, 'further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemarky along with maintaining the separate identify of Peel Common.' This Council agrees that this approach should be maintained.

- 1.28 Allocations in the Strategic Gap would also contradict FBC's own evidence which seeks to protect the strategic gap. By way of an example, the Fareham Landscape Assessment (2017) incorporates a review of the Strategic Gap designation including the 'Woodcot area' which includes the land covered by the proposed HA2 Newgate Lane allocation. It concludes, *'This is a cohesive area of undeveloped landscape which performs an important role in respect of the primary purposes of the Strategic Gap i.e. in defining the edges, separate identity and settings of Fareham and Gosport, preventing their coalescence. Even minor encroachment beyond existing settlement boundaries could have an adverse effect on these functions and the overall integrity of the landscape and Strategic Gap. It is recommended that the Gap boundaries remain unchanged.'*
- 1.29 Gosport Borough Council agrees with these findings set out in the Fareham Landscape Assessment and considers that the Woodcot area and other parts of this area should remain an integral part of the Strategic Gap.
- 1.30 Whilst recognising that circumstances have changed in terms of the need to accommodate additional housing numbers it is considered that there is an even stronger imperative to protect these important strips of land between settlements in the form of the Strategic Gap which certainly continue to perform the long-established planning function that both Councils have worked together to protect.
- 1.31 It is also recognised that the local plan process is the appropriate time to review such designations; however it is considered that the proposed change at the HA2 allocation and other potential changes will affect the integrity of the remaining gap by significantly reducing its width. This and other proposed residential allocations by their sheer scale will undoubtedly harm the character of the gap and will diminish the physical and visual separation of the settlements.

Protecting the Strategic Gap to deliver multi-functional benefits for local communities

- 1.32 This Council proposes that we work together with FBC bilaterally and as part of PUSH to find a long-term strategy for the strategic gaps which serve a number of existing functions and could be further diversified. These functions include:

- Strategic transport corridor for critical road infrastructure to, and from the Peninsula including the recent Newgate Lane improvements and proposed Stubbington Bypass.
- The Daedalus employment areas which have been designed to reflect the character of this part of the Gap
- Utilities including the Peel Common Waste Water Treatment Works
- Sustainable power - Solar farms and IFA2
- Recreational land to improve cycle and walking routes to facilitate countryside access between the communities and links with Titchfield and the Meon Valley.
- Land for environmental mitigation
 - Land required for nitrate mitigation
 - Land required to deflect recreational pressure from sensitive coastal habitats and/or create Brent Goose refuges to allow development to take place in more sustainable locations
 - Land required for biodiversity net gain
 - Land required for carbon storage
- Maintaining local food production

1.33 Therefore as part of this Issues and Options consultation this Council would request that FBC considers the option of establishing a multi-functional corridor which includes the various uses set out above. It is considered appropriate that the agreed joint long term strategy would include the whole strategic gap including areas within Gosport Borough to ensure that recreational and environmental benefits are taken together.

1.34 It is noted from the Issues and Options consultation that FBC are asking respondents whether there are any local areas of green space that the Council should protect. This relates to the NPPF's Local Green Space designation which states that this designation should only be used if it is:

- In reasonably close proximity to the community it serves;
- Demonstrably special to the local community and holds a particular significance for example because of its beauty, historic significance, recreational value (including as a playing field) tranquillity or richness in wildlife;
- Local in character and is not an extensive tract of land.

1.35 The NPPF adds that policies for managing development within a Local Green Space should be consistent with those for green belts. It is not clear what is meant by 'extensive' as this is a relative term and when compared to tracts of open countryside, the Strategic Gap is local and not particularly extensive. FBC may wish to explore opportunities to allocate areas of the

Gap as Local Green Space if it considers these meet the relevant criteria.

- 1.36 The Issues and Options consultation also states that it is proposed that the Meon Valley is included as part of the PUSH work to consider the potential for greenbelt land across the local authority area, as it recognises that there could be scope for this area to become part of a South Hampshire greenbelt. As part of any consideration of green belt it would also be necessary to consider the option of the FGLS Strategic Gap as well.
- 1.37 According to the NPPF greenbelts need to serve five purposes:
- To check the unrestricted sprawl of large built-up area
 - To prevent neighbouring towns merging into one another
 - To assist in safeguarding the countryside for encroachment
 - To preserve the setting and special character of historic towns;
 - To assist urban regeneration by encouraging the recycling of derelict land and other urban land.
- 1.38 In this instance a greenbelt in the FGLS Strategic Gap would prevent the Portsmouth-Fareham- Gosport conurbation merging with Lee-on-the Solent and Stubbington. The fifth reason outlined above is particularly applicable for Gosport's issues relating to brownfield sites.
- 1.39 It is important to recognise that there are substantial hurdles in establishing a new greenbelt and the NPPF states that these should only be established in 'exceptional circumstances' and that there are five very difficult criteria to meet. It is mentioned in this context as if the Meon Gap is being considered then it is reasonable that the FGLS Strategic Gap should be included as part of this process.
- 1.40 Overall it is considered that a joint Fareham/Gosport strategy for the Gap with PUSH support would be a significantly positive way forward which would deliver multi-functional benefits for local communities in both Boroughs. This could form part of our bilateral Statement of Common Ground and be included in the respective Local Plans.

Community and open space infrastructure

- 1.41 The Issues and Options consultation does not include detail on the facilities and services supporting potential allocations within each of the broad areas. Therefore it is considered necessary for the Council to maintain its earlier concerns raised as part of the DFLP consultation with regard to educational, community and open space facilities in relation to the HA2 allocation and acknowledge that depending on what is proposed at the next consultation Local Plan there may well be further concerns relating to these matters.
- 1.42 Issues raised previously included:

School provision- there is insufficient detail of how local school places

could be affected by the proposals. It will be necessary to understand the impact of the new housing development on local schools as any development on the HA2 or other unidentified allocations are likely to include a high proportion of households with children.

Community facilities- It will also be important to understand whether any new development at Newgate Lane or other allocations can be sufficiently supported by other community facilities in the area including health facilities (such as GPs) and community hall provision and whether it is necessary to provide new community facilities as part of the development. Consequently without such information such proposals cannot be supported.

Open space- It will be necessary to ensure such provision meets the requirements of any new community without affecting that enjoyed by existing residents.

Conclusion to Fareham, Gosport, Lee-on-the-Solent, Stubbington section of the Issues and Options Consultation

1.43 In the light of the above and in answer to the question posed in the Issues and Options consultation it is considered that development in the strategic gap including the HA2 consultation does not represent good growth for the residents and businesses of the Gosport peninsula. The Council does not support future growth in the Strategic Gap and instead considers that it merits continued protection from any future development.

2.0 **Housing density at Welborne**

2.1 The Issues and Options Report focusses on eight broad areas for the potential for finding land for new houses. In addition to the '*Land between Fareham and Stubbington*', FBC may wish to consider further options at Welborne.

2.2 The document itself only includes '*Land around Welborne Garden Village*' and not Welborne itself. This broad area of search is the area of land to the east of the A32 north of Junction 10 and close to Junction 11. The document states that '*with the exception of land close to junction 11 being promoted for commercial use; the Council has not received details of any land being promoted in this area, all of which is in private ownership. Additionally this area is considered to be valued landscape with limited scope to accommodate large-scale development.*' In the light of the above statement there may be difficulties for additional development in this area.

2.3 However there may be opportunities to increase the residential quantum at Welborne itself by increasing densities. It is recognised that there may be constraints to reviewing these options at this stage, particularly given that there is a planning application for the site currently under consideration

2.4 However even marginal density increases in areas where the current proposed densities are 'up to 30 dwelling per hectare' (dph) and 'up to 35 dph' could yield significant increases in the number of dwellings at this site.

- 2.5 By considering further options for a railway station at this site could also facilitate higher densities of development in proximity to any potential railway station site. Given the restricted supply of land in the South Hampshire sub-region building at exceptionally low densities would represent a missed opportunity as the PUSH authorities plan forward to 2036 and onto 2050.
- 2.6 It is clear from the NPPF that planning policies and decisions should support development that makes efficient use of land. It states that 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 the developments make optimal use of the potential for each site.
- 2.7 Such increases in densities would make public transport and other facilities more viable and would also reduce the need to develop in the FGLS Strategic Gap.

3.0 Other locations

- 3.1 FBC should also consider increasing densities in sustainable locations within Fareham Borough including within, and adjacent to centres, and in close proximity to railway stations. This would also ease pressure on the Strategic Gap.

END



GOSPORT
Borough Council

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Please ask for:

Jayson Grygiel



28th February 2020

By e-mail
localplanconsultation@fareham.gov.uk

Dear Richard

Fareham Borough Local Plan 2036: Supplement

Thank you for consulting Gosport Borough Council (GBC) on the Supplement document for the Fareham Borough Local Plan 2036. I can advise that the document was considered at the Council's Regulatory Board of 26th February 2020.

A summary of our representations, based on the Board's resolution, is set out below with more detailed comments attached (Appendix 1). These additional comments also form part of the Council's representations.

- That this Council's previous comments to the Draft Fareham Local Plan 2036 (DFLP 2017) and the subsequent Issues and Options document are fully considered with these latest representations.
- That this Council objects to the overall Development Strategy including the plan that identifies the South Newgate Lane allocation and the Strategic Growth Area as it does not represent 'good growth'.
- That this Council objects to the proposed policy on the Five Year Housing Supply as it presumes in favour of development outside of the settlement boundaries prior to other types of land within urban area boundaries and within more sustainable locations.
- That this Council maintains its strong objection in full to the proposed residential allocation at Newgate Lane (referred to in the previous Draft Fareham Local Plan (DFLP) (2017) as HA2) for the reasons set out below:
 - The proposal would physically and visually diminish the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington;

- The proposal will negate the benefits provided by the recent improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport Borough and Stubbington residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
 - The proposal will significantly harm the amenities of local Gosport residents by the introduction of new access points to existing residential areas, which due to the scale of the proposal would lead to a significant increase of traffic on residential roads;
 - The proposal, as previously described in the DFLP is very car dependent with no provision for public transport. This would exacerbate the number of trips using Newgate Lane;
 - There is insufficient information on supporting infrastructure required including education, medical and community facilities.
- That this Council objects that the HA2 allocation was not subject to a second consultation as part of this Supplement given the problems that arose with the initial consultation in 2017 on the Draft Fareham Local Plan relating to the access arrangements to the site, particularly in relation to Tukes Avenue.
 - That this Council strongly objects to the designation of Strategic Growth Areas (SGAs) including the South of Fareham SGA within the current Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington for the following reasons:
 - The promotion of SGAs at this stage prejudices work being undertaken by local planning authorities at a multilateral level to ascertain the most appropriate sustainable broad locations for development over the period to 2036 and beyond to 2050, known as Strategic Development Opportunity Areas.
 - The South of Fareham SGA does not represent 'good growth' for the residents of Gosport, Lee-on-the-Solent, Stubbington, Hillhead and south Fareham and therefore is not considered to be sustainable development.
 - It is imperative to safeguard effective strategic transport routes through the Strategic Gap to improve accessibility to, and from, the Gosport Peninsula to support the local economy. Further housing allocations will individually and cumulatively exacerbate accessibility constraints for reasons detailed in Appendix 1.
 - Further housing allocations will lead to the extensive erosion of the Strategic Gap, the protection of which is a long established planning principle in the South Hampshire area, as identified by the Partnership for South Hampshire's Spatial Position Statement that aims to prevent coalescence of settlements, maintain a sense of place and settlement identity, and provide a countryside setting for the sub region and local communities.
 - That this Council expresses its concerns that Fareham Borough Council may not be fulfilling its duty to cooperate because it is not considering the outcome of the joint Partnership for South Hampshire work on Strategic Development Opportunity Areas as part of the sub-regional Statement of Common Ground

which will assess the most appropriate locations for development in the sub region.

- That Fareham Borough Council are urged to reconsider the proposals for HA2 and the SGA which are contrary to the objectives of the climate change and air quality policies.

In the light of the above comments it will be important to maintain our ongoing dialogue as part of our bilateral Statement of Common Ground work as well as our continued involvement as part of the multilateral PUSH initiatives. In the meantime if you require any clarification on these matters please do not hesitate to contact me.

Yours sincerely

Debbie Gore
**Head of Planning and Regeneration
and Assistant to the Chief Executive**

Appendix 1: Gosport Borough Council's detailed representations to the Fareham Local Plan: Supplement (February 2020)

The detailed comments, summarised in the attached letter, are set out below and form part of Gosport Borough Council's representation to the Fareham Local Plan 2036.

1 Development Strategy

- 1.1 Whilst the principles of good growth are supported it is considered that the proposed development strategy does not represent 'good growth' for the residents of Gosport Borough nor those of Fareham Borough particularly those in Stubbington and Hillhead and those living in Fareham itself, including those within or in close proximity to the Air Quality Management Areas.
- 1.2 The proposed HA2 allocation and the Strategic Growth Area, with limited transport choice, will exacerbate existing traffic congestion issues associated with the Gosport Peninsula and increase air pollution to the detriment of local residents. It will hamper economic opportunities and investment potential within Gosport Borough.
- 1.3 The plan fails to consider cross-boundary issues and should recognise the importance of the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington.
- 1.4 The Development Strategy does not acknowledge the issues relating to the transport issues on the Gosport Peninsula. The existing boundaries of the Strategic Gap should be retained in order to maintain an effective transport corridor through the gap. Additional development immediately adjacent and accessing the route will negate all the benefits of the recently improved and commenced road infrastructure. This investment has been implemented to address existing deficiencies not facilitate new development. These issues are expanded further in the following sections.

2 Housing

Unmet need

- 2.1 It is acknowledged that the Fareham Local Plan:*Supplement* recognises that it may likely have to address the unmet need from neighbouring authorities and consequently the overall housing figure will have to be confirmed.
- 2.2 It is considered that the issue of unmet need is a very important matter to address on a sub-regional basis as a number of local authorities, including Gosport Borough, have a dense urban character and collectively have a significant housing requirement when using the Government's standardised

methodology. It is important to recognise that in order to create sustainable communities across South Hampshire it is necessary to ensure that: there is sufficient land for employment to create local jobs and reduce out-commuting and congestion; there are genuine, affordable and convenient public transport choices; and there is sufficient quality open spaces to meet environmental, recreational and health needs. Consequently the Council supports the joint working initiative of the PFSH Statement of Common Ground and the evidence which will lead to a shared spatial strategy. This will identify the most appropriate locations within the sub-region for new growth to 2036 and ideally towards 2050 to ensure comprehensive long-term good planning for the sub region. As part of the evidence several broad areas across South Hampshire will be independently assessed regarding their suitability for large scale development considering environmental and infrastructure factors. These will be known as Strategic Development Opportunity Areas (SDOAs).

- 2.3 The Fareham Local Plan identifies two Strategic Growth Areas (SGAs) which could potentially meet sub-regional unmet need. These are: an Area north of Downend near Wallington; and the area South of Fareham. This Council objects to the SGAs particularly the South Fareham SGA on the basis that the sub regional work has yet to be completed on potential SDOAs. Further details are set out later within these representation.

Five year housing supply policy

- 2.4 The FLP:*Supplement* includes a five year housing land supply policy which states that where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements set out in the Local Plan, additional housing sites outside the urban area boundary may be permitted where they meet certain criteria including:
- The proposal is relative in scale to the demonstrated five year housing land supply shortfall;
 - It is sustainably located adjacent to, and well related to, the existing urban area boundaries and can be well integrated with the neighbouring settlement;
 - The proposal is sensitively designed to reflect the landscape character and setting of the settlement and to minimise any adverse impact on the countryside and, if relevant the Strategic Gaps.
- 2.5 The Council objects to this policy as it implies that if Fareham's five year housing supply is not met the first area of search is outside of the urban area boundary. Instead the policy should refer to sites within urban areas, brownfield land, underutilised employment sites, sites close to train stations, under-utilised town centre sites such as car parks and shopping precincts, consideration of using Council land assets and other public sector land, intensification of existing neighbourhoods, as well as opportunities to increase densities on existing allocations such as Welborne. These types of sites should be clearly identified as being preferential before greenfield land outside the urban area, particularly within the Strategic Gap, are considered.

2.6 The Council also objects to the criterion relating to strategic gaps which is also covered in more detail later in this representation.

3 Housing Allocations and maintaining an objection to the HA2 allocation

Newgate Lane South residential allocation (HA2)

3.1 The *Supplement* states it is not re-consulting on the proposed allocation in the DFLP (2017) which included the Newgate Lane South allocation known as HA2. However as this site remains identified as an allocation and there has been no additional evidence to address any of the Council's substantial concerns it is proposed that the Council reiterates the comments made previously on this matter.

3.2 The proposed allocation is located on the western boundary of the Borough, with Tukes Avenue and other residential roads (Heron Way, Pettycot Crescent) to the east; and the new route of Newgate Lane to the west. The HMS Collingwood playing fields are situated to the north and the Brookers Field recreation ground to the south. The key concerns are reiterated in Annex A and form part of this Council's representations to this latest document.

3.3 The Council would also like to make additional comments on this allocation. It is noted that the latest SHELAA provides the housing and employment land availability position within Fareham Borough as at 1st December 2019 and forms an integral part of the evidence base that underpins the Fareham Local Plan 2036.

3.4 The HA2 allocation is identified as three component parts in the document. With regard to the southern site it clearly recognises that the introduction of junctions along Newgate Lane South Relief Road would interfere with the free-flow of traffic which the Relief Road now provides. It adds that, '*as this and all other access would interfere with traffic flows, it is considered development of the site would be unsatisfactory. It would be feasible to develop the western part of the site from the existing Newgate Lane and incorporate measures to improve/relieve Woodcote Lane.*'

3.5 Similarly with regard to the middle site the potential for access to Newgate Lane South through the construction of a roundabout is considered unsatisfactory and a revised option would need to be explored and that the identification of a suitable highway access is pending.

3.6 With regard to the northern site it states that suitable highway access has been identified onto Tukes Avenue. This Council would like to understand where this access is located as this has not been identified in the FLP: *Supplement*. It is important to note that an erratum was issued to the DFLP (2017) which withdrew the original proposed access onto Tukes Avenue as local homeowners had not been informed or had given their permission for an access.

3.7 It is recognised that the SHELAA is an evidence study not a policy document however it is necessary to understand whether FBC are

proposing to amend the HA2 policy. There are no proposed changes identified in the FLP: *Supplement* and the policy included in the DFLP 2017 referred to access off Newgate Lane whereas the evidence in the SHELAA identifies significant problems with access off Newgate Lane. This Council and HCC objected to the proposed allocation being accessed off Newgate Lane due to the detrimental impact that 475 dwellings directly onto the recent road improvements would have on north-south movements on the strategic transport corridor.

3.8 The Council maintains an objection on highway and accessibility grounds due to the impact that 475 dwellings would have on the residential roads of Bridgemarky. No evidence is provided on the scale of this impact nor are there any details provided on the potential access routes.

3.9 In the light of this the Council maintains its objection to the HA2 allocation due to these accessibility issues (together with the other reasons set out in Annex A) and would also question whether the development is actually deliverable.

4 Strategic Growth Areas

4.1 The Development Strategy recognises that FBC has an obligation to work with neighbouring authorities in order to identify and address unmet need within the region. PfSH are working on a Statement of Common Ground to identify Strategic Development Opportunity Areas (SDOAs) that could be selected to meet the unmet needs in the sub-region. This work will continue through 2020 with a final presentation to PfSH Joint Committee in early 2021. FBC states that it will be an active partner in these discussions and that the Publication (Reg. 19) version will need to address unmet need.

4.2 The Council strongly objects to the Strategic Growth Area based on two principles which are set out fully in the rest of this section:

- 1) They pre-judge the work currently being undertaken by PfSH regarding the most appropriate Strategic Development Opportunity Areas and that this work should be concluded before any SGAs are identified.
- 2) That the South of Fareham SGA fails to acknowledge the previous concerns made by Gosport Borough Council regarding: the issues concerning HA2; the need to preserve a transport corridor to, and from, the Peninsula; and the need to maintain a strategic gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington and that any significant development would affect the long established integrity and function of the Strategic Gap.

1) PfSH work

4.3 The PfSH work on SDOAs is in the process of being procured in which an independent consultant will consider the appropriateness of a number of sites to deliver housing need in South Hampshire to 2036 and beyond. This includes a number of broad areas across South Hampshire as well as the potential to intensify development on currently identified major

development areas.

- 4.4 It is considered necessary for the findings of this work to be concluded and an approach agreed by PfSH Joint Committee before these Strategic Growth Areas are identified. The identification of SGAs could prejudice this work and fails to recognise this Council's significant concerns regarding the South Fareham SGA. Alternative sites may be more suitable and if the SGAs are already identified in an emerging Fareham Local Plan there may be reluctance to bring these sites forward in other parts of the sub region.
- 4.5 For example there may be opportunities to increase the residential quantum at Welborne itself by increasing densities. Even marginal density increases in areas where the current proposed densities are 'up to 30 dwelling per hectare' (dph) and 'up to 35 dph' could yield significant increases in the number of dwellings at this site.
- 4.6 By considering further options for a railway halt at Welborne would also facilitate higher densities. Given the restricted supply of land in the South Hampshire sub-region building at exceptionally low densities would represent a missed opportunity as the PfSH authorities plan forward to 2036 and onto 2050. Such increases in densities would make public transport and other facilities more viable and would also reduce the need to develop in the Fareham, Gosport, Lee-on-the-Solent, and Stubbington (FGLS) Strategic Gap.
- 4.7 It is clear from the NPPF that planning policies and decisions should support development that makes efficient use of land. It states that 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 the developments make optimal use of the potential for each site.

2) Specific issues regarding the South Fareham SGA

- 4.8 It is clear that the Fareham SGA policy will affect the function and integrity of the Strategic Gap which has previously been agreed by both Councils and undermines the sub regional objectives of maintaining a Strategic Gap. Such development will have a detrimental impact on existing residents in Gosport, Lee-on-the-Solent, Stubbington, Hillhead and southern Fareham.
- 4.9 There is currently no detailed evidence available regarding the scale of development proposed and consequently the likely impacts on traffic generation, infrastructure and the environment. Whilst it is recognised that this is difficult at this stage as the overall quantum is not yet known it would be useful to have an understanding of whether various environmental and infrastructure constraints have been considered.
- 4.10 Some of the Council's key concerns relating to the Strategic Growth Area relate to the principles of developing in the FGLS Strategic Gap and are detailed further below:
- Transport and Accessibility

- Air quality
- The principle of maintaining a Strategic Gap to prevent coalescence and protect the identity of settlements.
- Protecting the Strategic Gap to deliver multi-functional benefits for local communities

- 4.11 **Transport and accessibility:** One of the Council's primary concerns is the impact of potential new development, including any additional allocations in the SGA and the proposed HA2 allocation, will have on the effectiveness of the strategic transport corridor through the existing Strategic Gap. It is considered that any allocations which have access directly onto the recently improved Newgate Lane and the proposed Stubbington Bypass will negate the benefits these proposals will deliver to improve accessibility to, and from, the Peninsula.
- 4.12 These improvements are aimed at addressing existing acute transport infrastructure deficiencies, not to enable development on greenfield sites directly adjacent to the routes. Instead this improved infrastructure can bring regeneration benefits to difficult brownfield sites in Gosport and make them more attractive to investors. The NPPF is very clear that policies should promote the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 4.13 The issue of maintaining an effective transport corridor is imperative for Gosport's future prosperity. The Stubbington Bypass route is the only opportunity to improve vehicular access to the Borough. If the benefits of the Stubbington Bypass are negated by significant development being built with access directly onto the Bypass, this last opportunity would be lost and there would be a real sense that Gosport has been 'blocked in'.
- 4.14 This would perhaps be less significant if Gosport had its own railway station and had a reasonable job density rate with limited out-commuting. However this is certainly not the case.
- 4.15 Gosport has the lowest job density in the South East of England and one of the lowest in England at only 0.5 jobs per resident person of working age. Such a low job density has significant implications for the Borough including the considerable scale of daily out-commuting which puts tremendous pressure on the existing road system resulting in acute traffic congestion and high levels of air pollution as evidenced in the Air Quality Management Areas identified within Fareham Borough at the north end of the Peninsula. This congestion results in the road network reaching full capacity and an extended peak time spreading on key routes. This actual congestion as well as the wider perception of congestion that exists can act as a disincentive for business and employment investment. Gosport has limited transport options with no fixed rail link and hence the effectiveness of the small number of road routes from Gosport is even more important.
- 4.16 **Specific accessibility issues relating to the SGA and Newgate Lane East** It is likely that a significant proportion of traffic from any development in the SGA will require access along Newgate Lane towards Fareham Town

Centre. It is important to recognise that Newgate Lane East and other associated improvements were designed to achieve the following:

- improving access to the Peninsula including the Solent Enterprise Zone at Daedalus;
- increasing capacity and easing existing congestion on the route;
- creating fewer interruptions to traffic flow caused by turning traffic, or on-road cyclists;
- improving the alignment for safety reasons.

4.17 These objectives would be undermined by potential development within a SGA. It was not intended that the strategic highways improvements would facilitate new housing development. Gosport Borough Council is very concerned that development within the SGA, together with HA2, will have a detrimental impact on the existing significant congestion problems on the Gosport Peninsula and detract from recent and proposed improvements that aim to improve traffic flow to, and from, the Peninsula. This is critical for the future economic prosperity of the Borough including achieving the full potential of the Enterprise Zone.

4.18 The earlier DFLP was accompanied by an Interim Transport Assessment for the DFLP allocations (Oct 2017) which recognises that the current Volume over Capacity (v/c) exceed 100% in the PM peak on Newgate Lane and is approaching available practical capacity in the AM peak resulting in significant congestion. Consequently, it is already recognised that traffic exceeds the available capacity on this strategic route. Table 2 summarises information from this document which highlights that this situation is predicted to worsen over the period to 2036 and consequently the report recognises that Newgate Lane will experience ‘*more noticeable increases in traffic flow.*’

Table 2: Road capacity on Newgate Lane

	Volume over Capacity (v/c) on Newgate Lane		
	2015	2036 Baseline: Existing adopted local plan commitments (S Hants) with planned transport improvements*1	2036 Baseline plus DFLP allocations*2
AM	83%	98%	100%
PM	102%	106%	107%

*1 including Stubbington Bypass and Newgate Lane improvements

*2 this does not include any potential growth in Gosport Borough arising from the Gosport Borough Local Plan Review

4.19 With any further allocations within this area this situation would be exacerbated still further plus it will be necessary to take into account the additional allocations being put forward as part of the emerging work for the Gosport Borough Local Plan 2036.

4.20 The latest transport modelling work suggests numerous junctions in the area will suffer from severe or significant impacts over the period to 2036 when just taking into account existing permissions and adopted Local Plan

allocations. This work incorporates committed transport schemes (such as the Stubbington Bypass). This situation is further exacerbated by the proposed Fareham Local Plan allocations and does not appear to have included any proposed development in the SGA, as the potential quantum of development is not yet known. It is clear however that any development in the SGA would have a detrimental impact on an already severely congested network on the Peninsula. Further work is to be undertaken as part of a Transport Assessment which will consider if there are any appropriate mitigation measures. This strengthens the case that such a designation should await the outcome of the aforementioned PfSH work as there are likely to be more appropriate locations for major development which have genuine transport choices in less congested parts of the sub-region or beyond. The PfSH work will include transport modelling work.

- 4.21 **Potential impact on the effectiveness of the Stubbington Bypass:** It is important to note that the DFLP (2017) stated in paragraph 11.46 that the Stubbington Bypass is not being provided with an intention of serving or facilitating additional new homes.
- 4.22 The DFLP recognised that this route forms part of Hampshire County Council's plan for improving access to Fareham and Gosport and seeks to ease congestion, improve safety and the area's economic prosperity by encouraging investment and regeneration, including at the Solent Enterprise Zone at Daedalus. The accompanying text in the DFLP acknowledged this will create a reliable route for traffic wishing to travel from the Gosport Peninsula westwards towards the M27 at Junction 9, in conjunction with recently completed works at St Margaret's Roundabout on the A27, and works underway to upgrade the A27 between the Titchfield Gyratory and Segensworth to two lanes in both directions. It stated that the bypass is not being provided with an intention of serving or facilitating additional new homes. GBC consider that FBC's position in the DFLP is still valid and should be maintained. There is currently no information available regarding the impact that the SGA will have on the effectiveness of the Stubbington Bypass and how development will be accessed.
- 4.23 **Air quality:** Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and therefore it would be necessary to include measures mentioned in Policy INF2 of the DFLP which promotes sustainable transport to mitigate this impact. This is likely to be difficult for allocations in the Strategic Gap of this scale with limited public transport choice.
- 4.24 **The principle of maintaining a Strategic Gap to prevent coalescence and protect the identity of settlements:** The Strategic Gap is identified in the GBLP (Policy LP3) and FBC's current Local Plan (Policy CS22 of the Core Strategy). GBC and FBC have worked collaboratively in the past to define the boundaries of the Strategic Gap and have been successful in maintaining a functional gap and visual separation between the settlements.
- 4.25 The *Supplement* consultation is a significant change in the long-established position as it appears to accept large-scale development in the Strategic

Gap. This Council strongly opposes this change in approach and considers that the additional residential proposals will have a significant and detrimental impact on the current form and function of the Strategic Gap and no amount of 'careful planning' would be able to mitigate these impacts.

4.26 The sub-regional PUSH Spatial Position Statement states that Councils should identify in their Local Plans strategic countryside gaps of sub-regional importance and that these gaps are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities. It recognises that gaps can provide the space for necessary uses such as recreation areas, transport corridors and environmental mitigation.

4.27 FBC's current Policy CS22 states that '*development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of the settlements*'. The Policy recognises that maintaining separation will prevent coalescence of the settlements in this densely settled part of South Hampshire.

4.28 The justification text states that gaps between settlements help define and maintain the separate identity of individual settlements and have strong local support. It adds that Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. It acknowledges that continuing pressure for high levels of development mean that maintaining gaps continues to be justified.

4.29 It is considered the text of Policy CS22 remains relevant in relation to the strategic gap. Indeed the current boundary has been supported by a Planning Inspector as recently as May 2015. In his report into the Examination in Public for the Fareham Local Plan Part 2, the Inspector refers to FBC's evidence regarding the review of Strategic Gaps and states,

'although the review did not specifically take into account the route of the Stubbington by-pass and the Newgate Lane improvements, there is no reason to conclude that these proposals would justify altering the boundary of the gap in those locations. Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound.'

4.30 The DFLP (2017) also included a policy relating to Strategic Gaps (Policy SP6) which continues to prevent the coalescence of urban areas and to maintain the separate identity of settlements. It also identified a Strategic Gap between '*Fareham/Bridgemarky and Stubbington/Lee-on-the-Solent*'. It stated, '*development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements.*' The justification text acknowledged 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'. It also clearly stated in Paragraph 4.39 that, 'further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemark along with maintaining the separate identity of Peel Common.' This Council agrees that this gap should be maintained.

4.31 Allocations in the Strategic Gap would also contradict FBC's own evidence which seeks to protect the strategic gap as set out in the Fareham Landscape Assessment (2017) which incorporates a review of the Strategic Gap.

4.32 The Council's previously mentioned comments relating to the Woodcot area which includes the land covered by the proposed HA2 Newgate Lane allocation are re-iterated in Annex A of this representation. The study also includes a character area which relates to the gap between Fareham and Stubbington covered by the SGA. There is a specific section on the Review of the Strategic Gap Designation. It concludes,

'This area is a cohesive agricultural landscape which performs multiple roles in respect of the primary and secondary purposes and functions of the Strategic Gap. Even minor encroachment beyond the existing, strong settlement boundary along the southern edge of Fareham could potentially disrupt local settlement pattern and character and have an adverse effect on the Gap functions and the overall integrity of the agricultural landscape. There may be some scope for very modest 'rounding off' of Stubbington on its northern edges, within existing parcels of land where development could be integrated without unacceptable impacts. Overall, however, it is recommended that the Gap boundaries remain tightly drawn around the existing settlement edges, with allowance for development only in exceptional circumstances where the purposes and integrity of the Gap can be maintained and significant GI and other benefits would result.'

4.33 The Council agrees with the findings of the Study regarding the importance of the Fareham/Stubbington Gap area to be maintained. These findings also raise the question whether there may be preferable locations for very limited allocations here before the HA2 allocation is considered as the evidence on the Woodcot area concludes,

'Even minor encroachment beyond existing settlement boundaries could have an adverse effect on these functions and the overall integrity of the landscape and Strategic Gap. It is recommended that the Gap boundaries remain unchanged.'

4.34 Gosport Borough Council agrees with these findings set out in the Fareham Landscape Assessment and considers that these areas should remain an integral part of the Strategic Gap fulfilling their current function.

4.35 Whilst recognising that circumstances have changed in terms of the need to accommodate additional housing numbers it is considered that there is an even stronger imperative to protect these important strips of land

between settlements in the form of the Strategic Gap which certainly continue to perform the long-established planning function that both Councils have worked together to protect.

4.36 It is also recognised that the local plan process is the appropriate time to review such designations, however it is considered that the proposed changes will affect the integrity of the remaining gap by significantly reducing its width. This and other proposed residential allocations by their sheer scale will undoubtedly harm the character of the gap and will diminish the physical and visual separation of the settlements.

4.37 **Protecting the Strategic Gap to deliver multi-functional benefits for local communities:** This Council proposes that we work together with FBC bilaterally and as part of PfSH to find a long-term strategy for the strategic gaps which serve a number of existing functions that could be further diversified. These functions include:

- Strategic transport corridor for critical road infrastructure to, and from the Peninsula including the recent Newgate Lane improvements and the Stubbington Bypass.
- The Daedalus employment areas which have been designed to reflect the character of this part of the Gap
- Utilities including the Peel Common Waste Water Treatment Works
- Sustainable power - Solar farms and IFA2
- Recreational land to improve cycle and walking routes to facilitate countryside access between the communities and links with Titchfield and the Meon Valley.
- Land for environmental mitigation
 - Land required for nitrate mitigation
 - Land required to deflect recreational pressure from sensitive coastal habitats and/or create Brent Goose refuges to allow development to take place in more sustainable locations
 - Land required for biodiversity net gain
 - Land required for carbon storage
- Maintaining local food production

4.38 Therefore as part of resolving the outstanding issues, to be set out in the Statement of Common Ground, that FBC considers the option of establishing a multi-functional corridor which includes the various uses set out above. It is considered appropriate that the agreed joint long term strategy would include the whole strategic gap including areas within Gosport Borough to ensure that recreational and environmental benefits are taken together.

5 **The Natural Environment**

Climate Change Policy

- 5.1 The climate change policy promotes a mitigation and adaptation to climate change through amongst other things, a development strategy that minimises the need to travel by allocating sites and generally directing development to locations with better services and facilities, or where they are capable of being improved. This Council disputes that the overly flexible approach being promoted by the five year housing land policy, which presumes in favour of out of settlement sites when there is no five year housing supply, is consistent with this Policy. Similarly the proposed SGA policy will exacerbate travel by private car. It is considered that the PfSH work on SDOAs across South Hampshire needs to consider the most sustainable locations for development first.

Air quality policy

- 5.2 Similarly it is difficult at this stage to envisage how the proposals in the existing Strategic Gap including the HA2 allocation and the potential in Strategic Growth Area can meet the requirements of the proposed air quality policy. This states that development will be permitted if it positively contributes towards the delivery of the Council's Air Quality Action Plan by mitigating the effects of development on air quality within the Air Quality Management Areas and/or any Clean Air Zones. Given that the HA2 and any SGA sites will be largely car borne with a significant proportion of traffic using Newgate Lane it is difficult to understand how these will positively contribute to the air quality with in the AQMA at Quay Street.

Annex A: Re-iteration of comments made to the Draft Fareham Local Plan (2017) relating to the Newgate Lane South allocation

- That this Council maintains its objection in full to the proposed residential allocation at Newgate Lane (referred to in the previous Draft Fareham Local Plan (DFLP) (2017) as HA2) for the reasons set out below:
 - The proposal would physically and visually diminish the long-established Strategic Gap between Fareham, Gosport, Lee-on-the-Solent and Stubbington;
 - The proposal will negate the benefits provided by the recent improvements to Newgate Lane with a negative impact on traffic flow and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent Enterprise Zone at Daedalus;
 - The proposal will significantly harm the amenities of local Gosport residents with the introduction of new access points to existing residential areas, which due to the scale of the proposal would lead to a significant increase of traffic on residential roads;
 - The proposal, as previously described in the DFLP is very car dependent with no provision for public transport. This would exacerbate the number of trips using Newgate Lane;
 - There is insufficient information on supporting infrastructure required including education, medical and community facilities.

Further details are set out below:

- Strategic Gap*
- A1 In order to accommodate the Newgate Lane residential allocation the DFLP proposes to amend the Strategic Gap between '*Fareham/Bridgemarky and Stubbington/Lee-on-the-Solent*', which is identified in the GBLP (Policy LP3) and FBC's current Local Plan (Policy CS22 of the Core Strategy). GBC and FBC have worked collaboratively in the past to define the boundaries of the Strategic Gap and have been successful in maintaining a functional gap and visual separation between the settlements.
- A2 The sub-regional PUSH Spatial Position Statement states that Councils should identify in their Local Plans strategic countryside gaps of sub-regional importance and that these gaps are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities. It recognises that gaps can provide the space for necessary uses such as recreation areas, transport corridors and environmental mitigation.
- A3 FBC's current Policy CS22 states that '*development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of the settlements*'. The Policy recognises that maintaining separation will prevent coalescence of the settlements in this densely settled part of South Hampshire.

A4 The justification text states that gaps between settlements help define and maintain the separate identity of individual settlements and have strong local support. It adds that Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. It acknowledges that continuing pressure for high levels of development mean that maintaining gaps continues to be justified.

A5 It is considered that this remains relevant in the case of the Newgate Lane area. Indeed the current boundary has been supported by a Planning Inspector as recently as May 2015. In his report into the Examination in Public for the Fareham Local Plan Part 2, the Inspector refers to FBC's evidence regarding the review of Strategic Gaps and states,

'although the review did not specifically take into account the route of the Stubbington by-pass and the Newgate Lane improvements, there is no reason to conclude that these proposals would justify altering the boundary of the gap in those locations. Having visited the area I agree with the Council that the gap between Fareham and Stubbington is justified in order to retain visual separation and that the proposed road improvements would not justify a revision to the boundary. The Council's approach is sound.'

A6 The latest DFLP also includes a policy relating to Strategic Gaps (Policy SP6) which continues to prevent the coalescence of urban areas and to maintain the separate identity of settlements. It also identifies a Strategic Gap between 'Fareham/Bridgemarky and Stubbington/Lee-on-the-Solent'. It states, 'development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements'. The justification text acknowledges 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'. It also clearly states in Paragraph 4.39 that, 'further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemarky along with maintaining the separate identify of Peel Common.' This therefore appears to contradict the removal of the Newgate Lane area from the Strategic Gap.

A7 The proposed removal of this land from the Strategic Gap also appears to be at odds with FBC's own supporting evidence. The Fareham Landscape Assessment (2017) incorporates a review of the Strategic Gap designation including the 'Woodcot area' which includes the land covered by the proposed Newgate Lane allocation. It concludes,

'This is a cohesive area of undeveloped landscape which performs an important role in respect of the primary purposes of the Strategic Gap i.e. in defining the edges, separate identity and settings of Fareham and Gosport, preventing their coalescence. Even minor encroachment beyond existing settlement boundaries could have an adverse effect on these functions and the overall integrity of the landscape and Strategic Gap. It is recommended that the Gap boundaries remain unchanged.'

A8 Gosport Borough Council agrees with these findings set out in the Fareham Landscape Assessment and considers that the Woodcot area should remain an integral part of the Strategic Gap.

A9 Whilst it is recognised that the local plan process is the appropriate time to review such designations it is considered that the proposed change at Newgate Lane will affect the integrity of the remaining gap by significantly reducing its width. The residential proposal by its sheer scale will undoubtedly harm the integrity of the gap and will diminish the physical and visual separation of the settlements.

Transport and accessibility

A10 The Council also objects to the proposed allocation due to the potential negative impacts on the new Newgate Lane route. The new route was designed to achieve the following:

- improving access to the Peninsula including the Solent Enterprise Zone at Daedalus;
- increasing capacity and easing existing congestion on the route;
- creating fewer interruptions to traffic flow caused by turning traffic, or on-road cyclists;
- improving the alignment for safety reasons.

A11 These objectives would be undermined by the proposed development. It was not intended that the improvements would facilitate new housing development.

A12 The DFLP is accompanied by an Interim Transport Assessment for the DFLP allocations (Oct 2017) which recognises that the current Volume over Capacity (v/c) exceed 100% in the PM peak on Newgate Lane and is approaching available practical capacity in the AM peak resulting in significant congestion. Consequently it is already recognised that traffic exceeds the available capacity on this strategic route. Table 3 summarises information from this document which highlights that this situation is predicted to worsen over the period to 2036 and consequently the report recognises that Newgate Lane will experience ‘more noticeable increases in traffic flow.’

Table 3: Road capacity on Newgate Lane

	Volume over Capacity (v/c) on Newgate Lane		
	2015	2036 Baseline: Existing adopted local plan commitments (S Hants) with planned transport improvements*1	2036 Baseline plus DFLP allocations*2
AM	83%	98%	100%
PM	102%	106%	107%

*1 including Stubbington Bypass and Newgate Lane improvements
 *2 this does not include any potential growth in Gosport Borough arising from the Gosport Borough Local Plan Review

A13 At the present time this allocation has not been assessed by the Local

Highway Authority to determine the implications on the highway capacity of Newgate Lane and no modelling work has been assessed to consider the trip generation from this level of development, either in terms of numbers of additional vehicles or their likely distribution on the highway network or highway safety. Therefore the Council has no option but to object to the proposed allocation in the DFLP on this issue at this stage. Gosport Borough Council is very concerned that the proposed allocation will have a detrimental impact on the existing significant congestion problems on the Gosport Peninsula and detract from recent and proposed improvements that aim to improve traffic flow to, and from, the Peninsula. This is critical for the future economic prosperity of the Borough including achieving the full potential of the Enterprise Zone.

- A14 The north-south movements along Newgate Lane should not be hindered by any proposed new access arrangements for the proposed allocation and the Council objects to any proposals which will significantly hinder this flow. A new access off the proposed roundabout will introduce an interruption to traffic flow, particularly as it is envisaged to serve the whole development and that by its location and limited transport choice the proposed allocation would be very car-dependent. Indeed the supporting FBC Sustainability Appraisal concedes that the *'majority of sites [in the DFLP] are sustainably located which will improve accessibility and encourage travel by sustainable modes, although the urban fringe sites at Funtley Road and Newgate Lane South are less sustainably located.'*
- A15 Due to the lack of detailed available information it is not known what the likely impacts will be on the links and junctions further north e.g. the northern section of Newgate Lane, the Longfield Avenue roundabout, the northern section of the A32 and the Quay Street roundabouts and beyond to the M27 Junction 11. Additionally, vehicles travelling south from the site will also reduce the capacity of the recently improved Peel Common Roundabout, which may also have significant implications for traffic queuing on Rowner Road.
- A16 Given that the proposed allocation may well negate the benefits gained by the Newgate Lane road improvements it will also be necessary to consider whether this site together with other potential residential developments on the south side of Fareham could cumulatively have a detrimental impact on the function and objectives of the Stubbington Bypass. It is important to note that the DFLP states in paragraph 11.46 that the Stubbington Bypass is not being provided with an intention of serving or facilitating additional new homes. FBC is therefore not being consistent in its policy approach between the Stubbington Bypass and the Newgate Lane improvements.
- A17 The Newgate Lane allocation policy (HA2) includes a criterion that makes provision for off-site highway improvements and mitigation works, however, this Council requires further details of such measures, and questions whether the principle of any proposal at this site would be able to satisfactorily mitigate these impacts.
- A18 The Council is also concerned that the proposed allocation would not meet the requirements of the DFLP sustainable transport policy (Policy INF2). Amongst other things, this policy aims to ensure that development:

- does not demonstrate a severe cumulative impact (causing demonstrable harm) on the operation, safety or accessibility to the local or strategic highway networks; and
- mitigates impacts on the local or strategic highway networks arising from the development itself, or the cumulative effects of development on the network, through provision of improvements or enhancements to the existing network to accommodate additional traffic; or contributions towards necessary or relevant transport improvements.

A19 In the light of the above policy it is considered that the proposed allocation may not be able to provide any meaningful improvements to satisfy these requirements given the current and ongoing access issues to and from the Gosport Peninsula.

A20 The DFLP originally proposed two other vehicular accesses (in addition to Newgate Lane) which link the potential new allocation to the existing residential communities in Gosport. This includes Brookers Lane as a secondary access for a limited number of dwellings.

A21 The other proposed access off Tukes Avenue has now been withdrawn following a recently issued addendum by FBC which reads, *'The site promoter has advised Fareham Borough Council that the potential access identified via the demolition of two houses on Tukes Avenue (165 and 167) is a factual error. The site promoter has confirmed that potential vehicle access via these properties is not being pursued'*

A22 Notwithstanding that the residents of these and adjacent properties were most unfortunately not previously notified of these proposals, it is not clear from this statement whether the site promoter will be seeking an alternative access on the eastern boundary. It is considered that any such access points from housing areas within Gosport, will add to traffic on the local highway network within Gosport, which again has not yet been quantified in terms of number/distribution and junction/link capacity. The nature and scale of these access points will have a direct impact on their use/attractiveness, particularly if through routes are created. The creation of such accesses may create rat-runs through the existing residential areas within Gosport, due to perceived journey time savings compared with joining Rowner Road/Peel Common Roundabout. This could be exacerbated with the development of the Stubbington Bypass.

A23 Despite the addendum significant concerns remain regarding any proposed access onto Tukes Avenue. These include:

- The amenities of neighbouring residents as an access road will serve a considerable number of dwellings;
- The capacity of Tukes Avenue and adjoining roads to take the additional traffic; and
- The proximity to facilities such as Woodcot Primary School and the impact on pedestrian safety.

A24 There is no mention of improving public transport with regard to the proposed allocation. This needs further consideration to reduce the site's car dependency which would add further pressure on Newgate Lane. This will also have a detrimental impact on the existing Air Quality Management

Areas within Fareham. It will be necessary to explore strategic transport options such as the potential for a new bus rapid transit link which could connect Lee-on-the-Solent, Daedalus, Newgate Lane, and the Busway through to Fareham.

A25 Cycle and pedestrian links to the adjacent Bridgemary and Peel Common are identified in Policy HA2.

Residential amenities and design

A26 Any development of this scale on greenfield land will create significant concerns from existing residents particularly in areas immediately adjoining the site. It will be critical that their amenities are not harmed by any future proposals on this site and this should be reflected in Policy HA2.

School provision

A27 Provision is included in the policy to ensure improvements to local schools and early-years childcare (as identified by the Local Education Authority). However, there is insufficient detail of how local school places could be affected by the proposals. It will be necessary to understand the impact of the new housing development on local schools as any development on this site is likely to include a high proportion of households with children.

Community facilities

A28 It will also be important to understand whether any new development at Newgate Lane can be sufficiently supported by other community facilities in the area including health facilities (such as GPs) and community hall provision and whether it is necessary to provide new community facilities as part of the development. Consequently without such information such proposals cannot be supported.

A29 Policy CF1 of the DFLP recognises the need for community facilities as part of large residential developments and that these should be delivered to prescribed timescales to meet the needs of the community. The DFLP specifically mentions Bridgemary School as the primary location for community facilities (sport pitches, courts, hall and stage, and various meeting and conference rooms for hire). It states that these facilities are generally less than 1km from within the allocation and that it is not considered necessary for additional space to be provided with the allocation.

A30 Policy LP32 of the GBLP requires the consideration of community facilities for new residential developments (normally for sites of 100 dwellings or more). It is therefore considered appropriate for FBC to further assess the community requirements of a development of this scale and include such provision within Policy HA2.

Open space

- A31 The proposals as set out in Policy HA2 include a number of open space requirements including:
- Neighbourhood Equipped Area of Play (NEAP) and a Multi-Use Games Area for older children on-site;
 - Improvements to existing off-site sports facilities at Brookers Field and Tukes Avenue which are GBC-owned facilities.
 - The potential to take a financial contribution to improve sports pitch provision and associated facilities at Tukes Avenue Open Space and/or Brookers Field Recreation Ground.

- A32 It will be necessary to ensure such provision meets the requirements of any new community without affecting that enjoyed by existing residents.

Air quality

- A33 Any additional traffic on Newgate Lane is likely to have an impact on the Air Quality Management Area (AQMA) at the north end of Newgate Lane and Gosport Road and therefore it would be necessary to include measures mentioned in Policy INF2 specifically to mitigate this impact for this development allocation. This may be difficult for a development of this scale with limited public transport choice. The issue of air quality is highlighted in the Interim Traffic Assessment which notes that in January 2017, Fareham and Gosport Environmental Health Partnership issued the Annual Status Report 2016, which concluded that both the existing AQMAs need to be extended as locations outside of the AQMAs had exceeded the annual mean NO₂ objective for Fareham. The AQMA extensions were agreed in October 2017.

Drainage

- A34 The area includes a number of drainage ditches which are part of the River Alver catchment. The development allocation proposes to retain and enhance these drainage ditches as part of a Sustainable Drainage System (SuDS). It will be important to understand the impact of any development on potential for surface water flooding in the vicinity and the water quality of the River Alver.

Natural environment

- A35 The proposal aims to retain existing field and tree boundaries and to incorporate street trees and verges to reflect the character of Bridgemary.

END

Respondent: Mr Nicholas John (297-13127)

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

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

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. Parts 1, 2 and 3 are below which I have linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places (NB the 'Review of ASLQ and Gaps' is not available for selection). Parts 4 & 5 are submitted separately against HP4 and HA54/55 as best available approximations] Objection to the 2021 Revised Publication Local Plan At the end of 2020 FBC published a 'Publication Local Plan'. Apparently, there was a consultation about it, but no publicity was posted to my door. In the depths of Covid, I was totally unaware of it. That was based on an NPPF requirement to build 403 a year and seems to have been uncontroversial compared to the appalling 'SGA' Draft Plan (520 p.a.) that was floated a year ago. In December 2020, the government inexplicably decided not to use 2018 ONS statistics but revert to older 2014 stats for the NPPF, resulting in 541 homes p.a. In response, the FBC Executive has published a HIGHLY CONTROVERSIAL 'Revised' Plan. I consider this to be UNSOUND for several reasons. PART 1: Unreasonable Government Targets The total number of houses proposed is staggering. The Govt appears to be totally irrational in its expectations and does not see 'the big picture'. The numerical algorithm is flawed. The Govt and FBC have failed to hold an intelligent negotiation. The result is forcing FBC to make hasty, poor and dubious decisions with irrevocable bad consequences PART 2: Poor Consultation The Plan has been conceived by a small Executive as a fait accompli, avoiding opportunities for a proper 2-way discussion of alternatives. There has been publicity, but the feedback mechanism is obstructive and intimidating. Directed only to the Inspector, there is no stage for FBC to modify its Plan. PART 3: Partisan Solutions Faced with a difficult problem, the Executive seem to exhibit a hint of gerrymandering, with 99% of the additional housing allocated East of the Meon. ASLQ's are proposed to future-protect nearly all of the Western Ward green space. PART 4: Core Values and The Strategic Gap Rigorously developed policies to retain character and separation of town/village settlements ignored. Majority of new development in Strategic Gap. PART 5: Planning Proposals in The Strategic Gap (HA54 and HA55) To recommend deep encroachment into the Gap at the same point from both sides, having already taken out the middle with the By-pass, shows that this Plan is driven by the developers not by any objective consideration. I will submit more detail on PARTS 4 and 5 in separate Representations. PART 1: Government Targets This problem starts with Govt policy to deliver 300,000 new homes nationally. This is not particularly driven to 'house the homeless' or help first time buyers. The objective is to stimulate economic activity. Another stated policy is to 'level up' the economy across the country, but these policies are not working together. Post BREXIT, there should be less focus on the EU-facing South-East, and more business North and West. The NPPF algorithm appears to support a viscous circle of targeting more houses in the SE where there are jobs instead of boosting the economy elsewhere. South Hants is vastly over built but just getting worse. The decision to use 2014 stats is indefensible. FBC should be claiming a mitigating factor that more recent ONS stats indicate a lower demand. The NPPF number is then inflated by 20% because HMG are sceptical about FBC's ability to deliver due to its recent failure to meet 3YHDT. This is largely due to Nitrates restrictions and HMG should take this into account. Rather than concoct 'too clever by half' mitigation schemes, HMG should recognise the serious environmental 'algae' issue and look to REDUCING nitrates rather than 'net zero'. HMG does not actually want FBC to deliver more houses than are needed (silly), the buffer is a safety margin. Why then does FBC add an additional 11% margin on top for the same reason? As neighbouring councils appear to be benefitting from the 2014 stats U-turn, while Fareham loses out, the 'Unmet need' adjustments should reflect this. FBC is not generally delinquent on housing delivery. The Welborne project is finally coming together but the ramp up is slow. With a reasonable expectation of high housing delivery in later years, HMG should allow a slower start up. The desperation to grab low hanging fruit, meet 3YHDT and avoid the 20% buffer is driving FBC to make BAD proposals. FBC do not seem to be pushing back much. The Inspector may see his role as squeezing as many houses out of apparently compliant councils and keep his (or her) powder dry. Hopefully, in the public interest, he will on inspection recommend that FBC lower the targets. PART 2: Poor Consultation The U-Turn on NPPF stats was last December. The Executive knew that allocating the additional housing numbers would be controversial and unpopular. There was ample time to engage with the public and discuss best solutions, ideally around the May elections involving candidates and voters. Instead, this was kept under wraps, voters (and most councillors) thinking that their objections to the SGA's had been listened to and that the administration had reprieved the Strategic Gap and other areas. The Revised Plan was only later revealed, with apparently no time to 'revise' it by public debate or even in full council. There has been publicity and meetings, but feedback is only possible to the Inspector. Much handwashing, with FBC 'not interested' in alternative approaches. The feedback mechanism is quite diabolical, comments limited to 'legality, soundness and co-operation'. Users must specify unique policies or developments they want to comment on. Worse still, comments are restricted only to aspects that have changed in the Revision. 'Evidence' posted before the original 'consultation' cannot be refuted, even though it has only become relevant in the 'Revised' Plan. The 'Survey' system is obstructive and certain to intimidate all but the very dogged contributor. The process seems deliberately opaque. CAT meetings are sparse as people feel powerless. The Executive claim their process is entirely legal, but this merely speaks of the sorry state of local democracy. The Inspector may accept that formalities have been observed but should look carefully to be sure that the public interest is being fairly served. (5818). A Plan may be 'legal, sound and co-operative' but that does not mean it is a good, right or the best solution. PART 3: Partisan Solutions The requirement to find an additional 138 homes per year, must have been something of a challenge to Council Leaders, not least about positioning this to their own constituency voters in the May elections. FBC had already faced a similar challenge in 2019/20 and responded with a large housing 'Strategic Growth Area' to replace most of the Strategic Gap where there should be a presumption against development. I and many others submitted objections to that Draft Plan, but these are now excluded from the current Consultation. I will attempt to resubmit my 2020 objection as it is still relevant and provides background. Facing the new challenge, FBC has revamped and hardened the SGA approach, having worn down resistance and evading real consultation. Note that the FBC Executive, and the Planning Committee

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

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. Parts 1, 2 and 3 are below which I have linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places (NB the 'Review of ASLQ and Gaps' is not available for selection). Parts 4 & 5 are submitted separately against HP4 and HA54/55 as best available approximations] Objection to the 2021 Revised Publication Local Plan At the end of 2020 FBC published a 'Publication Local Plan'. Apparently, there was a consultation about it, but no publicity was posted to my door. In the depths of Covid, I was totally unaware of it. That was based on an NPPF requirement to build 403 a year and seems to have been uncontroversial compared to the appalling 'SGA' Draft Plan (520 p.a.) that was floated a year ago. In December 2020, the government inexplicably decided not to use 2018 ONS statistics but revert to older 2014 stats for the NPPF, resulting in 541 homes p.a. In response, the FBC Executive has published a HIGHLY CONTROVERSIAL 'Revised' Plan. I consider this to be UNSOUND for several reasons. PART 1: Unreasonable Government Targets The total number of houses proposed is staggering. The Govt appears to be totally irrational in its expectations and does not see 'the big picture'. The numerical algorithm is flawed. The Govt and FBC have failed to hold an intelligent negotiation. The result is forcing FBC to make hasty, poor and dubious decisions with irrevocable bad consequences PART 2: Poor Consultation The Plan has been conceived by a small Executive as a fait accompli, avoiding opportunities for a proper 2-way discussion of alternatives. There has been publicity, but the feedback mechanism is obstructive and intimidating. Directed only to the Inspector, there is no stage for FBC to modify its Plan. PART 3: Partisan Solutions Faced with a difficult problem, the Executive seem to exhibit a hint of gerrymandering, with 99% of the additional housing allocated East of the Meon. ASLQ's are proposed to future-protect nearly all of the Western Ward green space. PART 4: Core Values and The Strategic Gap Rigorously developed policies to retain character and separation of town/village settlements ignored. Majority of new development in Strategic Gap. PART 5: Planning Proposals in The Strategic Gap (HA54 and HA55) To recommend deep encroachment into the Gap at the same point from both sides, having already taken out the middle with the By-pass, shows that this Plan is driven by the developers not by any objective consideration. I will submit more detail on PARTS 4 and 5 in separate Representations. PART 1: Government Targets This problem starts with Govt policy to deliver 300,000 new homes nationally. This is not particularly driven to 'house the homeless' or help first time buyers. The objective is to stimulate economic activity. Another stated policy is to 'level up' the economy across the country, but these policies are not working together. Post BREXIT, there should be less focus on the EU-facing South-East, and more business North and West. The NPPF algorithm appears to support a viscous circle of targeting more houses in the SE where there are jobs instead of boosting the economy elsewhere. South Hants is vastly over built but just getting worse. The decision to use 2014 stats is indefensible. FBC should be claiming a mitigating factor that more recent ONS stats indicate a lower demand. The NPPF number is then inflated by 20% because HMG are sceptical about FBC's ability to deliver due to its recent failure to meet 3YHDT. This is largely due to Nitrates restrictions and HMG should take this into account. Rather than concoct 'too clever by half' mitigation schemes, HMG should recognise the serious environmental 'algae' issue and look to REDUCING nitrates rather than 'net zero'. HMG does not actually want FBC to deliver more houses than are needed (silly), the buffer is a safety margin. Why then does FBC add an additional 11% margin on top for the same reason? As neighbouring councils appear to be benefitting from the 2014 stats U-turn, while Fareham loses out, the 'Unmet need' adjustments should reflect this. FBC is not generally delinquent on housing delivery. The Welborne project is finally coming together but the ramp up is slow. With a reasonable expectation of high housing delivery in later years, HMG should allow a slower start up. The desperation to grab low hanging fruit, meet 3YHDT and avoid the 20% buffer is driving FBC to make BAD proposals. FBC do not seem to be pushing back much. The Inspector may see his role as squeezing as many houses out of apparently compliant councils and keep his (or her) powder dry. Hopefully, in the public interest, he will on inspection recommend that FBC lower the targets. PART 2: Poor Consultation The U-Turn on NPPF stats was last December. The Executive knew that allocating the additional housing numbers would be controversial and unpopular. There was ample time to engage with the public and discuss best solutions, ideally around the May elections involving candidates and voters. Instead, this was kept under wraps, voters (and most councillors) thinking that their objections to the SGA's had been listened to and that the administration had reprieved the Strategic Gap and other areas. The Revised Plan was only later revealed, with apparently no time to 'revise' it by public debate or even in full council. There has been publicity and meetings, but feedback is only possible to the Inspector. Much handwashing, with FBC 'not interested' in alternative approaches. The feedback mechanism is quite diabolical, comments limited to 'legality, soundness and co-operation'. Users must specify unique policies or developments they want to comment on. Worse still, comments are restricted only to aspects that have changed in the Revision. 'Evidence' posted before the original 'consultation' cannot be refuted, even though it has only become relevant in the 'Revised' Plan. The 'Survey' system is obstructive and certain to intimidate all but the very dogged contributor. The process seems deliberately opaque. CAT meetings are sparse as people feel powerless. The Executive claim their process is entirely legal, but this merely speaks of the sorry state of local democracy. The Inspector may accept that formalities have been observed but should look carefully to be sure that the public interest is being fairly served. (5818). A Plan may be 'legal, sound and co-operative' but that does not mean it is a good, right or the best solution. PART 3: Partisan Solutions The requirement to find an additional 138 homes per year, must have been something of a challenge to Council Leaders, not least about positioning this to their own constituency voters in the May elections. FBC had already faced a similar challenge in 2019/20 and responded with a large housing 'Strategic Growth Area' to replace most of the Strategic Gap where there should be a presumption against development. I and many others submitted objections to that Draft Plan, but these are now excluded from the current Consultation. I will attempt to resubmit my 2020 objection as it is still relevant and provides background. Facing the new challenge, FBC has revamped and hardened the SGA approach, having worn down resistance and evading real consultation. Note that the FBC Executive, and the Planning Committee

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

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

I have already suggested, for example to Cllr Woodward that Take out the 180 designated for Persimmon and (if you really, really need the numbers) put back in the 150 originally planned for Rookery Farm (that you make great mention of below) which mysteriously remain reprieved, despite the renewed government pressure. That could provide a crumb of decency. You already have 16-homes granted permission at 'The Grange', inside the Gap, to help balance. Having approved The Grange, there will now be housing development along one side of St Edmunds church and cemetery. The Persimmon development on the other side, and the resulting destruction of the 'country lane' ambience of Oakcroft Lane, would subsume the church and grounds into a housing estate. The Gap is supposed to protect 'settlement character' as well as provide 'settlement segregation'. I have heard say that the Rookery Farm proposal was difficult due to access etc for emergency vehicles etc. This suggests a lack of imagination. There is an existing small bridge over the M27 that could allow additional access from Addison Road - if not upgradable for general traffic it could at least allow emergency vehicles.

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

It would go a small way to reducing the suggestion of Gerrymandering in the Plan in that 99% of the additional housing indicated in the Revised Plan has been allocated to eastern wards with virtually nothing west of the Meon

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Your suggested revised wording of any policy or text:

See above

See above

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

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

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

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

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FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND WEST OF OLD STREET, STUBBINGTON

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

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

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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1.0 Introduction Error! Bookmark not defined.
2.0 Completed Representations Form 2-25

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has a interests in land to the west of Old Street, Stubbington (SHELAA ID: 31).
- 1.2 The site was previously the subject of development proposals for up to 160 (reduced to 150) new homes (planning application P/17/1451/OA refused on 23 March 2018, and appeal ref. APP/A1720/W/18/3200409 dismissed on 22 January 2019 refer). Since this appeal decision, and in the light of the Inspector's reasoning, extensive belts of strategic woodland planting have been undertaken at the site which will have the effect of visually detaching part of the site from the Meon Valley and creating a more modest sustainably located site for about 75 new homes on the edge of the urban area of Stubbington.
- 1.3 For the reasons set out in these representations, our client is strongly of the view that this site should be allocated for residential development in the Fareham Local Plan 2037 (hereafter referred to as the Revised Publication Local Plan (RPLP)).
- 1.4 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.5 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.6 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



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

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

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

HP5: Provision of Affordable Housing

B1c Which part of the Policies Map?

Land west of Old Street, Stubbington

Strategic Gap at above site

ASLQ designation

B1d Which new housing allocation site?

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

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

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

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

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

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

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

therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

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

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

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

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

To be 'justified', the Local Plan must:

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

To be 'effective', the Local Plan must:

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

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

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

The RPLP has not been positively prepared because it:

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

The RPLP is not justified because it:

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

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

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

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

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

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

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

The RPLP is not effective because it:

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

The RPLP is not consistent with national policy because it:

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

The RPLP does not meet the Duty to Cooperate

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

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

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

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

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

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

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

Paragraph 3.9 of the RPLP states:

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

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

Policy DS1: Development in the Countryside

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

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

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

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

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

Policy DS2: Development in Strategic Gaps

Under the heading 'Why we need this policy', Paragraph 3.43 of the RPLP states that "Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities". The introduction of 'settlement character' into the policy wording is not consistent with the evidence base which confirms at paragraph 2 in Chapter 4 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps that the "primary purpose of identifying

Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, protecting settlement identity and providing green infrastructure opportunities”.

Policy DS2 should only apply to land which provides a spatial function to maintain separation of settlements and define settlement pattern rather than defining settlement character. Land west of Old Street, Stubbington does not contribute to the spatial separation of settlements, therefore Policy DS2 should not be applied to this land.

This view is supported by the Inspector for the appeal relating to Land west of Old Street, Stubbington APP/A1720/W/18/3200409 who stated that:

"The Meon Gap lies between Fareham/ Stubbington and the Western Wards/Whiteley. Policy CS22 requires the integrity of the gap to be maintained and the physical and visual separation of settlements to be respected. In terms of separation of settlements there is no dispute that there would be no diminution either in physical or visual terms if the development were to go ahead. The policy indicates that the gap boundaries will be reviewed to ensure that no more land than necessary is included in order to maintain gap function".
(our underlining)

The Inspector goes on to state:

"It should be remembered that gap policy is a spatial tool. The Council referred to the role of the gap in maintaining the character or setting of Stubbington. This is considered in the 2017 LCA where the strategic gap designation is reviewed. However, the document makes clear that its purpose is to consider what role the landscape plays within the strategic gaps. It is not intended to examine the designation criteria, or the broad areas identified. This is important to note because it is landscape rather than spatial considerations that are key to settlement character and setting. The character and setting of Stubbington is not pertinent to gap designation or function in policy CS22".

The Inspector concluded:

"I appreciate that a review of gap boundaries was undertaken in 2012 and that no changes were recommended in relation to the land immediately adjacent to Stubbington. However, for the reasons I have given I do not consider that the proposed development of the appeal site would adversely affect the integrity of the Meon Gap". (our underlining)

For this reason, Policy DS2 should not apply to Land west of Old Street, Stubbington, because it has been confirmed that this land does not contribute to the function of the Strategic Gap. The Meon Valley is protected by many environmental designations which prevent development into this area from the Fareham side of the valley. The designated valley floor of the Meon Valley maintains separation of settlements to an extent that an adequate gap is maintained without the inclusion of Land west of Old Street, Stubbington within the Strategic Gap. Fareham Policy CS: 22: Strategic Gaps, states that "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." It is therefore unnecessary for Policy DS2 to apply Land west of Old Street, Stubbington.

At paragraph 7 of Chapter 4 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps states that "Where it is considered that there is capacity to absorb more development within the Fareham-Stubbington Strategic Gap, GI mitigation will be required, to a greater or lesser extent depending on the scale and nature of any development". Again, at paragraph 11 of the chapter 4 summary the Technical Review states "The ability to absorb development into the landscape exists, without compromising the integrity of the Gap function, again on the understanding that the settlement edges must include appropriate Green Infrastructure".

We submit that there is similar potential within the Meon Gap where the Gap is significantly wider than is the case for the Fareham-Stubbington Strategic Gap. This is particularly the case for Land west of Old Street, Stubbington where advance planting and green infrastructure has already been implemented during 2019 and is establishing well. This will continue to develop and establish a wooded edge to the Meon Valley, providing separation between the Meon Valley and Land west of Old Street, Stubbington. This would reinforce the wooded edge characteristics of settlements which are a feature throughout Fareham Borough, as referred to within

the Fareham Borough Gap Review 2012, which states "The edges of new housing are often more visible than older housing stock as a result of garden tree planting, which has helped to screen the older properties adjoining the gap. Properties which back onto woodland have the most robust edge to the gap". In the case of Land west of Old Street, Stubbington the advance planting will create a wooded edge, providing a strong boundary between the site and the Meon Valley (stronger than is the case for the older housing at Hill Head where rear garden boundaries are visible from the Meon Valley) and in so doing it would be more consistent with the character of the settlement edges of the Borough. These green infrastructure enhancements already implemented will bring benefits to the biodiversity of the Meon Valley through enhanced planting and management of the existing farmland.

Policy DS3: Landscape

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

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'. Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

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

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

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

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

The local plan evidence at page 50 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not include the requirement for the landscape to be "protected and enhanced". The requirement to "protect and enhance" the landscape is ambiguous because it is not clear whether it is intended to refer to the landscape of the ASLQ as a whole or if it would apply to a potential development site, within which the requirement to enhance is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. As an example, a development could provide enhancement to the ASLQ landscape through restoration of landscape features or new green infrastructure, but at a site scale the landscape 'change' from an undeveloped site to a developed site is unlikely to result in 'enhancement'.

Each of the Candidate Areas of Special Landscape Quality have been assessed against the GLVIA3 Box 5.1 criteria, which is an accepted tool to assess landscape value. Land west of Old Street, Stubbington is located within ASLQ 4: Meon Valley and in LLCA 6.1c which is described as within the Landscape Assessment (2017) as:

"On the eastern side of the valley floor, area 6.1c is occupied by similar land uses but with greater variation in field pattern and enclosure. The area comprises a mosaic of smaller-scale pastures bounded by strong hedgerows and trees (particularly within the northern and southern ends of the area), two small-scale enclosed tributary valleys and some larger fields with a more open, denuded

character within the central section around the Crofton Manor Equestrian Centre. Together with the adjacent horticultural glasshouses and other commercial operations, this lends a localised fringe character to the landscape but does not detract significantly from the essentially rural characteristics of the overall area”.

At Figure 3.3 each of the LCA within Fareham is assessed against the GLVIA3 ‘valued landscape’ criteria. Figure 1.3 explains the criteria in more detail, defining a ‘High match’, ‘Good match’, ‘Fair match’ and ‘Partial match’.

Land west of Old Street, Stubbington is located within LLCA 6.1c which is assessed as a ‘good match’ for all criteria, except ‘Associations’ which is a ‘partial match’. Figure 3.2 defines a ‘Good match’ as “The area’s scenic quality and condition are both relatively high. It has a generally unspoilt, intact and coherent character with a good level of topographic and visual unity. It has several features of note, including natural and cultural designations, and is valued for its recreational opportunities. There are some detracting influences, but these do not generally intrude”.

We submit that the assessment of LLCA 6.1c has attributed a higher value for the ‘Recreational value’ criteria than can be justified. The southern half of LLCA 6.1c does not have any means of public access so can not be described as being ‘valued for its recreational opportunities’. In the northern half there are infrequent public footpaths and the Crofton Manor Equestrian Centre, neither of which justify the area being defined as ‘valued for its recreational opportunities’. Instead, the term ‘Recreational value is relatively limited’ is a fair reflection of the recreation provision within LLCA 6.1c as a whole, which is the definition applicable to a ‘Partial Match’.

Landscape quality (condition) is also assessed as a ‘Good Match’, despite the Landscape Assessment (2017) acknowledging its ‘denuded character’ and ‘fringe character’. This character is a feature of LLCA 6.1c, and for this reason the ‘Good Match’ definition as ‘generally unspoilt, intact and coherent character’ is not justifiable. A ‘Fair Match’ is most applicable to LLCA 6.1c, defined as “condition is moderate to good. It is generally intact and coherent with some unspoilt characteristics”.

The criteria of ‘Conservation interests’ is also assessed as a ‘Good Match’, defined as “It has a number of features of note, including natural and cultural designations”. We submit that ‘Fair Match’ is a more balanced description of LLCA 6.1c, defined

as "some features of note which may include natural or cultural designations".

In summary, it is considered that if Policy DS3 is not deleted, it should better allow for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

- "ii) The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

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

BL1: Broad Location for Housing Growth

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

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

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

Policy HP1 New Residential Development

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

For clarity, amend to add:

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

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

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

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

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

- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council

identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

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

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

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

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

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land west of Old Street for residential development & removal of Strategic Gap and ASLQ designations

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

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

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which includes Land west of Old Street.

In 2019 the appeal Inspector concluded that the development of the site would not adversely affect the integrity of the Meon Valley Strategic Gap. Clearly, therefore, the site should be excluded from the Strategic Gap boundary. The boundaries of the strategic gap were defined in relation to Core Strategy Policy CS22 and they were drawn in the context of the understanding of development needs at that time – an understanding which no longer reflects current reality, that being a very substantial shortfall in housing land supply and the preparation of the RPLP by the Council which plans to under-provide housing against the Council's annual housing

requirement of 514 homes per annum. Strategic Gap boundaries must be reviewed as part of the process of allocating additional sites for housing in this local plan, and our client's site west of Old Street should be removed from the Strategic Gap.

For the reasons set out above, Policy DS3 should be deleted and the associated ASLQ designation removed from the Proposals Map.

The 2019 appeal Inspector found that Land west of Old Street site lay in an area of valued landscape. In this context, the value of the site's landscape has been re-assessed as part of our commentary on Policy DS3 above, against the GLVIA3 'valued landscape' criteria. As described, the site performs no better than as a Fair or Partial match against these criteria. When account is taken of the effect of the structural woodland planting undertaken over time, it is clear that development of the eastern part of the site will only have a minor impact on the wider landscape at most. Lying adjacent to the existing settlement of Stubbington, the introduction of development will appear entirely characteristic within the receiving landscape, while providing a strong, vegetated edge to the countryside in perpetuity. There is no doubt that the character of the developed part of the site would change, but that is no different for any greenfield development. There is no reason to assume that the site's development will be anything other than an attractive extension to Stubbington and one which is entirely congruous with its surroundings. The site's landscape containment has been enhanced through woodland planting which will both screen it from the Meon Valley and enhance its biodiversity.

Moreover, the western part of the site, beyond the woodland planting belt, is being used to provide mitigation habitat for Solent Waders and Brent Geese, off-setting development impact on low use SWBG sites elsewhere in borough. The segregation of this part of the site acknowledges this function and avoids its disturbance.

The west of Old Street site is also sustainably located for access to services and facilities and to sustainable transport modes (walking, cycling and public transport).

For all of these reasons, the Council is encouraged to allocate Land West of Old Street, Stubbington for about 75 dwellings. The site is controlled by a highly reputable local housing developer – Bargate Homes – which has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five year housing land supply.

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

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Amend the Proposals Map to remove Land west of Old Street from the Strategic Gap;
- Delete Policy DS3 and the ASLQ designation from the Proposals Map;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land west of Old Street for about 75 dwellings and amend the Proposals Map accordingly.

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

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

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

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

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

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

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

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

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

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

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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

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

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

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

1.0 Introduction

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

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

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

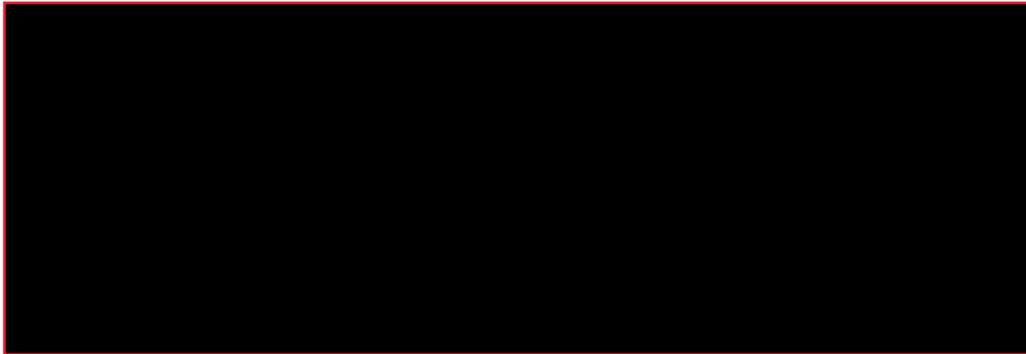
Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



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

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

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

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

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

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

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

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

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

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

The RPLP Is Unsound

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

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

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

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

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

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

- *Be based on proportionate evidence.*

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

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

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

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

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

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

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

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

includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The RPLP does not meet the Duty to Cooperate

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

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

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

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

Representations about specific draft Policies of the RPLP:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

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

BL1: Broad Location for Housing Growth

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

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

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

Policy HP1 New Residential Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

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

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

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

Longfield Avenue (site 3008) states:

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

2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.

- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*

2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of it's impact on the Strategic Gap.

2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

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

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

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

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

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

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

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

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

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

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

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

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

For the reasons stated above.

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

See above.

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

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

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

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

Appendix:

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

**Fareham Local Plan:
Revised Publication Plan Consultation (July 2021)**

Representations by Persimmon Homes (South Coast)

July 2021

1. INTRODUCTION

1. Persimmon Homes (South Coast) (PHSC) welcomes the opportunity to comment on the Revised Fareham Draft Local Plan 2036 (Regulation 19: Publication draft) (RLP).
2. Persimmon Homes commented on an earlier Regulation 19 Publication draft of the Fareham Plan in March 2019. A copy of these comments are attached to these representations (see **Appendix 1**) and should be read alongside this Statement.
3. For brevity, given our response to the previous Regulation 19 Plan, we have sought to limit our comments to those elements of the draft Plan that are new. However, in the case of Policies H1, HP4 we have updated our previous comments so the content of these representations should be viewed as superseding those made previously. With regards to Policies DS2, CC1, NE2 and NE5, PHSC's comments made on the previous Regulation 19 plan still stand, but additional commentary on these policies is also provided in these representations.
4. The structure of these representation is as follows: Section 2 discusses the legal requirements of the RLP, and Section 3 sets out PHSC's response to the soundness of the Plan with reference to the tests set out in the NPPF. Persimmon has a number of sites within Fareham Borough that it is promoting for residential development. These including Land east of Crofton Cemetery and west of Peak Lane (formerly referred to by the Council as Oakcroft Lane, Stubbington), which is now proposed for allocation. This site is discussed under Section 3 of these representations. Persimmon Homes is also promoting five other 'omission sites', which are discussed in detail under Section 4 of these representations (and under Section 4 of our previous representations). PHSC's omission sites are listed below for ease of reference:
 - Land East of Burnt House Lane, Stubbington
 - Land West of Peak Lane, Stubbington
 - Land North of Titchfield Road, Stubbington
 - Land South of Titchfield Road, Stubbington
 - Land West of Cuckoo Lane, Stubbington

2. REVISED LOCAL PLAN LEGAL REQUIREMENTS

DUTY TO COOPERATE

5. Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended) requires local planning authorities (LPAs) to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters, including housing. The DtC legislation sets out the process for such engagement, but does not require that agreement is reached between parties on DtC issues. As such, based on the Council's Statement of compliance with the Duty to Co-operate (September 2020) it is considered that the legal requirement of the DtC has been met.
6. However, as detailed later in the Housing Need and Supply Section of these representations, the requirement to plan for sufficient housing, including the unmet housing needs of neighbouring authorities is also a soundness issue in respect of ensuring that local plan has been positively prepared (i.e. NPPF soundness test a)).

SUSTAINABILITY APPRAISAL (SA)

7. The Council has commissioned a focused update of the emerging Local Plan's SA that takes into account the changes made to the Plan since the previous Regulation 19 draft Local Plan consultation in 2020. Given the changes to the RLP, this is considered necessary from a legal perspective, so the SA update is welcomed by Persimmon.

CLIMATE CHANGE

8. Planning for climate change is a legal requirement under the Climate Change Act 2008 (see also Paragraph 153 of the NPPF). The issues associated with Climate Change are many, but it is PHSC's view that the RLP has provided policies that will address such issues (although in some instances we have recommended changes to policy wording). The Plan also includes a specific policy on climate change (Strategic Policy CC1). As such, in PHSC's view, the Council has discharged its legal duties for Plan-making with regards to climate change.

HABITATS REGULATION ASSESSMENT (HRA)

9. The Council has commissioned a focused update of the emerging Local Plan HRA that takes into account the changes made to the Plan since the previous Regulation 19 draft Plan. Given the changes to the RLP, this is considered necessary from a legal perspective, so the HRA update is welcomed.
10. With regards to PHSC's land interests in the Borough, the Council has resolved to allocate the site: Land east of Crofton Cemetery and west of Peak Lane (Policy H54) for housing development. The conclusion of the HRA in respect of this site is set out in detail under the detailed policy commentary on the H54 Policy.

3: SOUNDNESS ASSESSMENT OF REVISED LOCAL PLAN POLICIES

DEVELOPMENT STRATEGY

Strategic Policy DS2: Development in Strategic Gaps

8. Whilst our comments made towards the previous Regulation 19 Plan in respect of the Fareham-Stubbington Gap and the Meon Strategic Gaps are still relevant, it is pleasing to see that the Council is again considering some growth in the Fareham-Stubbington Gap area (see Policies H45 and H55), despite it no longer progressing the Strategic Growth Area (SGA) concept first mooted in the March 2020 Regulation 18 Fareham Draft Local Plan 2036 Supplement¹.
9. However, as set out below in Section 4 of these representations (and in PHSC's previous representations), the Persimmon is of the view that the Council has not gone far enough in terms of assessing whether further development could come forward within these extensive Gap areas, particularly in light of the significant housing needs for the Borough and the extensive unmet needs of neighbouring LPAs as discussed later in this Statement.

HOUSING NEED AND SUPPLY

Strategic Policy H1 Housing Provision

10. A key driver for the Council undertaking this additional Regulation 19 consultation is because it is now applying the correct Standardised Methodology Local Housing Need (LHN) figures (as opposed to the draft Standardised Methodology that was consulted on by Government in August 2020 but subsequently dropped). This change of approach is welcomed and indeed necessary if the Council's RLP is to be found sound at examination. By applying the correct Methodology, the Council's LHN has increased from 403 dpa (as per the previous Regulation 19 Plan) to 541 dpa. A consequence of this change is that the Council has needed to find additional supply sites to meet its housing needs.

RLP Plan Period

8. As set out in the Council's 2021 Local Development Scheme, an allowance of approximately nine months has been made for the examination of the RLP with adoption estimated for Autumn/Winter 2022. However, in PHSC's experience, and given the shortcoming of the Plan set out in these representations, it is considered likely that the Plan will not be adopted until year 2022/23. Should this be the case, it will be necessary for the Council to extend the Plan period by a further year so the requisite 15 years is covered as is required by national planning policy (NPPF Paragraph 22).

Sub-regional Unmet Housing Needs

9. As set out in Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance (PPG), LHN is the 'minimum starting point' for determining a Local Plan's housing requirement. Councils are required to consider other factors, for example unmet needs from neighbouring LPAs that may necessitate an uplift to LHN.

¹ As confirmed in this draft Plan (Paragraph 3.8), the SGA concept was proposed as a means of meeting unmet need in the sub-region.

10. In the regard, it is noted that the RLP proposes to add 900 homes to LHN to arrive at housing requirement of 9,556 across the plan period 2021-37 (which is equivalent to an average of 597 dpa). This increase represents a c.10% increase on LHN. When this is considered against the significant housing shortfall across the Partnership for South Hampshire (PfSH) sub-region, it is clear that the Council’s proposed uplift is woefully inadequate. Table 1 below provides an indication of the extent of unmet across the sub-region.

Table 1: Comparison of housing need and supply and extent of sub-regional housing shortfall 2020 – 2036

Local Authority	Annual Housing Need using Standard Method (dpa)	Total housing need 2020 – 2036	Supply = Commitments, local plan allocations + windfall estimate	Shortfall/surplus
East Hants (part)	112	1,792	1,169	-623
Eastleigh	694	11,104	8,335	-2,769
Fareham	514	8,224	6,550 ²⁶	-1,674
Gosport	344	5,504	2,919	-2,585
Havant	504	8,064	8,822	+758
New Forest	785	12,560	10,035	-2,525
Portsmouth	854	13,664	12,995	-669
Southampton	1,002	16,032	12,904	-3,128
Test Valley (part)	181	2,896	3,135	+239
Winchester (part)	235	3,760	5,986	+2,226
Total	5,225	83,600	72,850	-10,750

Source: Report to the Partnership for South Hampshire Joint Committee, 30 September 2020: Statement of Common Ground – Revision and Update (Table 4: Comparison of housing need and supply 2020 – 2036)²

11. As Table 1 demonstrates, as at September 2020, the shortfall in housing across the PfSH area equates to nearly 11,000 homes. However, since this assessment was undertaken, due to changes in the Standard Methodology (which include a ‘city uplift’), the LHN figure Southampton has increased to 1,389 dpa (equivalent to an additional 315 dpa). This is a significant rise in LHN for Southampton Cit. In light of Table 1 above, without a commensurate and significant increase in supply in Southampton City (which is considered unlikely) the sub-regional shortfall is likely to have increased. The negative impact on housing delivery as a result of COVID-19 and challenges presented by nitrate neutrality issues in the Solent area is also likely to have further exacerbated the sub-regional shortfall.

² <https://www.push.gov.uk/wp-content/uploads/2020/09/Item-8-Statement-of-Common-Ground-Update-30.09.20.pdf>

12. The Council will be aware that Fareham Borough straddles both the Southampton (Western) Housing Market Area (HMA) and the Portsmouth (Eastern) HMA³ and therefore has a vital role to play in terms of addressing housing needs of other LPAs given its relatively unconstrained nature, strong land availability and its strategic transport links to the major cities in the Solent sub-region.
13. Focussing on the Portsmouth HMA, which includes key settlements of Fareham, Stubbington and Portchester, it is noted that in the 2019 Regulation 19 Havant Borough Local Plan that Havant Council was previously intending to accommodate around 1,000 dwellings of the sub-regional unmet need. However, as shown in the current Submission draft Plan, which is currently the subject of examination⁴, Havant is no longer seeking to meet any of the sub-region's unmet needs. Turning to Gosport Borough, which is a highly constrained authority with limited land available to accommodate growth, it is understood this Council has not yet made a formal request to Fareham Council to take any of its unmet. However, this does not mean that unmet in Gosport does not exist. Anecdotally, it is understood that the unmet housing needs in Gosport Borough are likely to be in region of 2,000 dwellings. Given that only a relatively small part of East Hampshire and Winchester Districts fall within the Portsmouth HMA, the scope for these LPAs to accommodate growth in this part of the Solent sub-region is curtailed.
14. With regards to Portsmouth, where the issue of unmet need is most acute, it is noted that the City Council published a Regulation 18 draft of the Plan for consideration by its Cabinet members meeting on 27th July 2021⁵. As shown in Table 2 of the draft Plan, Portsmouth City Council (PCC) has identified a 1,000 home unmet need that is required to be accommodated elsewhere. However, if one delves deeper into the supply sites set out in the emerging Portsmouth Plan, it is clear that there are a number of strategic sites in Portsmouth that are unlikely to come forward within the Plan period (or at least unlikely to deliver at the anticipated rates set out in the Plan).
15. PHSC's concern with regards to Portsmouth supply is largely concerned with the development proposals for the City Centre area (4,605 dwellings) (see Portsmouth Plan Policy S1) due to viability issues, existing uses and multiple ownership (see Paragraphs 7.1.14 of the emerging Portsmouth Plan where some of these delivery issues are detailed). Persimmon's concerns are also levelled at key parts of the Tipner area (see Portsmouth Plan Policy S2), in particular the Tipner West site (also known as Lennox Point), which is proposed to deliver in excess of 3,500 new homes⁶. With regards to Tipner West, as shown at **Appendix 2**, the site is adjacent to national and international ecological designations including the Portsmouth Harbour Ramsar site, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

³ This area includes Portsmouth City Council, Havant Borough Council, Gosport Borough Council and parts of Fareham, Winchester and East Hampshire.

⁴ The Submission Havant Borough Plan can be viewed by following this link:

<https://cdn.havant.gov.uk/public/documents/CD01%20Submission%20Local%20Plan%20Format%20Update%20June%202021.pdf>

⁵ The Regulation 18 Portsmouth Plan can be viewed by following this link

<https://democracy.portsmouth.gov.uk/documents/s31724/Draft%20Portsmouth%20Plan%20-%20Appendix%20A%20-%20Draft%20Reg%20A.pdf>. Tipner

⁶ The Tipner West development proposals are detailed on the Council's dedicated webpage that can viewed by following this link: <https://lennoxpoint.com/>

However, to make the ecological impact of this site worse still, the Council is proposing land reclamation that will effectively 'eat' into these designations. The site should not therefore be classed as suitable for development. Viability of the current Tipner West proposals has also not been adequately assessed. Values in Portsmouth are challenging and when combined with the considerable build cost (for example, but not limited to, extensive under-croft parking) and costs associated with the land reclamation and land remediation, the site is unlikely to be viable. When these issues are considered in round the Tipner West site cannot, at this stage, be claimed to be developable. As such, the housing numbers from this site (and the City Centre sites) should not be counted towards PCCs housing requirements. It follows, therefore, that Portsmouth's housing requirement to be reduced accordingly, and this unmet need should then be accommodated elsewhere in the Portsmouth HMA area. In Persimmon's view, Fareham Borough is the most appropriate location for this unmet need to be addressed.

16. It is also noteworthy, as set out in minutes of the above PCC Cabinet meeting, that even the political leaders of Portsmouth Council are not convinced that the Tipner development should/will be brought forward. The Decision summary of the Cabinet meeting (partly reproduced in the bullet points below) in relation to Tipner is telling:

6. Also believed the target cannot be met without significant impact on the protected habitats that surround Portsmouth. It would be wholly wrong for the Government to unaccountably require the Council to cause environmental harm by over-riding environmental protection legislation.

7. Asked therefore the Leader to write to the Government to establish whether the Secretary of State for Housing Communities and Local Government believes the housing target and the necessary associated development in the Tipner-Horsea Island area are of such overriding public interest as to justify the scale of development required and the impacts on the ecology of the Solent Waters.

17. In light of the above, there is a real danger that the unmet needs in Portsmouth City are being significantly underestimated in the City Plan; potentially to tune of nearly 3,500+ additional homes should Tipner be deemed as undeliverable, and possible nearly 5,000 additional homes should the City Centre sites not come forward as planned. Given that the emerging Fareham Plan (and emerging Havant Plan for that matter) are proceeding in advance of the Portsmouth Plan⁷, it is important that a realistic understanding of unmet needs emanating from the City is established now so that Fareham Borough Council is able to make an appropriate contribution towards meeting such need through this current plan cycle. Should this not occur, and the Fareham Plan proceeds without due regard to the above, there is strong possibility that City's unmet need will be not be addressed due to the misalignment of the respective Local Plan production timetables for these LPAs.
18. To summarise on unmet housing needs relevant to the Fareham RLP; the Council's suggested contribution of 900 homes towards unmet supply is wholly inadequate in the context of

⁷ The Portsmouth LDS (July 2021) (Cabinet Draft) anticipates submission of the City Plan toward in Spring 2022 with adoption towards the end of 2022. A copy of the Portsmouth LDS can be viewed by following this link: <https://democracy.portsmouth.gov.uk/documents/s31717/Local%20Development%20Scheme%20update.pdf>

extensive sub-regional unmet needs across the PFSH area (at least 11,000 homes) and with regards to the Portsmouth HMA as summarised in Table 2 below.

Table 2: PHSC Analysis of Unmet in the Portsmouth HMA

	LPA confirmed unmet need	PHSC expected unmet need
Portsmouth City	1,000	3,500 – 8,105
Gosport Borough	TBC	2,000
Havant Borough	0	0
East Hampshire (part)	0	0
Winchester (part)	TBC	TBC
Total	1,000	5,500 – 10,105

19. Whilst the above situation is clearly challenging, it is PHSC’s view that **the Fareham RLP can still be found sound with reference to NPPF soundness test a) subject to modifications including the inclusion of additional housing sites to meet sub-regional unmet housing needs.** As such, the above situation should not prevent the Council from submitting the RLP for examination, as it is considered that a pragmatic approach to the examination can be taken whereby omission sites are considered as part of the examination process. This approach has been taken in respect of the Havant Local Plan examination, where the Inspectors have struck an appropriate balance between the need to progress a Local Plan in a timely fashion whilst also recognising that there are deficiencies in terms of housing supply.

Further Uplifts to H1 Requirements

20. In addition to our concerns above regarding the Policy H1 Housing Requirement, Councils are advised through national planning policy / guidance to consider whether any adjustments should be made to the LHN figure to account for other factors (alongside DtC issues) such as economic growth and affordable housing provision (which appears to be absent from the RLP). With regards to affordable housing, the Council commissioned a Housing Needs Survey as part of its previous 2020 Regulation 18 consultation draft Plan in 2017. At the time, the Survey suggested that there is a net affordable housing need of 302 dpa, which equates to approximately $\frac{3}{4}$ of the H1 housing requirement. Whilst the Standard Methodology accounts for affordability (or lack thereof in Fareham’s Borough’s case), actual affordable housing need indicates that a further uplift to Fareham’s LHN may be necessary.

Stepped Housing Requirement

21. The H1 Policy Requirement is expressed in the RLP as a stepped housing requirement, which backloads housing delivery towards the latter part of the Plan period. This approach is at odds with the NPPF’s objective to boost the supply of housing (see Paragraph 60) and therefore **the RLP is unsound in the context of soundness test b). To remedy this issue, Policy H1 should be expressed as an average requirement; it should not be stepped.**

RLP Housing Supply: Windfall Allowance

22. Policy H1 includes an estimated 1,224 windfall dwellings. The Council's Housing Windfall Projections Background Paper (June 2020) does not provide a detailed breakdown of which sites are being considered as windfall. The Council's figures cannot therefore be scrutinised. Until such time as the Council publishes this detail underpinning the windfall allowance, this element of the supply should not be counted towards the Council's housing requirement.

RLP Housing Supply: Proposed Housing Allocations

23. Allied to above, a further 3,358 homes are identified on Housing Allocation sites (i.e. sites prefixed with a HA reference in the RLP). However, a number of these sites are rolled forward allocations from the current adopted Local Plan - and in some cases (i.e. HA29 and HA30) are sites that formed part of the Western Wards growth area that was originally identified in the 1970's - but have failed to be delivered. As such, it is questionable whether the Council has properly assessed deliverability / developability of some of the proposed allocation sites comprising its supply. It is advisable therefore that the quantum of housing expected from some of the questionable supply sites should not be counted against the housing requirement in the Plan, and alternative sites (such as those set out in the Omission Sites section of PHSC's representations) should be identified to ensure the Council's housing requirements are met.

RLP Housing Supply: Welborne

24. In addition to the above, the deliverability issues associated with Welborne are well documented. The Oakcroft Lane appeal proposal (discussed in greater detail below under Policy H54 below) Statement of Case (May 2021) (SOC) (see **Appendix 3**) that has been prepared by Savills on behalf of Persimmon Homes provides a detailed analysis of the likely delivery timescales of the Welborne site (see SOC Paragraphs 7.18 to 7.45 in particular). Whilst this SOC focusses on the current five year supply period (i.e. 2021/22 to 2025/26), it confirms that first completions at Welborne are unlikely to occur until around year 2024/25 or 2025/26 (as opposed to first completions in 2022/23 as per the Council's trajectory). The consequence of a delay to the start of the site, would mean that the Council's Welborne trajectory would be 'pushed back' further in the Plan Period resulting in further units at being delivered outside of the plan period. This would have the effect of further reducing the Council's housing supply across the plan period. The further reduction in supply should be addressed through the identification of further omission sites to 'plug' this gap.

Policy HP4 Five-Year Housing Land Supply

25. With regards to the first Paragraph of this Policy, the Council's has suggested a change of wording that states that a development 'will be' permitted as opposed to 'may be' permitted. This amendment has created a positively worded policy and has removed any potential for ambiguity in its implementation by decision-makers. This is supported by PHSC.
26. With regards to criterion (b) the Policy states that a development should be '...integrated with the neighbouring settlement'. It is unclear whether this mean a physical link between the development and the adjoining settlement or whether that a development should be integrated in design terms. This needs to be clarified.

27. Criterion c) seeks to prevent development in a strategic gap that may significantly affect its integrity. As per our comments in respect of Policy DS2, this is a highly subjective policy criteria that will be challenging to interpret by decision-makers and applicants alike. It is also noted that Policy DS2 sets out different policy requirements with regards to the protection of Strategic Gaps (i.e. proposals should not affect the physical and visual separation of settlements). This has the potential to create an internal conflict within the Plan as it is unclear which policy requirements (either HP4 or DS2) would take precedent where the Council is unable to demonstrate adequate five year supply. It is suggested therefore that the wording for Criterion c) is deleted or replaced with a cross reference to Policy DS2 (including Persimmon's suggested amendments to Policy DS2).

HOUSING ALLOCATION POLICIES

28. The following section address some of the key allocation sites identifies in the RLP.

Policy BL1: Broad Location for Housing Growth

29. This is new Policy in the RLP that identifies a 'Broad Location for Growth' within Fareham Town Centre that is expected to deliver 620 new homes within years 10-16 of the Plan period.
30. The BL1 Policy states that there are a number of sites that form part of the 'Broad Location', including the surface and multi-storey car parks, the police station and bus station offices, Fareham Shopping Centre, Fareham Library, Ferneham Hall and the Civic offices. However, the RLP does not ascribe a capacity to any of these sites, so it is not possible to confirm whether the overall capacity for the BL1 Policy is accurate. It is noted that sites proposed in the previous iteration of the emerging Plan (i.e. FTC1: Palmerstone Car Park and FTC2: Market Quay), which are both located in the BL1 area, were identified as having a combined capacity of 120 dwellings but have now been deleted from the Plan. These FTC sites were originally perceived by the Council as key regeneration sites so their deletion from the RLP casts considerable doubt over whether the other sites in the BL1 area are likely to come forward.
31. Furthermore, given that the RLP anticipates that development within this Broad Location will come forward towards the end of Plan Period (i.e. a developable housing site), in line with the NPPF Glossary, the Council should be satisfied that there is '*a reasonable prospect that [it] will be available and could be viably developed at the point envisaged*'. PHSC has not been able to find any such assessment in the Council's Plan or in the supporting evidence base (including the SHELAA). Indeed, the Policy wording for BL1 seems to indicate the opposite; that viability of re-development in the BL1 area will be very challenging and that many sites may not be available for development due to existing uses / multiple ownerships.
32. Whilst PHSC recognises that Local Plans should be ambitious, they should also be realistic and deliverable. As such, it is Persimmon view that the BL1 site should continue to be identified in the Plan (in order to allow the proposed Town Centre SPD to be brought forward and set the framework for the proposed regeneration proposal of BL1), but any supply for BL1 should be excluded from the RLP plan period supply. The position regarding the BL1 site can then be reassessed as part of the requisite Plan review that will need to take place in 5-years following adoption of the Plan.

Policy HA54: Land east of Crofton Cemetery and west of Peak Lane

33. Policy HA54 relates to a site located to the north of Stubbington that is controlled by Persimmon Homes.
34. The following section of these representations set out the planning background for the H54 site before providing commentary on the Policy wording and the relevant Local Plan evidence base.

H54 Planning Context / Background

35. By way of background, a planning application was submitted by PHSC in March 2019 on the H54 site for development proposals comprising 261 new homes and supporting uses (LPA Application Ref: P/19/0301/FP). This application was refused in August of the same year. The Decision Notice associated with this application is provided at **Appendix 4**.
36. In response to this refusal, PHSC made significant revisions to the 2019 scheme, and submitted a revised planning application in July 2020 for 206 new homes and associated development (LPA Application Ref: P/20/0522/FP). As demonstrated though the Case Officer's Reports to Planning Committee (see **Appendix 5 and 6**), following detailed and extensive technical work and negotiation between the Council and Persimmon Homes, the application was recommended for approval by officers. However, the scheme was subsequently refused by members at Planning Committee in February 2021 (see Decision Notice at **Appendix 7**). For brevity, the key Plans and technical evidence base supporting the 2020 application (and as considered most relevant to the H54 Policy) are listed below and are provided with these representations for ease of reference for the Council and the Inspector(s). However, Persimmon would urge the Council and the Inspector(s) to review the application / appeal proposals information in full⁸.
 - Location Plan (**Appendix 8**)
 - Site Layout Plan (**Appendix 9**)
 - Building Heights Plan (**Appendix 10**)
 - Landscape and Visual Impact Assessment (**Appendix 11**)
 - Ecology Management Plan (**Appendix 12**)
 - Shadow Habitat Regulation Assessment (**Appendix 13**)
 - Flood Risk Assessment (**Appendix 14**)
 - Archaeological Written Scheme of Investigation (**Appendix 15**)
 - Archaeological Desk-Based Assessment (**Appendix 16**)
 - Arboricultural Method Statement (**Appendix 17**)
 - Travel Plan (**Appendix 18**)
37. In light of the above, it is Persimmon's strong and considered view that the H54 site is capable of delivering 206 new homes and that application should have been approved by the Council. PHSC has therefore lodged an appeal against this refusal (Appeal Ref:

⁸ A link to the application is as follows:

<http://www.fareham.gov.uk/casetrackerplanning/ApplicationDetails.aspx?reference=P/20/0522/FP&uprn=10012131685>

APP/A1720/W/21/3275237). The appeal inquiry date is 19th October 2021. Based on the Council's LDS (June 2021), it is likely that the appeal will be decided part way through the RLP examination. It is suggested, therefore, that the Planning Status section of the H54 Policy should make reference to the live appeal.

38. Following the refusal of the revised the 2020 application, the Council published an updated version of its Regulation 19 Local Plan in June 2021 (which is the subject of these representations). The 2021 Regulation 19 Plan identified Persimmon's site as a housing allocation (Policy H54: Land east of Crofton Cemetery and west of Peak Lane) for 180 new homes. Without prejudice to the comments set out in these representations (and PHSC's appeal case), the Company has submitted a revised planning application for 180 dwellings, which aligns with the site capacity set out in the emerging H54 Policy. However, for the avoidance of doubt, PHSC remain firmly of the view that the site is capable of delivering a minimum of 206 new homes.

H54 Policy and Relevant Local Plan Evidence Base

SHELAA

39. Persimmon strongly supports the allocation of the H54 site in the emerging Local Plan, and welcomes the Council's acknowledgement that the principle of residential development at the site is acceptable.
40. The site was not included as a draft allocation in the 2020 Regulation 19 draft of the Plan but, as confirmed in the SHLEAA 2021, a re-assessment of the site (SHELAA Ref 1341) by the Council resulted in it being deemed 'suitable', 'available' and 'achievable' and therefore a 'developable' housing site (i.e. it can be brought forward in the post-five year period). Persimmon supports the SHLEAA's conclusion with regards to the site's 'suitability', 'availability' and 'achievability', and the Company confirms (as evidenced in the technical reports associated with the 2020 application) that there are no issues/constraints associated with the site that would prevent it from being brought forward for housing in the short term.
41. As touched upon above, however, Persimmon do not support the 2021 SHELAA conclusion that site is only capable of accommodating 180 new homes, and contend that the site is capable of delivering a minimum of 206 new homes. Paragraphs 4.9 to 4.11 of the SHELAA confirm that site capacities have been determined using a generic gross to net conversion (60% gross to net for sites above 2ha) before applying a density multiplier to the resulting net area (usually 30 dph, but lower densities are applied where surrounding existing development justifies a reduction). Given that the SHELAA identifies the site as having a gross area of 19.25, using the Council's gross to net conversion (i.e. net area of 11.55ha), the net density of the site would equate to only 15.6 dph. Notwithstanding the fact that the Case Officer and the Council's Urban Designer deemed 206 dwellings to be appropriate for the site, it is clear that the SHELAA capacity of 180 dwellings is very low. Furthermore, the net density applied by the Council bears little relationship to the character and prevailing density of the surrounding area; particularly that of the existing development immediately to the east of the site around Spartan Drive (**Appendix 19**) and Summerleigh Walk (**Appendix 20**) that have the strongest relationship with the H54 site (c. 24 dph and 29 dpa, respectively)⁹. Were these net densities

⁹ It is noted that the net density of the existing development located beyond the woodland area to the south of the site, around Mark's Tey Road (**Appendix 21**) is calculated at approximately 15.9 dph. However, the

applied to the Oakcroft Lane net area (as determined through the Council’s SHELAA methodology) the resulting yield for the site would be between 277 and 334 dwellings.

42. PHSC would caution against such crude density-based assessments of site capacity for housing allocations, as development quantum is, in Persimmon’s view, far better understood through site-specific constraint analysis / technical assessment and design work (as has been the case with the appeal proposals). It is also noted that the development to the south around Mark’s Tey Road (which appears to have been the driver for 180 capacity at H54) does not include a varied mix of housing (comprising of only large detached dwellings) nor any affordable housing provision. To use the net density of this residential area as justification for a very low density development at the Oakcroft site is therefore unjustified and unreasonable. It is clear, based on the above, that the 280 homes capacity (as advocated by Persimmon Homes) sits comfortably within the lower end of the 24-29 dph density range cited above. In Persimmon’s view, the Council’s approach to assessing the site’s capacity in the SHELAA is overly simplistic, does not take proper account of the site’s context, and has not had regard to the detailed technical work undertaken and submitted by PHSC as part of the 2020 application / appeal proposals. Furthermore, by proposing the site for only 180 dwellings, the Council is not making an effective use of land in line with the requirements of the NPPF (see NPPF Paragraph 119, in particular).

43. Turning to the delivery timeframe of the H54 site, there appears to be some confusion in terminology used in the SHELAA 2021. Persimmon are of the view (and this appears to be confirmed in SHELAA 2021 commentary) that the site is ‘deliverable’ (i.e. it can be brought forward entirely within first five years of the Plan, based on adoption date set out in the LDS). An update to the Council’s SHLEAA 2021 to confirm the above is therefore required. It would also be beneficial for the Council to include a detailed trajectories for the individual sites that comprise is supply (including the H54 site) to allow proper scrutiny of the Council’s assumptions (including for the five year period). To assist the Council, Persimmon has provided its anticipated delivery trajectory for the H54 site (based on a 208 site capacity). This is set out in Table 3 below.

Table 3: PHSC H54 Delivery Trajectory

2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
0	28	50	50	50	30

44. It is clear, given our comments above (particularly those made in relation to housing requirements and supply), that the Land east of Crofton Cemetery and west of Peak Lane site forms a vital component of the Council’s housing land supply both in terms of the five year supply and the Local Plan supply across the plan period more generally. As such, the Council should not be seeking to unnecessarily (and without adequate justification) limit the capacity of the H54 site to 180 homes. This is at odds with requirement in the NPPF to positively plan for development, including meeting the housing needs of the Borough and the extensive unmet needs of neighbouring LPAs. Furthermore, as demonstrated by the

relationship between this residential area and the H54 site is poor due to the intervening vegetation and large residential property and grounds at 18 Lychgate Green.

Officer Report and the supporting technical work for the 2020 application this proposal, combined with the deficiencies in the approach taken in the SHELAA, the 180 dwelling capacity proposed in the draft Plan is not justified by evidence. **As currently drafted this element of the Policy may not be regarded not sound, but could be made sound through a modification that increases the site capacity to a minimum of 206 new homes¹⁰.**

45. Alongside the proposed allocation of the site, the Council is proposing that the southern part of the H54 site (south of Oakcroft Lane) is removed from the Strategic Gap designation. This proposed amendment to the gap boundary in this location is justified by the Technical Review of Areas of Special Landscape Quality and the Strategic Gaps (September 2021) evidence base (notably Paragraphs 8 and 12), and is therefore strongly supported by PHSC.

Strategic Flood Risk Assessment

46. It is noted that the Council has undertaken an update of the Strategic Flood Risk Assessment for Fareham (2021). The update report confirm that, from a flood risk perspective, *'Safe development is achievable by taking the sequential approach on [the H54] site'*. Persimmon concurs with this assessment, which corroborates the evidence prepared in respect of the application / appeal proposal. The report concludes that it is appropriate to allocate the site, but, as detailed in the section below, PHSC do not agree with the report's assertion that it is necessary for the H54 Policy to *'stipulate that areas at risk of flooding now and in the future must be avoided'* as this repeats policy provisions that are found elsewhere in the RLP.

H54 Policy Criteria Analysis

47. Turning to the policy criteria of H54, Persimmon Homes supports Criterion a) (subject to the capacity changes set out above) and Criterion b) that relates to the position of the primary highways access point.
48. With regards to Criterion f) (building heights), it is considered that the requirements of this element policy could be adequately address through the application of Policy D1: Design. It is also noted that the Council has not provided any evidence to support a restriction on building heights to two storey. Criterion f) is therefore unnecessary and unjustified and should be deleted. However, should the Council seek to retain Criterion f), the maximum building height should be two storey with accommodation in the roof (i.e. 2.5 storeys) as this was considered acceptable in design and landscape terms by officers as demonstrated through the 2020 application. Allowing for some two storey buildings within the accommodation roof-space is considered to be a more efficient and effective use of land that allows living space to be maximised without increasing the height of the buildings significantly; this approach is supported by NPPF¹¹. Alternatively, as there is no statutory definition of storey height (and considerable variation between housing types), Criterion f) may be better expressed in terms of the maximum ridge height of buildings. As demonstrated through the 2020 application, in particularly the Landscape Visual Impact Appraisal work, no harm was demonstrated with regards to the proposed houses, which comprised a maximum ridge height of 9.6m. In Persimmon's view, therefore, a maximum

¹⁰ For the avoidance of doubt, and for consistency with our comments set out above, the Local Plan's housing requirement and the allocation policy capacities should be expressed as a minimum number of homes.

¹¹ The approach is also in general conformity with the Government's drive to encourage upwards development on existing buildings through 'Airspace Development' (i.e. adding extra storeys to create extra square footage from the same footprint at ground level) and loft conversion permitted development rights.

ridge height of 10m may be a more appropriate restriction for the heights of buildings at the H54 site.

49. Turning to Criterion k) (Construction Environmental Management Plan to support a planning application), it is Persimmon’s view that this requirement would be better set out in an updated Local List (or a separate policy in the draft Plan), as opposed to be referenced in individual site allocation policies. This is because the requirement for a Construction Environmental Management Plan may also be applicable to other (windfall) sites that are not identified in the Plan.
50. With regards to Criterion i), as set out in Table 4 below, it is Persimmon view that this policy provision is addressed through other Local Plan policies, national planning policy and legislation (notably the Community Infrastructure Regulations 2010 (as amended)). It is also considered that it is not necessary for the Criterion i) to specify what new provision and/or contributions should be sought from the development. This should be determined at the point an application is submitted and through negotiation with the LPA and relevant bodies, having regard to existing provision, demand created by new development and the Council’s own Infrastructure Delivery Plan (which is a live document and may be subject to change, as confirmed in Paragraph 10.28 of the draft Local Plan).
51. The Council will be aware that, the NPPF requires Local Plans to be succinct (Paragraph 15) and to avoid unnecessary duplication of policies (Paragraph 16). It will also be aware that, when considering applications for development, the Local Plan should be read as a whole. In this context, with regards to the remaining criteria of the H54 (namely criteria c), d), e), g), h), i), j) and l)), in order for the Plan to be consistent with national policy (and therefore meets NPPF soundness test d)), the following criteria should be deleted from H54. For ease of reference, Table 4 below sets out the individual H54 criteria and the associated policies contained elsewhere in the Plan and/or National Policy and legislation that cover these particular issues.

Table 4: H54 Policy Criteria Analysis

H54 Criterion	Relevant other Local Plan Policy / National Policy
c) Development shall only occur on land to the south of Oakcroft Lane, avoiding areas which lie within Flood Zones 2 and 3, retaining this as open space.	<ul style="list-style-type: none"> • LP Policy CC2 • NPPF Section 14
d) Land to the north of Oakcroft Lane shall be retained and enhanced to provide Solent Wader & Brent Goose habitat mitigation in accordance with Policy NE5.	<ul style="list-style-type: none"> • LP Policies NE3 and NE5 • NPPF Section 15 • The Conservations of Habitat and Species Regulations 2017 (as amended)
e) The scale, form, massing and layout of development to be specifically designed to respond to nearby sensitive features such as neighbouring Solent Wader and Brent Goose sites shall be provided.	<ul style="list-style-type: none"> • LP Policies D1 and NE5 • NPPF Section 15 • The Conservations of Habitat and Species Regulations 2017 (as amended) • Fareham Design SPD

g) A network of linked footpaths within the site and to existing PROW shall be provided.	<ul style="list-style-type: none"> • LP Policies D1 and TIN2 • NPPF Para 100
h) Existing trees subject to a Tree Preservation Order should be retained and incorporated within the design and layout of proposals and in a manner that does not impact on living conditions.	<ul style="list-style-type: none"> • LP Policies NE6, NE9 and D2 • NPPF Para 174
i) Provision of a heritage statement (in accordance with policy HE3) that assesses the potential impact of proposals on the conservation and setting of the adjacent Grade II* and Grade II Listed Buildings.	<ul style="list-style-type: none"> • LP Policy HE3 • NPPF Section 16
j) As there is potential for previously unknown heritage assets (archaeological remains) on the site, an Archaeological Evaluation (in accordance with policy HE4) will be required.	<ul style="list-style-type: none"> • LP Policy HE3 • NPPF Section 16
l) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3.	<ul style="list-style-type: none"> • LP Policies TIN1, TIN4 and NE3. • NPPF Para 34 • Community Infrastructure Levy Regulations

52. It is noted that, alongside the H55: Longfield Avenue housing allocation policy working, the Council has produced a 'Land Use Framework Plan' to the support this proposal. The Framework Plan appears to identify the land to the north of Oakcroft Lane (that forms part of Persimmon's H54 site) as part of the Longfield Avenue proposal¹². Persimmon has had no discussions with the Council (or the promotor of the H55 site) on this matter. It is therefore surprising and concerning that the Council has identified Persimmon controlled land on the Framework Plan when this does not relate to the H54 allocation. Should the Council and/or site promotor wish to use Persimmon's land to support the H55 allocation, it is imperative that this is formally discussed with PHSC. In the absence of such discussions it may not be possible to regard the H55 as a deliverable/developable housing allocation. If this land is not required to deliver the H55 allocation, to avoid any confusion for reader of the Plan, this land should not be shown as shaded green on the H55 Framework Plan.

HRA

53. The Council has commissioned a focused update of the emerging Local Plan's HRA that takes into account the changes made to the Plan since the previous Regulation 19 draft Plan. This update considers the H54 proposed allocation and concludes that, in terms of the requirement Habitats Regulations, the site can be allocated. It should be noted that as part of the Oakcroft Land appeal proposal, PHSC submitted a site specific 'shadow' HRA. The

¹² Albeit that this land is shown to be located outside of the H55 red line boundary.

report prepared by ECOSA (and appended to these representations) concluded the following:

'The screening stage of the shadow Habitats Regulation Assessment concluded that there would be a likely significant effect as a result of the proposals on European sites within the Zone of Influence of the proposals when considered both alone or in combination with other plans or projects. Therefore, an Appropriate Assessment was required in order to determine whether the proposals would have an effect on the integrity of these sites.

Following the incorporation of appropriate mitigation, including creation of a new Ecological Enhancement Area, financial contributions to the Solent Bird Aware strategy and implementation of pollution control measures it has been concluded that there would be no adverse impact on site integrity either alone or in-combination with other plans or projects on the Solent and Southampton Water SPA/Ramsar site, Portsmouth Harbour SPA/Ramsar site, Solent Maritime SAC and Solent and Dorset Coast SPA.'

54. It is also noted that the officer report (including those comments made by the Council's ecologist) did not consider that the application should be refused due to HRA issues.

Conclusions on Policy H54

55. To conclude on the H54 Policy, PHSC support the principle of the allocation but not the current drafting, which fails the soundness tests in respect of: not being positively prepared, not being justified nor consistent with national policy. However, in the Company's view the Policy could be made sound through a number of changes. For ease of reference PHSC has suggested alternative policy text for the H54 site. This is provided at **Appendix 22**.

CLIMATE CHANGE

Strategic Policy CC1: Climate Change

56. PHSC previous comments made in response to Policy CC1 still stand. However, it is noted that Criterion e) now makes reference to the exceedance of Building Regulation requirements. It is assumed that this new element of the Policy is referring to the Optional Building Regulations. If this is the intention of the Policy, the Policy working should confirm / clarify this.

NATURAL ENVIRONMENT

Policy NE2: Biodiversity Net Gain

57. PHSC's previous comments made in response to Policy NE2 still stand. However, Persimmon has a further comment to make in respect of this Policy with regards to the 10% Biodiversity Net Gain (BNG) requirement.
58. Paragraph 174 of the NPPF states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

.... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;' (PHSC's emphasis)

59. The NPPF does not, however, require 'at least 10% net gain'. This provision is set out in the Environment Bill which has not yet received royal assent. Once the Bill becomes law, all Councils will be required to seek at least 10% BNG as part of planning applications.
60. Until such time as the Environment Bill becomes law, it is not appropriate for the Policy NE2 to specify the percentage BNG net gain. Instead, the amount should be determined through negotiation between an applicant, the Council and Natural England (where appropriate).
61. It is recognised, however, that the Environment Bill is relatively well progressed and may become law in the not too distant future. As such, the Policy should be redrafted so that at least 10% BNG (or whatever percentage eventually materialises through the Bill) will only be required once the Bill has become law (taking into account any transitional arrangements that may be set out in the emerging legislation).
62. It is also noted that Paragraph 6.30 of the supporting text to Policy NE2 states that the Policy will not apply to land contained within the Welborne Plan. As indicated above, once the Environment Bill becomes law all planning application will be required to achieve this required BNG increase. There are no provisions in the Bill to exempt sites (including Welborne) from this requirement. As such, Paragraph 9.30 should be deleted from the RLP.

Policy NE5: Solent Wader and Brent Goose Sites

63. PHSC's previous comments made in response to Policy NE2 still stand. However, the Company has a further comment to make in respect of this Policy with regards to Criterion c).
64. This element of the Policy requires that '*A suitable replacement habitat is provided on a like for like basis broadly close to the site*' the Council's evidence for this assertion is absent. Indeed as set out in legal advice commissioned by Havant Borough Council (see **Appendix 23**) in respect of its Warblington Farm bird mitigation proposal, it is only necessary for replacement habitat to mitigate the same population of bird species. Redrafting of this Policy is therefore required that takes into account the advice provided above.
65. It is also questioned whether it is appropriate for the Council to show the Solent Wader and Brent Goose Sites on the RLP Policies Map. The Council will be aware that Bird Aware Solent maintain a GIS database of the Wader and Brent Goose sites on their website¹³, and these sites are subject to relatively frequent change. By showing the Solent Wader and Brent Goose Sites on its Policies Map, the Map will quickly become dated, and could become

¹³ <https://solentwbgs.wordpress.com/page-2/>

misleading. It is PHSC's recommendation therefore that the Solent Wader and Brent Goose Sites are deleted from the RLP Policies Map.

Policy NE8: Air Quality

8. Persimmon Homes acknowledges the national direction of travel with regards to Electric Vehicles (EVs) and role they can play in addressing climate change issues. However, the Company would welcome further elaboration in the supporting text or policy regarding the specification of changing points, particularly with regards to expected power output / capacity.
9. There are practical issues (and potentially unintended consequences) with regards to site design that may arise through the implementation of this policy (including in relation to the retro-fitting of homes). PHSC would highlight that the Government currently provides a 75% subsidy to homeowners towards the cost of installing EV charging points. However, this subsidy is only available to properties that have on-plot parking. This should be considered by the Council in terms how parking should be accommodated in developments, as frontage on-plot parking is preferable in terms of the subsidy (as opposed to shared rear parking courts which are often favoured by Fareham Council). The Council should be aware of the potential design implications of this element of Policy NE8.
10. The Council should also be aware that as EV charging infrastructure become more prevalent in new developments, and the take up of EVs increases over time, the cumulative energy demands of said development will increase considerably therefore necessitating the provision of additional sub-stations as part of development that would otherwise not be required. It is unclear whether this has been factored into the Council Local Plan viability assessment.

Policy NE10: Protection and Provision of Open Space

11. The Council has proposed some additional wording to Policy NE10 as show below:

'The open space, or the relevant part, is clearly shown to be surplus to local requirements and will not be needed in the long-term; or '

12. The word 'clearly' introduces a significantly degree of subjectivity into the policy which is unnecessary and will ultimately make interpretation of the Policy more difficult for the decision-maker and applicants alike. It is PHSC's recommendation therefore that the word 'clearly' be deleted from the NE10 policy wording.

4: OMMISION SITES

13. PHSC’s representations on the previous Regulation 19 Plan, highlighted six site that are being promoted by Persimmon on the periphery of Stubbington that were not selected for allocation in the draft Plan. With regards to the Land at Oakcroft Lane site (Site 6 in PHSC’s previous representations), the Council has now identified this site for housing allocation (see above commentary on Policy H54). However, with regards to the other five sites listed in Table 5 below, the Council has opted not to take these site forward in the RLP. This is extremely disappointing in the context of the housing pressures evident in Fareham Borough.

Table 5: Persimmon Homes’ Omission Sites

Site Number	Address	Gross Area Acres (Hectares)	Site Capacity Estimate*
1	Land East of Burnt House Lane, Stubbington	23.53 (9.52)	240 - 320
2	Land West of Peak Lane, Stubbington	46.25 (18.72)	TBC
3	Land North of Titchfield Road, Stubbington	4.83 (1.95)	40 -50
4	Land South of Titchfield Road, Stubbington	2.78 (1.12)	10 - 30
5	Land West of Cuckoo Lane, Stubbington	52.76 (21.35)	150-200
Total		130.15 (53.08)	440 - 600

*Based on net developable area, not gross area.

14. It is noted that despite the Council revisiting a number of sites in the SHELAA, its conclusion with respect to the PHSC sites listed in Table 5 have not changed. As such the comments set out in PHSC previous reps still stand.
15. It is Persimmon view, **in light of the extensive unmet LHN and unmet sub-regional housing need more generally, the RLP is not currently sound. However, as highlighted above, the Plan could be made sound through consideration of omission sites (including those listed in Table 5) through the examination process and subsequent modification to the Plan.**

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 6th October 2020, both of which are currently under consideration:

- Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 self or custom build plots, community building or local shop (use class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings. (Ref: P/20/1168/OA)
- Change of use of land from equestrian/paddock to community park following demolition of existing buildings. (Ref: P/20/1166/CU)

Reside welcomes the continued allocation of this site for housing. However, the thrust of our representation is that the Revised Publication Version Local Plan continues to under-allocate housing on land south of Funtley Road by persisting to limit the allocation to 55 dwellings, when it has been clearly evidenced consistently by Reside that the site can sustainably deliver a higher quantum of housing and therefore assist in meeting Fareham's housing needs within the first five years of the plan period and provide flexibility in the plan.

A higher number of dwellings can be delivered on-site, by appropriately increasing the density of the proposal within the proposed HA10 allocation boundary (still not exceeding 32dph), while still providing significant benefits, including a large community park. This proposal is detailed in the two live planning applications - P/20/1168/OA and P/20/1166/CU.

Conversely, no evidence has been produced or has been forthcoming following multiple requests to support the council's view that this site is sensitive in landscape. This goes to the heart of the council's allocation of this site for 55 homes, whereby without evidence supporting the supposed sensitivity, a higher number of dwellings can be achieved.

Reside has undertaken a site-specific LVIA, which has demonstrated that the site is not overly sensitive in landscape terms and can accommodate a higher number of dwellings. This work has been used to support the current planning application for 125 homes and has not been shown to be incorrect.

We have previously submitted representations on behalf of Reside to the Publication Local Plan in December 2020, the Local Plan Supplement in February 2020, the Local Plan Issues and Options consultation in the summer of 2019, as well as earlier consultation on the Draft Local Plan in 2017. The continual identification of this site has been supported, however evidence provided by Reside in response to these consultations, as well as ongoing discussions in relation to our live planning applications, clearly demonstrates that the Funtley South site is capable of accommodating additional dwellings to meet the housing need without any adverse impacts to character or landscape. It remains disappointing that the Revised Publication Version has not acknowledged or reflected these previous submissions it is unclear if they have even informed the emerging Local Plan and this most recent Revised Publication Version.

REPRESENTATIONS

Strategic Policy H1: Housing Provision

We welcome the changes to Strategic Policy H1 so that it now makes provision for sufficient housing to meet local needs, based on the standard methodology figure of 541 dpa for Fareham Borough.

The Revised Publication Version sets out that this higher housing requirement will be principally met through:

- Allocation of three new edge of settlement sites totalling nearly 2,000 dwellings; and
- Approximately 650 new homes in the town centre.

When you also take into account that Welborne is expected to deliver 3,610 of the plan's housing provision, it is clear that there is a heavy reliance on these large and complicated sites. It has been well-evidenced that these sites have long lead-in times and can take a number of years to come forward through the planning process. While these large and complicated sites may make a significant contribution over the plan period, there are unlikely to be significant completions in the short term. The Lichfields report 'Start to Finish' (Feb 2020) highlights factors which influence delivery timescales and build-out rates, concluding that maintaining housing land supply throughout the plan period *"is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver."* Policy H1 is unsound because it will not be effective in delivering housing to meet the council's needs over the early years of the plan period.

The council is well aware of the risks associated with reliance on large sites, particularly those that are at an early stage in the planning process. For example, Welborne has been in the planning system for over a decade, yet no housing has yet been delivered. Furthermore, the recently amended NPPF states at paragraph 22 that where large scale developments such as new settlements form part of the strategy, policies should be set within a vision that looks ahead at least 30 years to take into account the timescale for delivery. The Revised Publication Plan will need to be amended to reflect this update to national policy.

Fareham Borough Council cannot demonstrate a five year supply of deliverable housing land and the February 2021 Housing Delivery Test results confirm that the council only delivered 79% of the homes that were needed during the period. We would therefore urge the council to consider alternative sites which could deliver in the short to medium term and particularly within the first five years of the plan period. Our client's site, Land south of Funtley Road, provides the opportunity to deliver a higher quantum of housing than that proposed in emerging allocation policy HA10, and this could be delivered within the first five years of the plan. We set out our justification for this below. Such a proposal would make clear best-use of the site and one that already has a planning permission and is a proposed allocation negating the need to use other greenfield sites.

Housing Allocation Policy HA10: Funtley Road South

This policy proposes to allocate 5.74ha of land at Funtley Road South for 55 dwellings, clearly indicating that the council considers the site to be a sustainable location for residential development, and this is supported by the Sustainability Appraisal. The granting of planning permission for 55 dwellings on site further demonstrates this. However, we have consistently put forward, to both the Planning Policy and Development Management Teams, the view that the site has potential to deliver a higher quantum of housing than policy HA10 allows for. This view is supported by a wide range of evidence which we have submitted to the council through the current live planning application (P/20/1168/OA) and previous representations. It would appear that no account of this evidence during the preparation of the latest

Revised Publication Local Plan as the policy remains unchanged from the previous version and no justification is given by the council. We note that there still remains no specific evidence base to underpin the low number proposed in the draft allocation, nor to support the council's opinion that this site is sensitive in landscape terms, despite our repeated requests.

Landscape

During discussions on the planning application, it has become apparent that the landscape impact of the proposal is a key concern for the council. The application is supported by a Landscape and Visual Appraisal (Appendix 5), which concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits. The council appointed an external Landscape Consultant to review the proposal and supporting evidence, who initially provided advice, which was later accepted to have been prepared without the benefit of a site visit and contain errors. Nonetheless, my client took account of the concerns that were raised and submitted a revised Parameter Plan which illustrates a reduced extent of the developable area, so that it is fully contained within the proposed site allocation boundary of policy HA10. A Supplementary Landscape Consultation response has been provided whereby the Landscape Consultant concludes on the potential for increase development capacity:

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

It is notable that this consultation response has not yet been published on the council's online planning application register alongside other consultee responses, despite being dated 4th May. We have therefore appended it to this representation at Appendix 2, to ensure that the Planning Policy Team have the most up to date landscape evidence available to them. This evidence provides a clear mandate that the Funtley South site could be allocated for a higher quantum of development without unacceptable landscape and visual harm.

Efficient Use of Land

Paragraph 117 of the NPPF requires planning policies to encourage the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraphs 122 and 123 set out policy on achieving appropriate densities. They state that "*Planning policies and decisions should support development that makes efficient use of land,*" and "*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*"

Policy HA10 is not consistent with national policy in this regard as it does not make most efficient use of land. As stated in our representations to previous Local Plan consultations, we consider the council is not acting correctly as well as missing an opportunity by not making additional use of proposed allocation at Funtley Road South to address the Borough's housing need. In addition, it is missing an opportunity to protect actual sensitive areas of the borough from potential development.

Summary on Site Capacity

We contend that the indicative yield should be amended to 125 dwellings. The live planning application P/20/1168/OA provides the evidence to justify this, as summarised below:

- The Illustrative Masterplan demonstrates how the development of up to 125 dwellings, community building or local shop with associated infrastructure, new community park, landscaping and access, could be accommodated within the proposed allocation site in a sustainable way (Appendix 4).
- The Landscape and Visual Appraisal (Appendix 5) concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits, and the council’s Landscape Consultant has agreed that that it may be possible to accommodate a greater number than the current consent (i.e. 55 dwellings) without unacceptable landscape and visual harm.
- The Ecological Assessment demonstrates that there are no adverse effects on any designated sites or protected species resulting from a development of 125 dwellings and also sets out appropriate mitigation and enhancement measures. The concerns of the council’s Ecologist have been fully addressed through the application and Natural England have welcomed the proposed measures to protect and enhance the woodland.
- The scheme is supported by appropriate nitrate mitigation measures to ensure there are no adverse effects on the integrity of European Protected Sites as a result of increased nitrates discharged into the Solent.
- The Transport Assessment concludes that the proposed development is considered to be acceptable in transport policy terms and meets with national and local policy criteria. The assessment work undertaken has indicated that there would be no demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. The Travel Plan includes a range of measures to maximise sustainable transport opportunities. Off-site contributions are being negotiated.
- All other reports and supporting documentation, including in relation to trees, flood risk, contamination, noise, sustainability, utilities, and archaeology demonstrate that the site can accommodate 125 dwellings.

HA10 Policy Requirements

Policy HA10 sets out 11 site-specific requirements (a-k). It is frustrating to see that no amendments have been made to these criteria, despite the fact we identified a number of them are not sound in our previous representations to the Publication Local Plan (December 2020). For the avoidance of doubt, we repeat these concerns here, thereby providing the council with a further opportunity to address the soundness of this policy.

<p>a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and</p>	<p>Unsound, for the reasons set out above.</p>
<p>c) Building heights are limited to a maximum of 2 storeys; and</p>	<p>Unsound as this is not justified by evidence. This is better determined at the detailed planning application (reserved matters) stage. Policy D1 will provide an adequate framework to ensure</p>

	building heights are acceptable. This criterion should be deleted.
e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and	Unsound as this is not justified or effective. It is not clear what is meant by a vehicular loop road. Specifically, the Highway Authority only want a single point of access and egress. The requirement for pedestrian and cycle permeability across and through the site is supported.
j) The site is identified as a mineral safeguarded site (brick clay is likely to underlay site). A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan (2013); and	The site benefits from an extant outline permission. No such conditions are required under that consent, or were requested during the determination. This requirement is therefore not considered necessary or reasonable, and should be deleted.

We would very much welcome the opportunity to work with the council to address these concerns and amend the criteria where possible, and therefore would wish to attend the Examination hearings.

Strategic Policy DS2: Development in Strategic Gaps

Policy DS2 seeks to introduce a new strategic gap in the vicinity of our clients' interests, without justification. We have previously made representations on the proposed Strategic Gap designation which is illustrated on the Policies Map, which have not been addressed.

Policy DS2 describes the 'Meon Gap' as between Fareham / Stubbington and the Western Wards, however the area in question does not form part of the Meon Gap and is actually located between Fareham and Funtley. There is no real opportunity for the merging of the two locations, as there is a natural split already provided by the M27, which is not capable of being breached.

The Policies Map illustrates that the proposed allocation HA10 lies outside of the strategic gap, however this does not fully reflect the boundary of Reside's proposal as per the live planning application P/20/1168/OA, where the application site's southern edge falls within the area proposed as Strategic Gap under policy DS2. Since our previous representations, the proposal has been revised to ensure the extent of the developable area falls within the proposed allocation boundary of HA10, nonetheless, we remain concerned about the soundness of the proposed 'Meon Gap.'

The Council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for this boundary and merely states that *"Wrapping the gap boundary tightly around the settlement (and future approved development), would allow Funtley to expand moderately, but still retain its separate identity and not become contiguous with North Fareham."* The evidence base appears to entirely ignore the detailed submission made in our previous representations. We therefore resubmit these with this submission at Appendix 3.

We submit that there is no need for the identification of a new strategic gap in this locality. The evidence base does not support it, and having considered the site against the adopted Landscape Character Assessment and policy context, there is no reason to conclude that the site has any elevated landscape status or importance above the rest of the surrounding landscape within the proposed Strategic Gap. Moreover, there is no extant designation such as public open space that would elevate the status in terms of local community association.

The site's intrinsic character in a landscape sense does not preclude development, the nature of which could incorporate elements of the landscape into a sensitively designed scheme.

Were the Council to continue to seek to impose a new Strategic Gap in this location, and not withstanding our strong submissions against this approach, we would request amending the Strategic Gap boundary to reflect the site boundary of the live application P/20/1168/OA. In addition, a community park is proposed and would provide any security the council would need. This would ensure that the aims of policy DS2 are achieved as it would allow Funtley to expand moderately, but also retain its own identity and it would not coalesce with North Fareham. This would be guaranteed by the provision of the community park proposed through application P/20/1166/CU. This will be transferred to the council, so there is no need to designate that area as Strategic Gap.

We note that additional allocations are proposed within the Strategic Gap between Fareham and Stubbington (HA54 and HA55 together propose over 1,400 dwellings) and would therefore urge the council to carefully consider the contribution that site HA10 could make to delivering housing without compromising the Meon Gap.

Strategic Policy DS3: Landscape

DS3 allows for development in areas of special landscape quality only where the landscape will be protected and enhanced. The Policies Map shows the proposed area of special landscape quality as following the boundary of the proposed allocation, and in the same way as the strategic gap designation, this does not correspond with the boundary of our client's site as per the live planning application P/20/1168/OA. The site's southern edge falls within the proposed Area of Special Landscape Quality 4 (ASLQ 4) Meon Valley under policy DS3.

We submitted a Technical Note in relation to the proposed Meon Valley ASLQ alongside our representations to the Fareham Local Plan Supplement in February 2020 and again to the Publication Version in December 2020. This is reattached at Appendix 3. It supports our objection to the boundary of ASLQ 4 Meon Valley taking in land to the east of the disused railway known as the Deviation Line.

The council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for inclusion of this land in ASLQ 4. In describing the special landscape qualities of the Meon Valley, the report emphasises the southern part of the proposed designation; *"The area has high scenic quality and topographic and visual unity, particularly in the lower reaches."* The report notes that the *"Major road and rail corridors pass through the upper section, but much of the area retains a sense of seclusion."* This area has its tranquillity impacted by the M27 to the south and the active Eastleigh to Fareham Railway line to the east.

It is important the ASLQ boundaries do not incorporate areas that could form allocations, as it could unduly restrict developable areas and affect housing supply numbers. ASLQ 4 around Funtley does not seem to relate to those in the LDA 2017 report, nor the current Local Plan. Given the complete lack of evidence supporting the boundary currently drawn, the boundary for the Meon Valley ASLQ should be delineated by the Deviation Line to the west of Funtley, rather than cross over it.

The area affected is largely proposed for a community park under application P/20/1166/CU and therefore can make a significant contribution to the landscape throughout the plan period; however, there is no justification for it being included within the ASLQ boundary as it stands. Any such designation must be robust, clearly defined and supported by evidence. As currently drafted, it is not, and therefore it is unsound as it is not justified.

HP5: Provision of Affordable Housing

In addition to the comments we made previously, we would draw the council's attention to the recent Written Ministerial Statement (24th May 2021) and associated changes to the Planning Practice Guidance with regard to First Homes. While the Local Plan can benefit from the transitional arrangements, it would be helpful for the council to provide clarity through policy HP5.

Other Policies

In December 2020, we submitted representations on a number of other policies within the Publication Local Plan, which have not been addressed in this version, and therefore our representations on these policies still stand:

- HP1: New Residential Development
- HP4: Five Year Housing Land Supply
- HP5: Provision of Affordable Housing
- HP9: Self and Custom Build Homes
- NE2: Biodiversity Net Gain
- NE8: Air Quality

CONCLUSION

As currently drafted we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, for the following reasons:

- The boundaries of the proposed Strategic Gap and Area of Special Landscape Quality are not justified;
- The proposed allocation policy HA10 is not fully justified because it does not take into account the reasonable alternative of a delivering a higher number of dwellings; and
- A number of the specific policy requirements are not justified or effective

Funtley South is a sustainable and deliverable site in its own right, but also has synergy with the key strategic site at Welborne, were this to come forward. The Funtley South site was previously identified in the Draft Local Plan as having an indicative capacity of 55 dwellings. The allocation of the site and its recent planning permission clearly demonstrates the residential proposals for the site represents sustainable development, there are no constraints that would preclude this development at the higher number of dwellings and the site is deliverable in the short term.

Evidence provided by Reside demonstrates the site is capable of comfortably accommodating more dwellings without any adverse impacts to character or landscape. This can be achieved through a combination of a minor 0.4ha increase in the developable area and an increase in density (to match that surrounding the area). Funtley South can therefore do even more to help the Council meet its increased housing requirements and we would of course be pleased to provide any further information to the Council, if so required, with regards to this matter.

We would like to participate in the Examination hearings so that a full discussion can be held on these matters.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and Examination.

Yours faithfully



Appendix 1: Planning Applications on Land South of Funtley Road

Application Reference	Description	Status
P/20/1168/OA	Outline Application To Provide Up To 125 One, Two, Three And Four-Bedroom Dwellings Including 6 Self Or Custom Build Plots, Community Building Or Local Shop (Use Class E & F.2) With Associated Infrastructure, New Community Park, Landscaping And Access, Following Demolition Of Existing Buildings.	Submitted 6 th October 2020 Under consideration
P/20/1166/CU	Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings	Submitted 6 th October 2020. Under consideration
P/20/0809/FP	Installation Of Haul Road (Retrospective)	Approved 9 th November 2020
P/19/0290/FP	Provision of a Permissive Footpath Link and New Surfacing from Funtley Road over the M27 Motorway Connecting to Footpath Public Right Of Way 91A and associated Bridge Improvement Works.	Approved 20/06/2019
P/18/0066/CU	Change of Use of Land from Equestrian/Paddock to Community Park Following Demolition of Existing Buildings.	Approved 12/10/2018.
P/18/0067/OA	Outline application for residential Development of up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works.	Approved 02/09/20.
P/17/1539/EA	Request For Screening Opinion Under The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 For Proposed Residential Development Of Up To 55 Dwellings, Community Building, New Country Park And Associated Landscaping & Infrastructure on Land To The South Of Funtley Road, Funtley.	January 2018. No Environmental Statement Required.

Appendix 2: Supplementary Landscape Consultation Response for Application P/20/1168/OA Land South of Funtley Road

**FAREHAM BOROUGH COUNCIL: LAND SOUTH OF FUNTLEY ROAD, FUNTLEY
APPLICATION REF: P/20/1168/OA**

SUPPLEMENTARY LANDSCAPE CONSULTATION RESPONSE

Introduction

This is a supplementary note to my original Landscape Consultation Response prepared on 3rd March 2021. It has been prepared in response to the Further Landscape Response prepared by Turley Associates on behalf of the Applicant, dated 26th March 2021.

In the Further Landscape Response, concern was raised that I had not visited the site in the preparation of my original report, and one factual issue was highlighted.

I have subsequently visited the site and its wider landscape setting prior to the preparation of this supplementary document, and photographs of my visit are presented throughout this note at key points.

Since the preparation of my original Landscape Consultation Response, the Applicant has also submitted a revised Parameter Plan, which adjusts the extent of built development to fit within the boundary of the emerging HA10 housing allocation within the draft Local Plan.

This supplementary note therefore seeks to respond to these points.

Errata

The Further Landscape Response correctly points out an error within my original Landscape Consultation Response, that the southern boundary of the proposed development was in fact located 40m to the south of the consented scheme as opposed to the 100m suggested in my report.

The following section of the Further Landscape Response goes on to state in the next paragraph, however, that the gradient of the slope becomes more pronounced at the 30m contour. I would question with this point, as an inspection of the Ordnance Survey mapping for the area, reproduced as Figure 1 below, shows the gradient to uniformly rise above the 25m contour (shown more darkly on the map), and this was confirmed by my site observations.

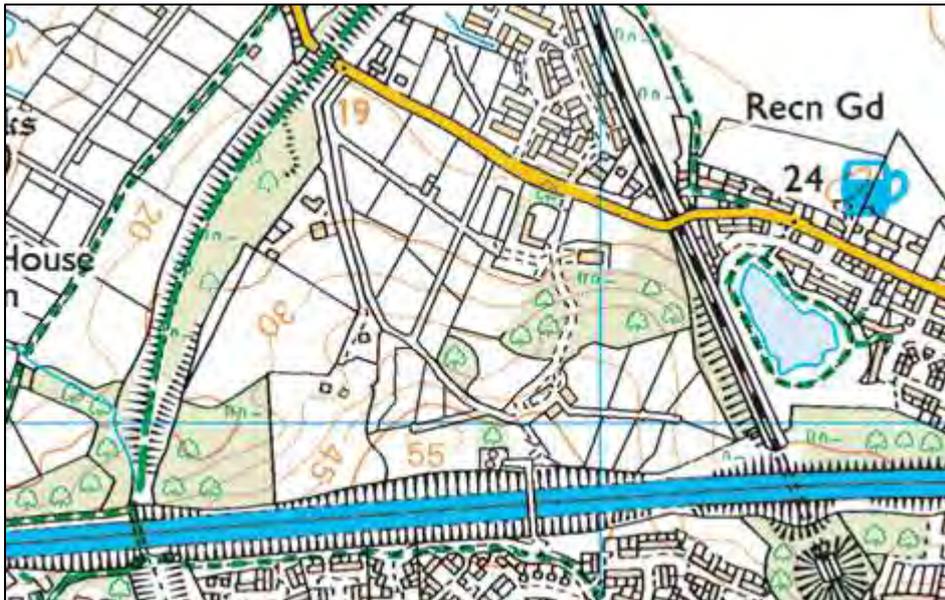


Figure 1: Extract of Ordnance Survey Explorer Map showing contour alignment

Site Observations

My survey of the site itself reinforced my opinion of its character and composition as set out in my original Landscape Consultation Response.

In particular, I examined the topography of the site and determined that it is relatively level between Funtley Road and the 25m contour, which is mostly located a short distance to the south of the access track that runs through the site between paddocks in a north-west to south-east direction, although the contour begins to bear southwards at the western end of the site, as shown on Figure 1 above and Plates 1 and 2 below. It therefore remains my opinion that any development should generally only extend as far as the 25m contour to avoid unacceptable landscape impacts.



Plate 1: View across the site from Funtley Road showing the land rising beyond the track in the centre of the Site

In terms of the site's visual environment, my survey confirmed that panoramic views are available from the upper (southern) parts of the site, where public open space is proposed. These views extend across the tributary valley form in which the site is located, towards the forested western slopes of the Meon Valley and the rising arable land to the east of Knowle, as illustrated by Plate 2 below.



Plate 2: View across the site close to the permissive path entrance in the south, illustrating views across the Meon Valley. The site can also be seen to rise to the left of the track that bisects it.

Filtered views of the site from the Deviation Line and its associated public bridleway are intermittently available from the bridge over Funtley Road, and the stretch that extends northwards to the former junction with the current main line railway as illustrated by Plate 3 below. The length of the Deviation Line that runs directly to the west of the site is separated by woodland, to the extent that views of the site are largely unavailable.



Plate 3: Filtered view across the site from Deviation Line (Public Bridleway 084/515/1) at bridge over Funtley Road.

To the north of the site, views of the rising land are available from Funtley Meadow, an area of open amenity grassland owned by the Council and subject to permissive public access. From this location, framed views along the axis of the 'Funtley Triangle' are available, terminating at a wooded horizon provided by the combination of Great Beamond Coppice and the southern site boundary as illustrated by Plate 4 below. These views have not been recognised within the Applicant's submissions to date.



Plate 4: Framed view of the site looking south across Funtley Meadow. The site is located to the right of the pylon, with Great Beamond Coppice to the left.

My survey of the landscape surrounding the site also revealed views of the site from Public Footpaths 084/86/2 (Fareham Parish) and 251/15/1 (Wickham Parish), which are located on the rising agricultural land to the north of Funtley. These long-distance views further emphasise the importance of restricting development to the lower slopes, as shown on Plate 5 below. These views have not been considered within the Applicant's submissions to date.



Plate 5: Filtered view towards the site from Public Footpath 251/15/1 on facing valley slopes

Revised Parameter Plan

Since the preparation of my original Landscape Consultation Response, the Applicant has submitted a revised Parameter Plan, which addresses some of the concerns set out in my original document.

Most notably, the extent of the developable area within the scheme has been reduced, by adjusting the southern boundary to fall within the area of the proposed HA10 housing allocation within the emerging Local Plan. In comparison to the Parameter Plan submitted by the Applicant for the existing planning permission, this still extends an estimated 30m further to the south and west (upslope) in the western part of the scheme, however.

In addition, a small amount of the 'landscape buffer' on the western part of the scheme has been altered to developable land.

Potential for Increased Development Capacity

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

In terms of additional information, it would be helpful to understand the implications of the Applicant's revised development boundary upon the site's landscape setting and visual envelope, since this still differs from the original application. To this end, I would recommend that the Applicant supplies the following wireframe visualisations, produced in line with the latest Landscape Institute guidance:

- From the permissive path as it enters the southern part of the proposed public open space;
- From the northern end of Funtley Meadow;
- From Funtley Road looking east from the junction with Honey Lane, illustrating the proposed set-back from the public highway; and
- From Public Footpath 251/15/1 illustrating the likely effect upon the facing valley slopes.

In terms of positive design measures to reduce the anticipated development impact, it may be possible to build at a higher density in the northern part of the scheme, reflective of the existing and emerging development on the northern side of Funtley Road, but it will be essential that the southern built edge is of low density. I recommend a 'feathered edge' of single storey dwellings on this boundary, separated to allow some visual permeability between structures, with individual properties aligned towards the park to present a positive and active frontage. This will reduce the interception of views by the most elevated dwellings and will encourage a positive relationship between the village edge and peri-urban open space.

With regard to the north-south aligned open space corridors that have been retained through the scheme, the former and revised Parameter Plans for the development both show these to be approximately parallel. Whilst the eastern corridor would experience views of the open upper valley slopes, the western corridor is aligned towards an existing property and is unlikely to serve the original landscape-led purpose of these corridors, which is to preserve a relationship between Funtley Road and the elevated land to the south. I therefore recommend that the western corridor be realigned to a similar alignment to that within the original masterplan, to maintain the connection between Funtley Road and the point at which users of the permissive path enter the site.

Conclusion

Since visiting the site, my interpretation of its character has not changed, although I now have a greater appreciation of its topographic character. I have also identified two publicly accessible viewpoints within the wider landscape to the north that I consider to be important, but which have not been considered within the Applicant's submissions, either for the previous 55-unit scheme or the current 125-unit scheme.

The Applicant has adjusted their Parameter Plan to retain built development within the boundary of the proposed HA10 housing allocation, which is a positive measure, although this still exceeds the extent of development within the currently consented scheme.

I remain of the opinion that a scheme of up to 125 dwellings is not appropriate in this village edge location, although having visited the site, I consider that it may be possible for the revised site boundary to accommodate a greater number than the current consent without unacceptable landscape and visual harm. This would be dependent upon the submission of a set of wireframe views to demonstrate the extent of visibility within the wider landscape, and also the commitment to a small number of positive design measures to seek to minimise landscape harm, as current policy requires.

Ian Dudley BSc(Hons) MICFor CEnv CMLI
4th May 2021

Appendix 3: Technical Note re Proposed Meon Valley Area of Special Landscape Significance



REPRESENTATIONS TO FAREHAM
LOCAL PLAN 2036 SUPPLEMENT
CONSULTATION

Technical Note re proposed Meon
Valley Area of Special Landscape
Quality (ASLQ)

February 2020

Rummey *design*





Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

Introduction

This Technical Note is prepared in support of representations to the Fareham Local Plan 2036 Supplement consultation and is made on behalf of Reside Developments Ltd (Reside) in relation to the land they control at Funtley. This includes the site to the south of Funtley Road (Funtley South) which is the focus of these representations and is identified as a proposed allocation.

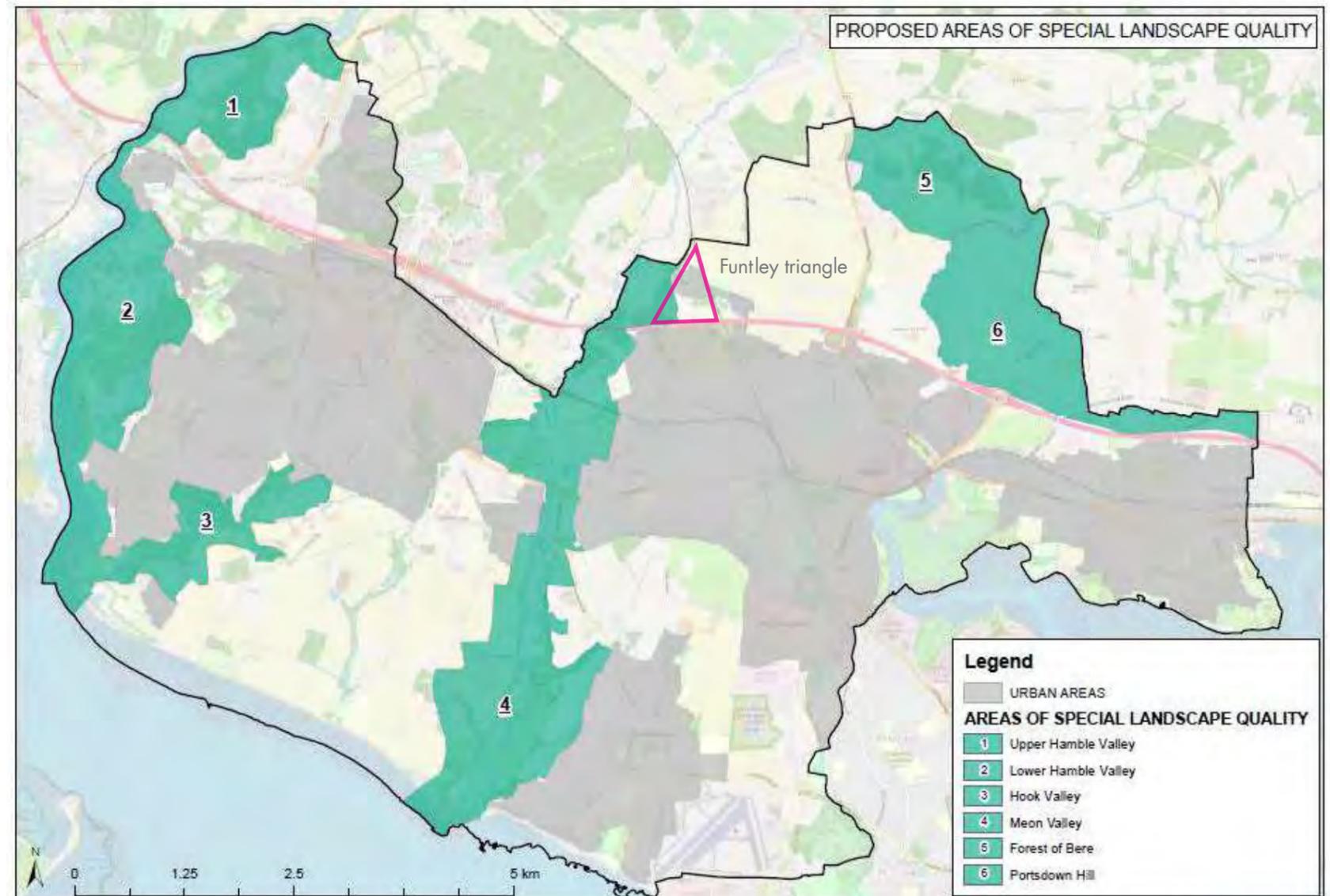
Fareham Borough Local Plan to 2036 proposes an Area of Special Landscape Quality (ASLQ) in the Meon Valley, along with other river valleys and Portsdown Hill. The policy states that there will be a presumption against major development in such areas unless it can be demonstrated that the quality and distinctiveness of the landscape will be conserved. The Meon Valley is also a Strategic Gap and the ASLQ will offer an additional level of protection, although the policies would now differentiate between the need to retain settlement identity and conserve landscape character.

Figure 4.2 in the FBC consultation document identifies indicative proposed Areas of Special Landscape Quality to be protected through Policy NEXX: Landscape. However, whilst this proposed policy is intended to guide development in such areas, there is no definition on what merits an area being included in an ASLQ, other than that it has been identified as a 'valued landscape' in consultation. It would be reasonable to assume that the ASLQ would be underpinned by Landscape Character Assessment evidence, the latest version of which is LDA Design's Fareham Landscape Assessment, 2017.

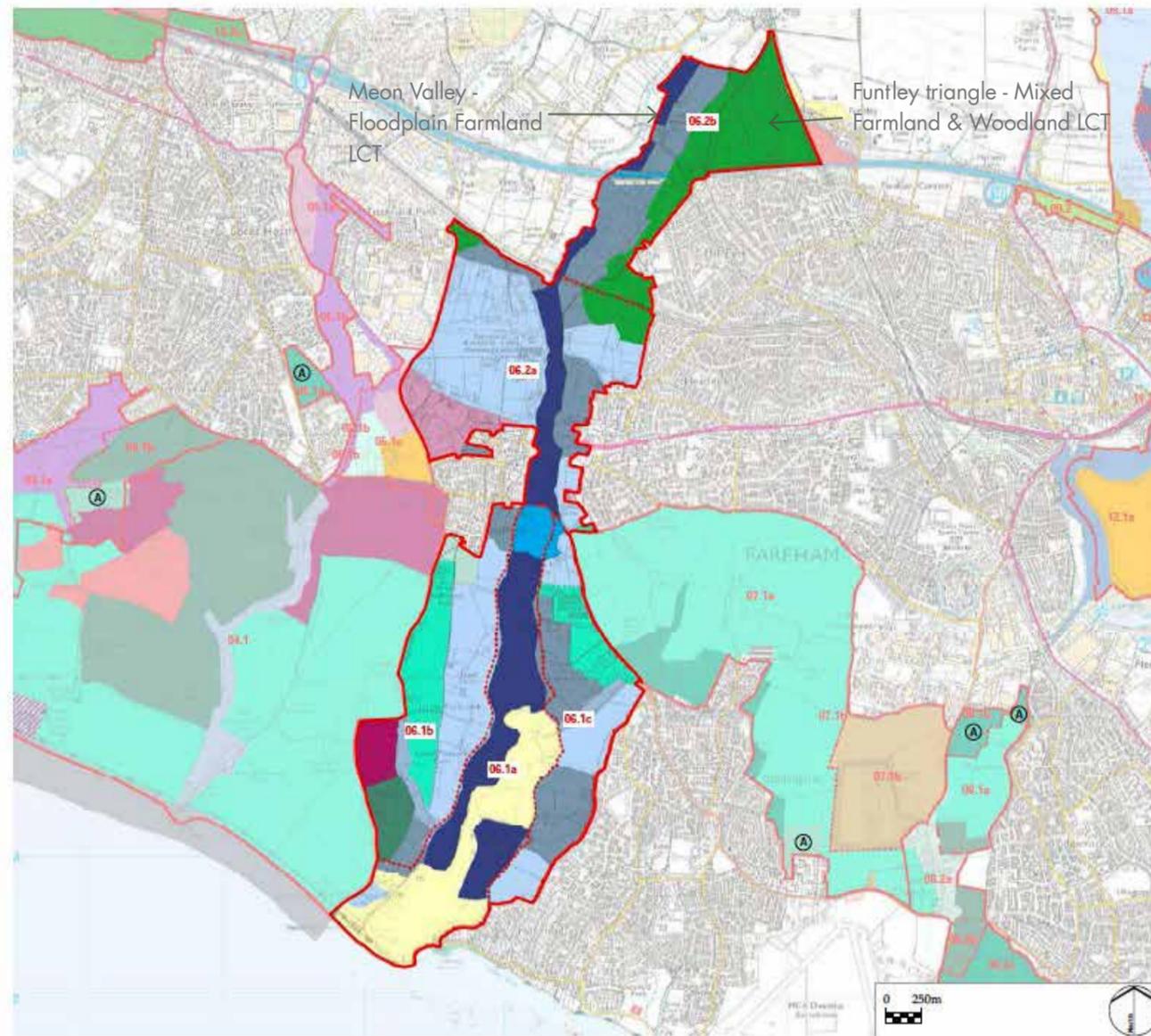
The assessment notes that in Fareham Borough it is the chalklands, coastal plains, river valleys and coast that provide the broad framework for the complex and distinctive landscape character within the Borough. We would agree that these broad 'framework' landscapes shape the character of the Borough and that, where they have special qualities and high sensitivity, these should be conserved. However it is important to define the extent of these areas in a robust manner.

The mapping of the Upper Meon Valley ASLQ in relation to the Funtley triangle, which lies at the northern end of the Borough is however unclear, due to the low resolution of the indicative map. The ASLQ appears to include some land to the east of the disused railway (known as the Deviation Line) in the area south of Funtley Road, an area already proposed for housing allocation. We propose that the ASLQ should extend only to the Deviation Line for the reasons set out below.

Figure 4.2. Proposed Areas of Special Landscape Quality



Area 4 represents the indicative proposed Meon valley ASLQ (reproduced from FBC Local plan 2036 supplement). The proposed Meon Valley ASLQ appears to extend into the Funtley 'triangle' which is a fringe landscape and does not share the special landscape qualities or character of the Meon Valley to the west



LEGEND

- Landscape Character Area
- Local Landscape Character Area
- Local Landscape Character Area Subdivision

Landscape Types

- Mixed Farmland & Woodland: Small Scale
- Horticulture & Smallholdings: Small Scale
- Horticulture & Smallholdings: Large Scale
- Open Coastal Plain: Weak Structure
- Open Coastal Plain: Strong Structure
- Open Coastal Plain: Fringe Character
- Small Scale Enclosed Valley
- Open Floodplain Farmland
- Enclosed Floodplain Farmland
- Marsh, Reedswamp & Brackish Lagoon
- Enclosed Valley Side
- 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.

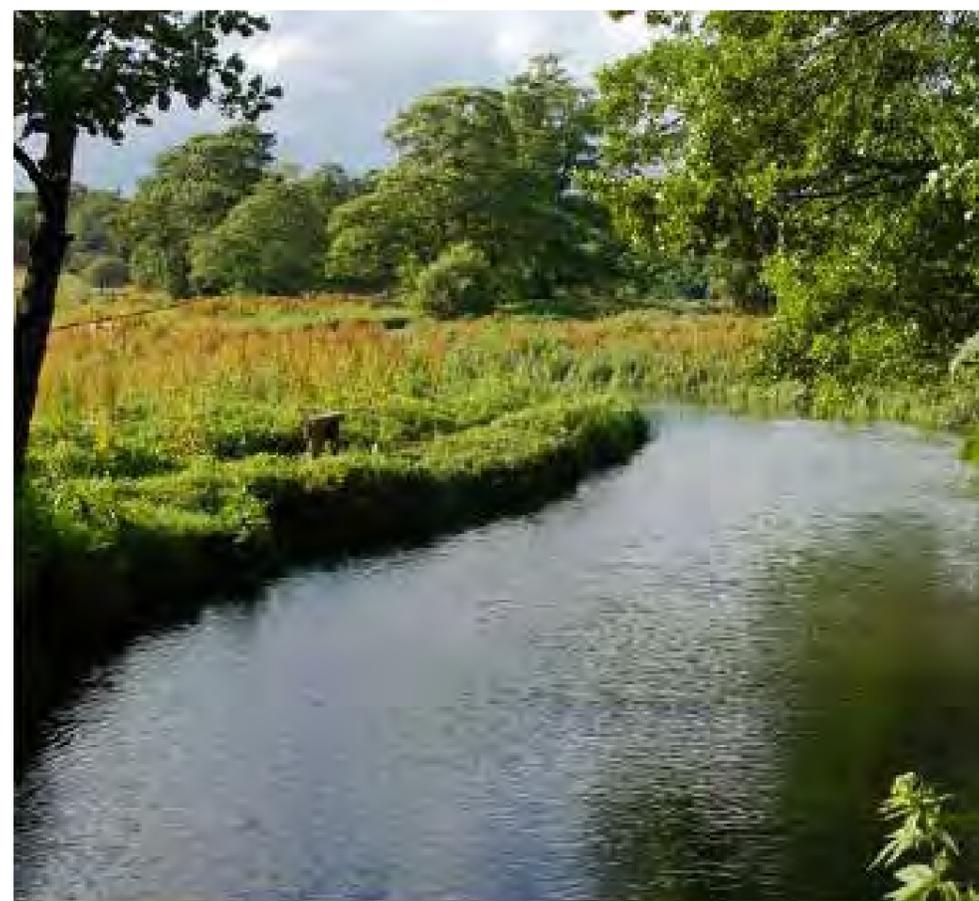


photo reproduced from Fareham Landscape Assessment, 2017 (LDA Design)

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.



The embanked and wooded Deviation line completely separates the Funtley triangle from the Meon valley to the west

Paddock fencing, stables, sheds, hardstanding, housing development, noise, street lighting etc. all contribute to the urban fringe character of the Funtley triangle

Supporting evidence

The Landscape and Visual Appraisal (LVA) prepared by Fabrik in 2018 and submitted with Reside's Funtley South planning application (which has a resolution to approve, subject to completion of a S106 agreement) also supports the view that the landscape character sensitivity of the area in the Funtley triangle has been influenced by a number of detractors including adjacent urban development, road and railway noise and its land use for paddocks, resulting in loss of landscape features. The LVA assessed the local landscape character as having low to medium sensitivity for this reason.

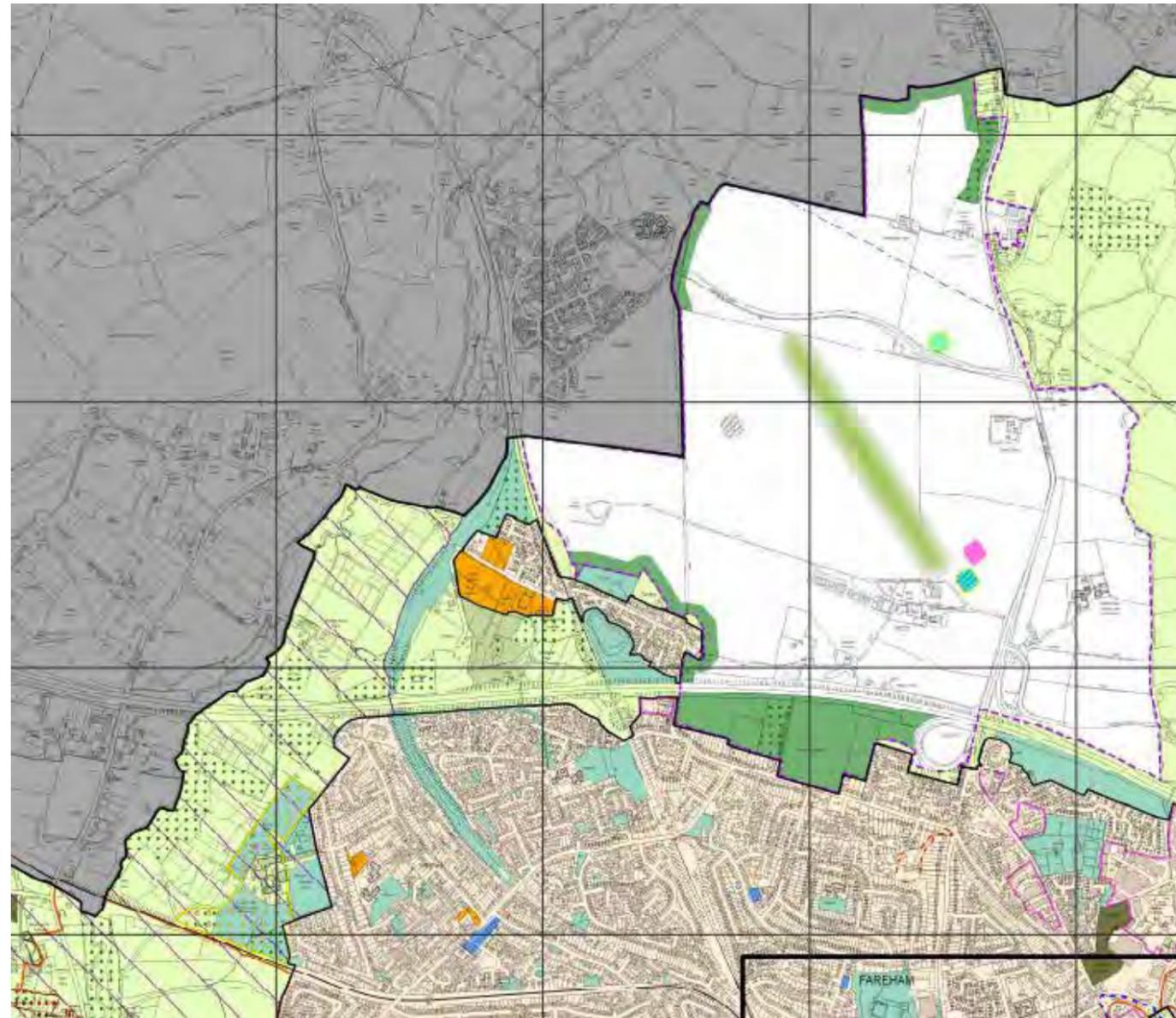
The LVA visual assessment also assessed a range of public viewpoints, both short and long distance, including several within the Meon Valley to the west. The LVA concluded that there is no visual connection between the site and the Meon Valley, due to the Deviation Line and its wooded margins, which provide significant physical and visual screening and separation.

Conclusion

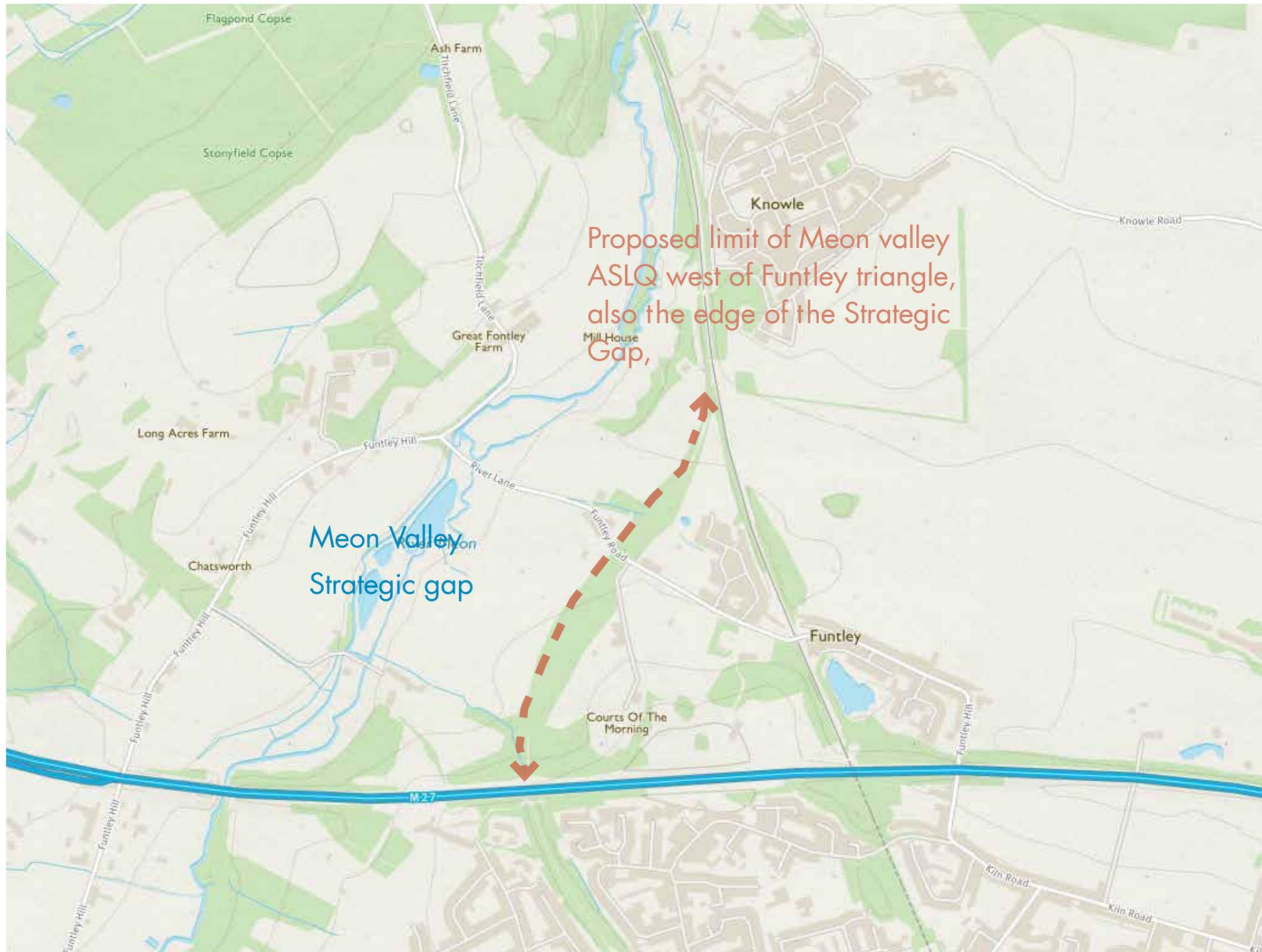
In defining the Meon Valley ASLQ it is important for unambiguous policy that there is a defensible boundary, based on robust evidence. Hampshire County Council and FBC's more recent detailed assessment of landscape character types shows that the embanked Deviation Line encloses the Meon Valley and marks the landscape character transition from the low lying river valley farmland associated with the course of the Meon river, to the small scale wooded farmland to the east, with its 'urban fringe' influences. In the Funtley triangle, character is particularly compromised by a number of suburban, horsiculture and perceptual influences (primarily noise arising from the railway and M27). Visually the embanked railway and the associated woodland, which separates the character types, also forms the edge of the Meon Valley to the west preventing intervisibility and so reinforcing the Meon valley's function as a Strategic Gap. The Deviation Line and associated woodland is covered by an open space designation on the draft policies map protecting its recreational and landscape value.

FBC's own evidence base, together with other studies carried out in relation to the Funtley South planning application by Reside's landscape consultants, show that the eastern boundary of the Meon valley ASLQ should be defined by the Deviation Line and that there is no logical reason, based on landscape and visual evidence, that this should be breached and include land within the Funtley triangle.

Therefore we propose that the boundary of the Meon Valley ASLQ should be defined by the Deviation line, as shown on the plan opposite, coinciding with the Strategic Gap, rather extending to an arbitrary location within the Funtley triangle to the east. This is readily defensible with respect to its landscape character and qualities and the visual enclosure that the man-made Deviation line affords to the Meon Valley.



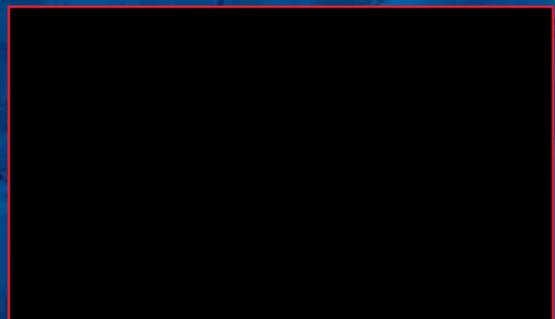
FBC Local Plan draft policies map in the northern extent of the Borough showing allocations at Funtley North and South and the Deviation Line included as an open space designation. The Meon Valley Strategic Gap lies to the west of the Deviation Line



The proposed limit of the Meon Valley ASLQ lies at the character transition between character types and open space designation along the disused Deviation Line (now a bridleway), west of the Funtley triangle



Rummey design



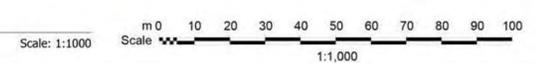
Appendix 4: Illustrative Masterplan (2021)

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1 Plan View



P2	17.03.21	DO/RR	Planning issue
P1	25.09.20	DO/RR	Planning issue
REV	DATE	DRAWN/CHECKED	DESCRIPTION
STATUS			
PLANNING ISSUE			
PROJECT			
RD173 Funtley Road, Fareham			
DRAWING			
Illustrative masterplan			
DATE	DRAWN/CHECKED	SCALE	PROJECT NO.
02.09/20	DO/RR	1:1000	RD1731-F3-1100
			REVISION NO.
			P2

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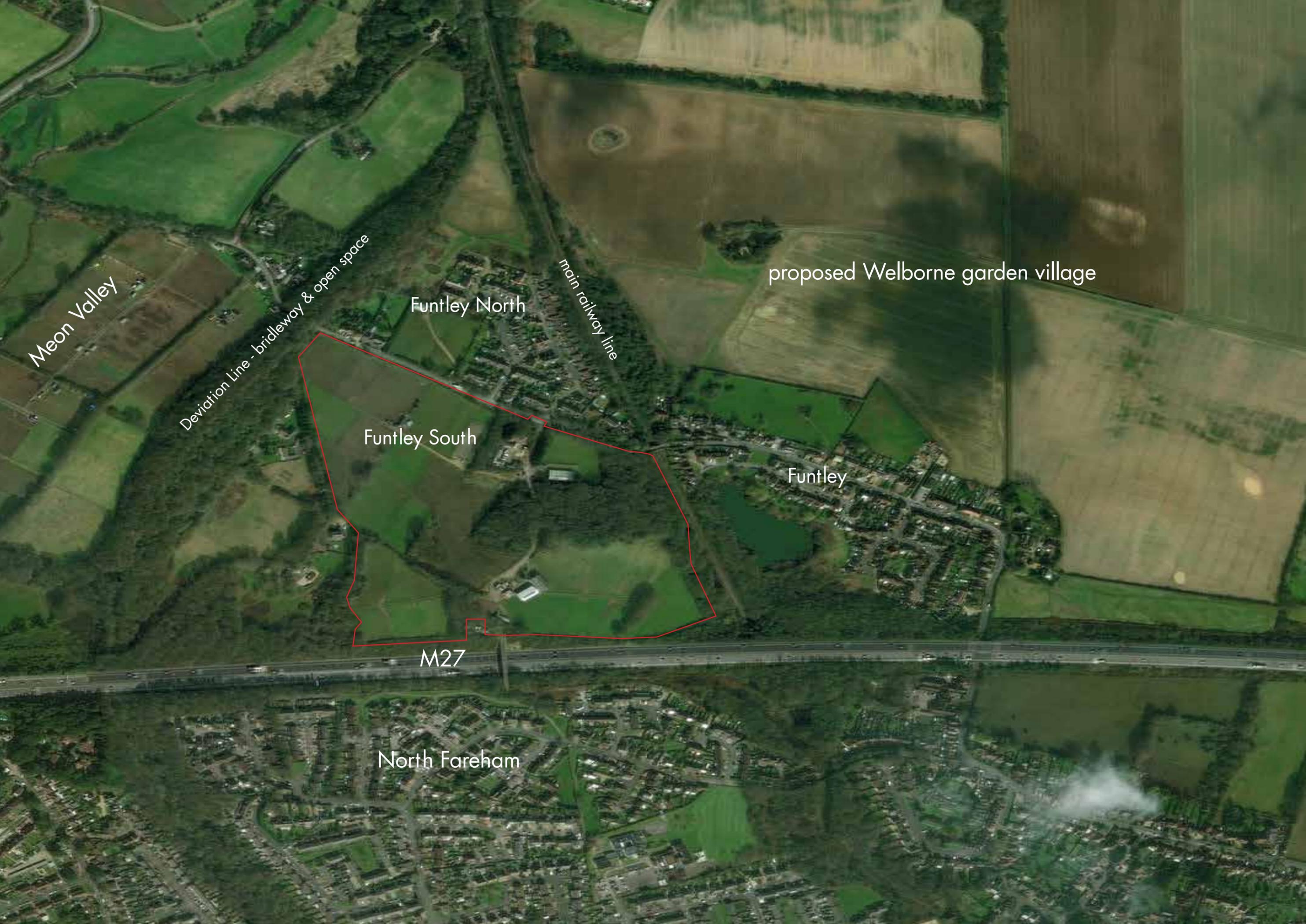
Appendix 5: Landscape and Visual Appraisal Addendum (2020)

reside.

Land South of Funtley Road, Funtley

LVA Addendum

r.



Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

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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.

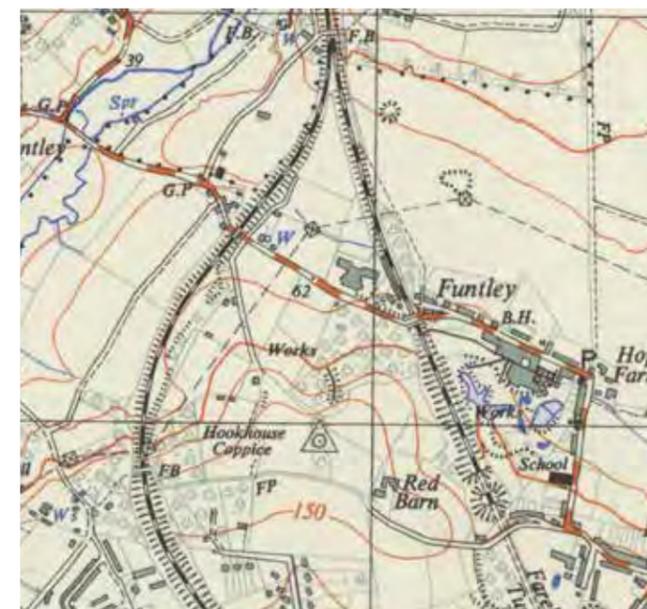
Restoring the historic pattern in green fingers to integrate development and reconnect the valley landscape with the wooded horizons has been one of the key landscape drivers for the revised layout reflected, on the illustrative masterplan by green links and rural edge treatments, which structure the 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



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1 Plan View

P1	30/09/20	00/00	Planning Issue
PLANNING ISSUE			
RD173 Funtley Road, Fareham			
Illustrative masterplan			
DATE	DATE/DESCRIPTION	SCALE	PROJECT NO.
02/09/20		1:1000	RD1731-F31100
			P1

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Masterplanning Urban Design Landscape Architecture

development proposal

The development is to provide for up to 125 dwellings, community building incorporating a local shop with associated infrastructure, new Community Park, landscaping and access as shown on the Illustrative Masterplan opposite.

The site is set within an undulating landscape where the dominant feature is the topography and its wooded horizons which are characteristic. This mature landscape effectively unifies the landscape and helps contain development, where it has occurred. The site itself contributes to the wooded horizons with remnant coppice woodland on the higher ground in the south.

Other significant landscape features on the site include areas of ancient replanted woodland in Great Beamond Coppice, treebelts and mature trees. The proposed development ensures that these key landscape features are retained and enhanced. The smaller scale field pattern that once compartmentalised the site (now only indicated by a few remnant trees) once linked the wooded horizons to the valley floor.

This pattern will be reinstated through the proposed north-south green links which will incorporate the remaining trees and provide access routes, SuDS, biodiversity corridors and new native tree and shrub planting, as well as species-diverse grasslands.

An interconnected network of footpath and cycle routes will link the site to Fareham North to the south and the Meon valley trail and wider countryside to the north, also allowing existing and new communities to access the Community Park located on the higher slopes south of the residential development. This area benefits from panoramic views northwards towards the South Downs and Meon Valley, which will now become accessible to the community.

The Community Park will provide significant areas of open space for informal recreation, with habitats enhanced through management and planting.

The landscape will be managed as part of the development adding to its amenity, biodiversity, recreational, educational and landscape value. Management regimes that might be considered could include traditional methods such as coppicing of woodland and diversification of meadows through green haying or grazing.

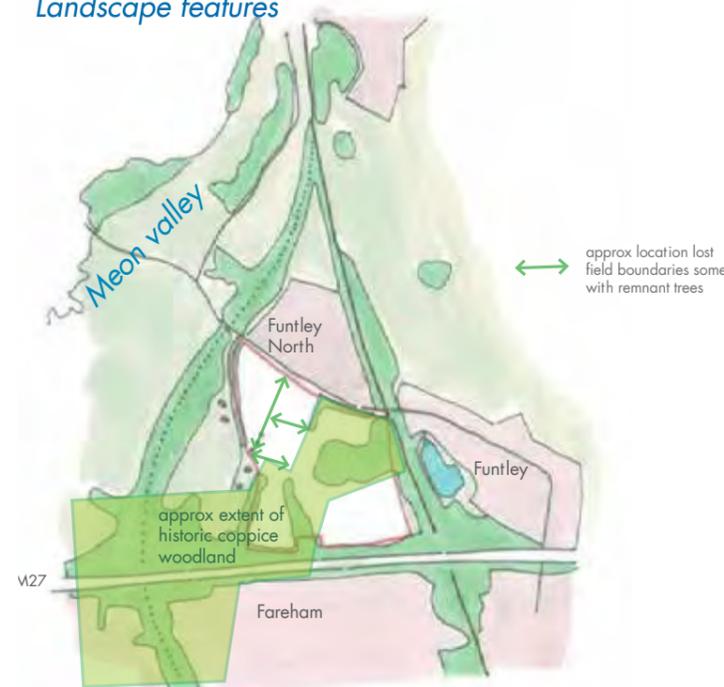
The character of Funtley Road frontage will be designed to reflect the essence of other Meon valley village frontages helping to connect the existing and new communities but also providing a locally distinctive setting within which to integrate development.

Visibility & Views



concentrate development in less visible areas on lower slopes, in valley and areas contained by vegetation. Community open space in areas with wider views maintaining and celebrating key panoramas to wooded horizons ...

Landscape features



historic features such as the north-south hedgerows and interconnected coppice woodland were present into the 20th century but have now been significantly reduced in area or lost. These connected the upper slopes to the valley floor. The repaired landscape structure can bring back some of these features and provide context and sense of place for development, integrating it into its setting ...

Landscape character



reconnect the site with the wider landscape and Meon valley reinforcing the wooded horizons; soften character transition of built development through density gradients within a repaired landscape pattern ...

landscape & visual implications of development proposal



preliminary aerial view from the north looking towards Fareham

— — — — —> wooded horizon reinforced

• • • • •> multifunctional green links reinstate smaller scale historic field pattern

landscape & visual implications of development proposal

The landscape character of Funtley South, which has been affected by adjacent residential development and uses such as a cattery, equestrian activities, stables, vehicle parking, noise from the M27, etc is best described as urban fringe. The urban influences will increase when Welborne Garden village is constructed, to the north-east.

The landscape led approach to the scheme is based on the retention of key landscape features including the replanted Ancient Woodland, the habitats of value within the site and the need to effect landscape restoration to restore the landscape pattern and character which has been eroded. The enhanced landscape will also provide the setting for the proposed development so that it integrates into the site. The enhanced setting will also help mitigate any impacts on visual amenity for local residents that face the site at present from the residential area to the north. Additional benefits are likely to include enhanced recreational opportunities including those provided by the proposed Community Park as well as better connectivity both with Fareham North and the footpath network, including the Meon Trail within the wider countryside.

Landscape impacts

The potential landscape effects have been assessed at site level, at Borough level LCA and also at County and National character area level. Landscape effects are also assessed on landscape features.

The arboricultural impact assessment confirms that all significant trees are to be retained and protected. The proposal allows for replanting within the greenlinks, reinstating smaller scale landscape compartments for development, based on historic pattern. These also physically and visually connect the wooded slopes and horizons with the valley floor. Additional planting around the rural edge of the site will enhance the existing landscape structure. New and existing vegetation will be managed as part of the development. The effect on landscape features is assessed as beneficial.

The landscape character of the site has been eroded through past uses. The proposed development, although over a slightly increased area compared to the previous proposal, is still located on the lower, less visible slopes and its edges have been carefully defined to relate to the topography and slopes for reasons of visibility and landscape character. The form of development also responds more closely to the landscape pattern, based on studies of its historic evolution.

The effect on landscape character of the proposed development at site level was previously assessed as a Moderate-Major negative effect on the landscape character at site level, where development is proposed due to the change of use from equestrian fields to residential development.

Whilst we would agree that this is a significant change we reiterate that the character of the site and indeed the entire Funtley triangle has been affected by changing uses over a long period with the effect that coppice woodland and field boundaries have been lost and replaced with fencing, sheds, and other buildings. Non-native planting has also been introduced, especially around the existing buildings near the entrance and the general visual amenity that the site provides has declined. In addition there has been little management of the key landscape features such as the woodlands and remaining field trees, which can be expected to decline further without intervention.

The site has been deemed suitable for limited residential development in both published landscape characterisation studies and by the Council, in granting planning permission for 55 houses. A well-designed, landscape-led residential development which respects the character and restores lost features is not necessarily negative, and in this case is positive, particularly in the longer term. Whilst the short term effects on landscape character may be Moderate adverse, the long term effect on landscape character is likely to be Minor adverse at worst with the potential to be beneficial. This could stop the century long decline in landscape structure and produce an appropriate and enhanced setting leading to a stronger landscape framework maturing into the 21st and 22nd centuries.

Visual impacts

We agree with the previous LVA assessment that the site is well enclosed so that the visual effects are likely to be restricted to receptors within the residential areas in Funtley North and road users along Funtley Road.

The proposed development, whilst over a slightly increased area, is still located on the lower, less visible parts of the site and the landscape structure throughout the site is to be enhanced. In addition, rather than cutting the site off from Funtley Road the proposals seek to create a positive, locally distinctive Meon valley village ambience where built form, water and vegetation provide the frontage along Funtley Road. This will enhance the character on both sides of Funtley Road.

Whilst there will be a discernible change in views for residents to the north of Funtley Road, it is assessed that the impacts are likely to be minor to moderate adverse in the short term (mainly related to construction impacts) with the potential for long term benefits as the landscape matures and development is integrated.

Landscape improvements in the Community Park, including the removal of buildings on the upper slopes, new tree planting and enhanced management of both the existing and new vegetation and grasslands are assessed as beneficial to views and visual amenity. This change of use will also give public access so that the panoramic views from the upper parts of the site, which are currently not available to the general public, will be available to all users.

The effects of this renewed landscape structure, combined with the enhanced public footpath access, will produce an enhanced landscape for the public and wildlife alike well into the 21st and even 22nd centuries. This will arrest the continuing decline and fragmentation of the landscape and produce the opportunity for improved landscape management; this new landscape structure will be 're-purposed' as part of the shift from agricultural to residential and leisure landscapes with changing social, economic and environmental circumstances.

Appendix i

Landscape and Visual Appraisal
prepared by Fabrik, January 2018

reside.

Land south of Funtley Road, Funtley

Landscape and Visual Appraisal

r.

Project Title: Land South of Funtley Road, Funtley, Hampshire

Client: Reside Developments Ltd

Revision	Date	Revision Details	Prepared By	Checked By	Approved By
DRAFT	19/06/17	Internal review	CLB	SG/AS	SG/AS
00	12/07/17	Internal review	CLB	AS	AS
00	18/07/17	Issued to the client	CLB	AS	AS
01	27/07/17	Revised to suit client's comments and re-issue.	CLB	AS	AS
02	28/07/17	Minor amendments to suit client's comments and re-issue.	CLB	SG	SG
03	16/01/2018	Winter views included and amendments to reflect current scheme proposals - Internal review	LS/DL	AS	AS
04	17/01/2018	Client Review	DL	AS	AS
05	19/01/2018	Client / planner comments integrated	DL	AS	AS

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1. Introduction

1.1 Introduction

fabrik Chartered Landscape Architects have been appointed by Reside Developments Ltd to carry out a Landscape and Visual Appraisal (LVA) of the land to the south of Funtley Road, Funtley, Hampshire (the Application Site, refer to **Figure 1.1**) and its environs, in order to consider the likely physical and visual impacts arising as a result of the proposed development.

This LVA forms one of the suite of documents provided with the outline application. It sets out landscape policy and then goes on to describe the existing topography, land cover, vegetation, landscape features, landscape character and visual receptors of the local area in order to assess the landscape and visual effects of the proposed development which together inform the landscape character. The LVA also describes the baseline character and amenity of the identified visual receptors (considering the visual envelope, the different groups of people, places affected, the nature of the view and the visual amenity). This document describes the development proposals and then sets out a statement of landscape and visual effects.

This LVA should be read in conjunction with the suite of documents submitted with the outline application (all matters reserved except for access).

The methodology for the LVA is based on the 'Guidelines for Landscape and Visual Impact Assessment' (third edition) by the Landscape Institute and Institute of Environmental Management and Assessment (Routledge, 2013) and is set out at Appendix 1.

Where the terms 'Site' and 'Application Site' are used in this LVIA, these both refer to the land defined by the red line boundary shown in Figure 1.1; which is the subject of two separate planning applications:

1) Outline Application

Following demolition of existing buildings residential development of up to 55 dwellings (including 3 self-build homes) (Use Class C3), community building incorporating a local shop 250 sqm (Use Classes A1, A3, D1 & D2), accesses and associated landscaping, infrastructure and development works.

2) Change of Use

Change of use of land from equestrian/grazing to community park following demolition of existing buildings

1.2 Overview of Proposed Development

The proposed development comprises of 55 dwellings, a community building incorporating a local shop, with associated infrastructure, new community park, landscape planting and access. The Site area is 16.18 hectares (ha) and the Site is a proposed development allocation (ref. HA10) in the emerging Fareham Local Plan 2036.

1.3 Desktop Research and Study Area

The desktop survey carried out as part of the LVA included the review of previous proposals, Ordnance Survey maps, interactive maps, aerial photography, published landscape character assessment documents and planning policy. This was further verified through field work, to determine the potential zone of landscape and visual influence of the site and proposed development, including views requested by the Principal Planner of Fareham Borough Council on 25/05/2017.

The study area was found to generally extend to around 2.0km from the centre of the Site. Beyond this the landscape is visually divorced from the area by the intervening topography, vegetation and in places, built form. The LVA nevertheless considers the wider landscape, planning and designations context to the land within the Site.

1.4 Field Work

The field work was initially carried out on 07/06/17 and recorded the existing landscape elements within the Site; the contextual landscape elements; and identified a series of key visual receptors. The visual assessment element includes a photographic survey of the land within the Site taken from a series of representative key views, chosen to represent a range of public views, distances and directions within the study area. The photographic survey was updated to reflect winter views on 05/01/2018.

Viewpoints 15-19 were omitted from the winter photographic survey, since the summer views demonstrated such an extent of screening of the views (by vegetation and/or landform in the intervening areas), that it was considered that no significant visual change would occur in winter.

However, additional winter views were taken from the bridleway following the disused railway line west of the Site, since the lack of leaf cover in winter revealed glimpsed views to parts of the Site and nearby existing dwellings. Summer viewpoint 4 is represented by a viewpoint taken from within the Site, but standing very close to the low hedge at the boundary with the adjacent property (containing a dwelling at the southern end of Honey Lane).

While the summer and winter views show slight differences in the position of the viewpoint and focal lengths of camera lens used, there are otherwise, no material differences in the view.

1. Introduction

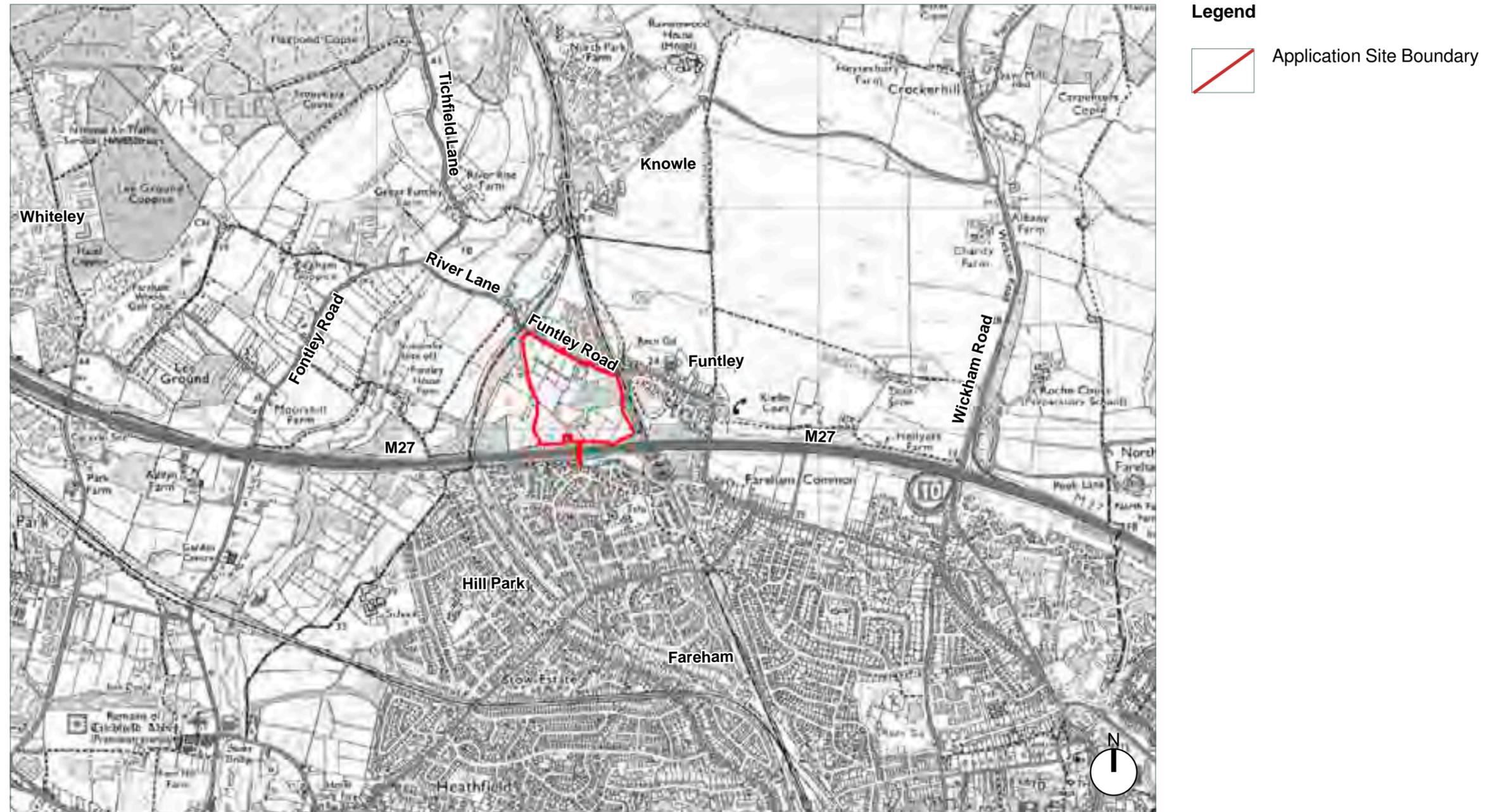


Figure 1.1 – Extract from Ordnance Survey Plan showing the Application Site location and boundary (fabrik, 2018)

2. Baseline Conditions

2.1 Landscape and Heritage Designation

The land within the Site lies wholly within the jurisdiction of Fareham Borough Council and is located within the landscape designation of Area Outside of Defined Urban Settlement Boundary. The area within the north-western part of the Site is designated as Existing Open Space in the Fareham Core Strategy (Adopted August 2011).

Within the Study Area, there are a number of Listed Buildings, Scheduled Ancient Monuments, Ancient Woodlands and Historic Parks and Gardens. The Scheduled Ancient Monument of Tichfield Abbey and Fishponds with a group of Grade II Listed Building of Abbey Cottage, Fisherman's Arms, Place House Cottage and Garden are situated along Mill Lane to the south west of the Application Site. There are no Listed Buildings which abut the Application Site or which have intervisibility with the Application Site.

The South Downs National Park (SDNP) is located approximately 3.7km to north east of the Application Site (and therefore outside of the 3km radius of the study area). This was further verified through field survey work to determine that views of the Application Site are truncated from the SDNP due to intervening topography, built form and vegetation (refer to the visual baseline on Pages 45 and 47).

The Grade II Listed buildings of Church of St Francis is located approximately 510m along Funtley Road to the east of the Application Site. A Scheduled Ancient Monument (the Site of Funtley Iron Works) together with a group of Grade II Listed buildings (including Ironmaster's House and Funtley House) are situated approximately 500m to the south west of Application Site along Ironmill Lane.

The Application Site contains Great Beamond Coppice, an Ancient Re-planted Woodland. This woodland, together with the tree blocks within central northern and south-western sections of the Application Site, are designated as a Site of Importance of Nature Conservation (SINC) and are also covered by a Tree preservation Order (TPO). Another Ancient Woodland of Hookhouse Coppice is also located approximately 200m to the south west of Application Site.

There are no other landscape or heritage designations within nor adjacent to the Application Site.

The above designations are shown on **Figures 2.1 and 2.2** on the following pages.

Land to the east of Funtley is designated for a new settlement known as Welborne. Settlement buffers are proposed in key locations, including along the eastern edge of Funtley.

2.2 National Landscape Policy

The National Planning Policy Framework (NPPF) (March 2012) seeks the presumption in favour of sustainable development. The following issues and policies are pertinent to this LVA.

Section 7 sets out the requirements of good design. Paragraph 56 states that: *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."*

Paragraph 57 goes on to state that: *"It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces..."*

Paragraph 58 looks to ensure that developments:

- *"will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

- *create safe and accessible environments...; and*
- *are visually attractive as a result of good architecture and appropriate landscaping."*

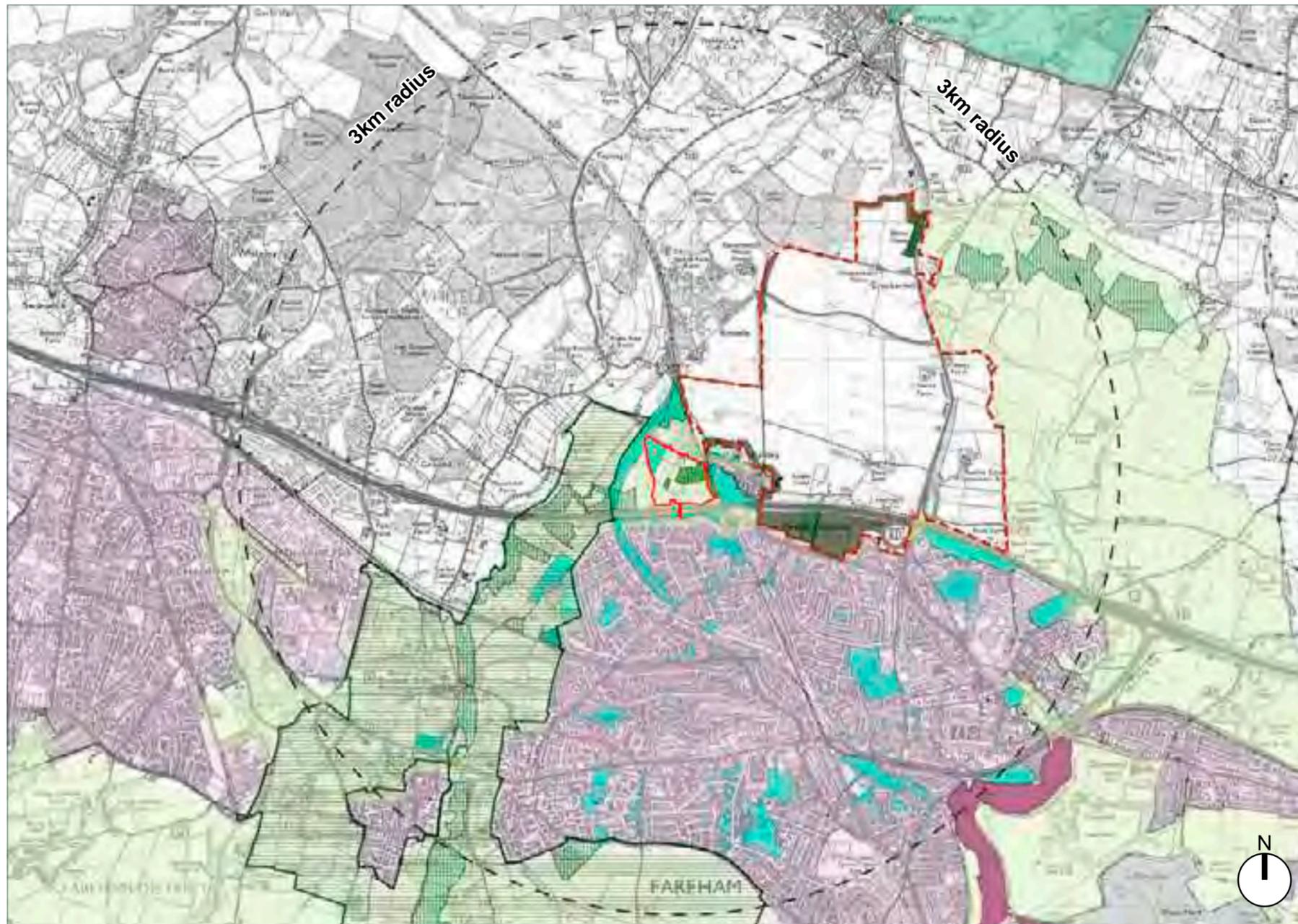
Furthermore, Paragraph 65 states that: *"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."*

Section 8 of the NPPF deals with 'Promoting healthy communities' and seeks to achieve:

- *"Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mix-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."*

Section 10 deals with climate change. Paragraph 96 sets out that development should take into account the landform, layout, building orientation, massing and landscaping to minimise energy consumption. Furthermore, Paragraph 99 states that: *"... When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure."*

2. Baseline Conditions



Legend

-  Application Site Boundary
-  Local Authority Boundary
-  Study Area (3km radius)
-  South Downs National Park
-  Site of Importance of Natural Conservation (Ecological Policy: CS4 / DSP13)
-  Special Protection Area and Ramsar Sites (Policy: CS4 / DSP13)
-  Welborne Policy Boundary (Policy: CS13)
-  Welborne Settlement Buffers (Policy: WEL5)
-  Area Outside of Defined Urban Settlement Boundary (Policy: CS14 / DSP6)
-  Strategic Gap (Policy: CS22): The Meon Gap
-  Existing Open Space (Policy: CS21)
-  Tree Preservation Order (shown within the Application Site only)
-  Defined Urban Settlement (Policy: CS6 / CS14 / DSP6)

Figure 2.1 – Plan illustrating landscape and ecological designations as shown on the Fareham Borough Council 2015 Adopted Local Plan Proposals Map (fabrik, 2018)

2. Baseline Conditions

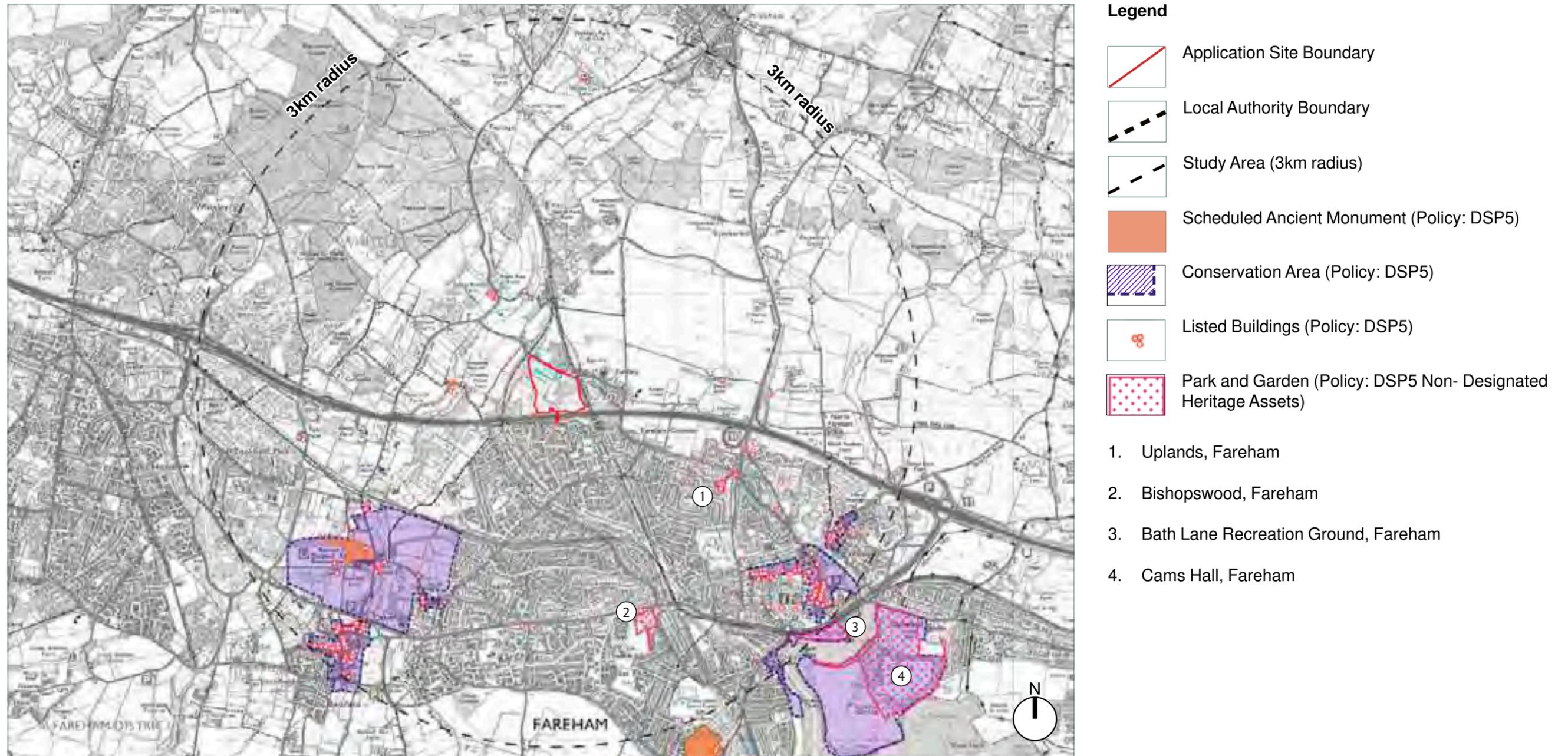


Figure 2.2 – Plan illustrating heritage assets within the 3km study area (fabrik, 2018)

2. Baseline Conditions

2.2 National Landscape Policy (continued)

Conserving and enhancing the natural environment is the topic of Section 11. Paragraph 109 states that: *“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity.”*

Paragraph 115 goes on to state that: *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

The Application Site does not lie within or form part of the setting to a valued landscape.

National Planning Practice Guidance - NPPG (March 14)

The NPPG is now supported by the on-line resource Planning Policy Guidance (PPG). There are a number of sections that relate to this LVA as set out below.

The PPG sets out guidance on Design at section ID 26 (updated on 6 March 2014) and the elements to be considered to achieve good design. Paragraph 001 under this section states that: *“The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.*

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use - over the long as well as the short term.”

Paragraph 002 states that: *“Good design should:*

- *ensure that development can deliver a wide range of planning objectives*
- *enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being address the need for different uses sympathetically.”*

Paragraph 004 goes on to state that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

Paragraph 007 states that planning should promote local character (including landscape setting) - states:

“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

When thinking about new development the site’s land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.

Paragraph 009 relative to greenspaces and public places - includes the following:

“Development should promote public spaces and routes that are attractive, accessible, safe, uncluttered and work effectively for all users – including families, disabled people and elderly people. A system of open and green spaces that respect natural features and are easily accessible can be a valuable local resource and helps create successful places. A high quality landscape, including trees and semi-natural habitats where appropriate, makes an important contribution to the quality of an area.”

Landscape is a sub section under Section ID 8 on the Natural Environment (updated on 6 March 2014). Paragraph 001 on landscape character states that: *“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes, but also the wider countryside.*

Where appropriate, landscape character assessments should be prepared to complement Natural England’s National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making.”

Under the biodiversity, ecosystems and green infrastructure section, paragraph 015 on green infrastructure defined this as: *“... a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, street trees, allotments and private gardens.”*

2. Baseline Conditions

2.3 Local Landscape Policy

Introduction

The Fareham Borough Council is undergoing the process of producing a new Local Plan to reflect new housing and employment needs within the borough up to 2036. Before the emerging local plan is adopted by the Council, the policies within the Fareham Local Development Framework, Core Strategy (Adopted August 2011) form the principal documents within the Local Plan.

Current Policy: Fareham Local Development Framework, Core Strategy (Adopted August 2011)

Within the Adopted Core Strategy, the Council has set out strategic objectives to reflect the national policies, as well as to monitor and deliver a sustainable community within the borough.

The following objectives are pertinent to this LVA.

Strategic Objective SO1 aims to: *“To deliver the South Hampshire Strategy in a sustainable way, focussing development in Fareham, the Strategic Development Area north of Fareham and the Western Wards.”*

Strategic Objective SO8 aims to: *“To deliver a new sustainable settlement to the north of Fareham, creating 6,500-7,500 homes, up to 90,750 sq.m employment floorspace, a new district centre and other supporting retail and community provision.”* This relates to the Welborne settlement proposed to the east of Funtley.

SO10 states that the Local Authority wishes to: *“...manage, maintain and improve the built and natural environment to deliver quality places, through high quality design sustainability and maintenance standards, taking into account the character and setting of existing settlements and neighbourhoods and seeking safe environments which help to reduce crime and the fear of crime.”*

Whilst SO11 is concerned with green infrastructure, aiming to: *“... protect and enhance access to green infrastructure, the countryside,*

coast and historic environment whilst protecting sensitive habitats or historic features from recreational pressure, and protect the separate identity of settlements, including through the designation of strategic gaps.”

In terms of development proposals and designations, the following policies are pertinent to this LVA.

Policy CS4 relates to the green infrastructure within the borough and states: *“Habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland, the coast and trees will be protected ...”* The policy goes on and states: *“Development Proposals will be permitted where Green Infrastructure provision in accordance with the Green Infrastructure Strategy has been integrated within the development where this is appropriate. Development proposals will provide for appropriate access to green space for informal recreation to avoid adverse impacts from recreation and other impacts on European 31 and Ramsar sites and on nationally and locally important sites.”*

Within the Core Strategy and the proposal map, the Welborne Policy Boundary is within the close distance to the Application Site to the north-east (refer to Figure 2.1). This future development allocates up to 6,000 dwellings with associated transportation links, green infrastructure and open spaces. The relevant Policy is CS13 North of Fareham Strategic Development Area and states that: *“Permission will be granted for the development of a Strategic Development Area to the north of Fareham following the adoption of an Area Action Plan and the preparation of a comprehensive masterplan for the development. The development will include provision for between 6,500- 7,500 dwellings, unless it is found that this level of housing cannot be delivered without adversely affecting the integrity of protected European conservation sites. If any potential adverse effects cannot be avoided or adequately mitigated, the level and scale of development would need to be reduced accordingly to ensure that there are no adverse effects on the integrity of any European sites. The development will also provide supporting environmental, social and physical infrastructure, retail and employment floorspace to both support the development and to contribute towards meeting*

the development objectives of the South Hampshire Sub-Region. The new community will aim to be as self-contained as possible, whilst complementing and supporting the established town centre of Fareham and adjoining settlements.”

Policy CS14 refers to Development outside the defined settlement boundary, stating: *“Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.”*

Policy CS17 is concerned with High Quality Design, with focus on landscape and stating: *“All development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed to:*

- *respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials;*
- *provide continuity of built form, a sense of enclosure with active frontages to the street and safety of the public realm;*
- *provide green infrastructure, including landscaping, open spaces, greenways and trees within the public realm...”*

The policy relating to the Protection and Provision of Open Spaces, CS21 states: *“The Borough Council will safeguard and enhance existing open spaces and establish networks of Green Infrastructure to add value to their wildlife and recreational functions. Development which would result in the loss of or reduce the recreational value of open space, including public and private playing fields, allotments and informal open space will not be permitted, unless it is of poor quality, under-used, or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size.”*

Policy CS22 deals with developments within Strategic Gaps and states: *“Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or*

2. Baseline Conditions

2.3 Local Landscape Policy (continued)

cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap)...

Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

The Local Plan Part 2 reinforces the Core Strategy's policies relating to the natural environment. Paragraph 4.1 summarises: *"The Natural Environment is a key asset of the Borough, which provides a significant contribution to the quality of life of residents and visitors. It not only provides a natural, green setting for the Borough's settlement, but is also important for recreation and leisure uses as well as supporting the Borough's biodiversity including internationally important habitats for wildlife. The Plan is important in establishing the right balance between planning for growth and protecting the natural environment."*

Policy DSP40 Housing Allocations includes the following, which is of relevance to the proposed development site:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing and supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*

iv. It can be demonstrated that the proposal is deliverable in the short term; and

v. The proposal would not have any unacceptable environmental, amenity or traffic implications."

Policy DSP2 concerns with any environmental impact of new developments to the existing development and wider landscape, and go on stating: *"Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour)...."*

Policy DSP5 relates to any developments affecting the setting of historical assets and states: *"Designated and non-designated heritage assets are an irreplaceable resource that will be conserved in a manner appropriate to their significance, to be enjoyed for their contribution to the quality of life of this and future generations. The wider social, cultural, economic and environmental benefits of their conservation will also be taken into account in decision making...."* The policy goes on and state: *"...The Council will conserve Scheduled Monuments, and archaeological sites that are demonstrably of national significance, by supporting proposals that sustain and where appropriate enhance their heritage significance. Proposals that unacceptably harm their heritage significance, including their setting, will not be permitted."*

Non-designated heritage assets including locally listed buildings, historic parks and gardens, and sites of archaeological importance will be protected from development that would unacceptably harm their Architectural and historic interest, and/or setting taking account of their significance.

Policy DSP6 relates to the Core Strategy CS14 on Development Outside of the Defined Urban Settlement Boundaries and states: *"There will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map)....A change of use of land outside of the defined urban settlement boundary to residential garden will only be permitted where:*

i. It is in keeping with the character, scale and appearance of the surrounding area; and

ii. It will not detract from the existing landscape; and

iii. It respects views into and out of the site."

Policy DSP13 relates to the impact of new development on the nature conservation areas within the borough and states: *"Development may be permitted where it can be demonstrated that;*

i. designated sites and sites of nature conservation value are protected and where appropriate enhanced;

ii. protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;

iii. where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and

iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Proposals resulting in detrimental impacts to the above shall only be granted where the planning authority is satisfied that (this section of the policy should not be applied to impacts on SPA designated sites which are subject to stricter protection tests as set out in The Conservation of Species and Habitats Regulations (as amended) 2010);

i. Impacts are outweighed by the need for, and benefits of, the development; and

ii. Adverse impacts can be minimised and provision is made for mitigation and, where necessary, compensation for those impacts is provided.

Enhancements that contribute to local habitat restoration and creation initiatives as set out in the Hampshire Biodiversity Action Plan (or other similar relevant document) will be supported."

2. Baseline Conditions

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016

In terms of public open space, outdoor sport and children's play equipment, Appendix B sets out that for developments of between 50-299 dwellings, 1.5ha per 1000 population is to be provided for parks and amenity open space. No sport provision is required for this scale of development. In terms of play provision, for developments between 50-199 dwellings, a LEAP is required.

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version)

Figure 2.3 on the following page illustrates the proposed amendments to the policies map. **Figure 2.4** shows the development allocation plan from Appendix G of the emerging local plan. The Application Site is proposed for residential development and new open space. Land to the north is also proposed as a residential allocation. Extracts of the policies relative to landscape matters are set out below:

Policy HA10 sets out the requirements of the proposed allocation, with a capacity for 55 dwellings and states that: "Planning permission will be granted provided that detailed proposals accord with the policies in the Local Plan and meet the following site specific requirements:

- a) The quantum of housing proposed shall be broadly consistent with the indicative site capacity; and
- b) Primary highway access shall be from Funtley Road; and
- c) Building heights are limited to a maximum of 2 storeys; and
- d) Safe pedestrian and cycle crossing points across Funtley Road and connectivity with the existing footpath/bridleway network in the vicinity of the site and eastwards towards the centre of Funtley village in order to maximise connectivity to nearby facilities and services; and

- e) The creation of a vehicular loop road on the site, allowing for pedestrians and cycle permeability across the site; and
- f) Proposals shall take account of the site's landscape context by incorporating view corridors from Funtley Road through to the public open space allocation to the south of the residential allocation (as illustratively shown in Appendix G). The view corridors should form part of the on-site open space and should incorporate pedestrian and cycle links, whilst vehicular crossing links should be limited; and
- g) A 15m buffer shall be incorporated between development and the Great Beamond Coppice SINC to the east of the site; and
- i) The provision of a building / buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents; and
- j) Proposals shall either provide directly, or provide financial contribution towards the delivery (and maintenance where deemed necessary) of the following infrastructure, in line with the Council's Planning Obligations SPD:
 - Public open space on and off-site (as illustratively shown in Appendix G) (in line with the Council's Planning Obligations SPD); and
 - a Local Area of Play (LEAP) on-site (in line with the Council's Planning Obligations SPD).

In light of the landscape setting, this development allocation is required to take a looser, less dense approach, applying a density of around 20 dwellings per hectare (dph). In light of the rural setting, significant natural landscaping should be incorporated, so that proposals are assimilated into the landscape. Part of this assimilation includes the incorporation of view corridors, between Funtley Road and the open space south of the site, which are required to maintain visual and physical connections through the site.

Additionally, the delivery of the community uses building and public open space are critical elements in making the development

acceptable, by providing additional assets for both the existing and new community. The community building envisaged is one that is multi-functional and flexible to allow for a range of small-scale community uses, whilst the proposed public open space should be more informal in nature, to take account of and strengthen the landscape setting.

Appendix F is a visual demonstration of the suggested approach to development in this location, taking account of the approach detailed above."

The other pertinent policies of the Local Plan, relative to landscape and visual matters are:

Policy CF6: Provision and Protection of Open Space, which states that: "Proposals for new residential development will be required to provide open space to meet the needs of new residents in accordance with the thresholds and requirements set out in the Council's Planning Obligations SPD.

Proposals seeking to develop on open space will not be permitted unless it can be clearly demonstrated that:

- a) The open space is surplus to local requirements and will not be needed in the long-term following a robust assessment; and
- b) Replacement provision will be at least equivalent or better in terms of quantity, quality and accessibility and there will be no overall negative impact on the provision of open space; or
- c) The development is for alternative recreational provision, which meets locally identified needs and clearly outweighs the loss of the original open space; or
- d) The loss of open space is replaced by a scheme which delivers high quality community, educational or health benefits and clearly outweighs the scale of the net loss of open space."

2. Baseline Conditions

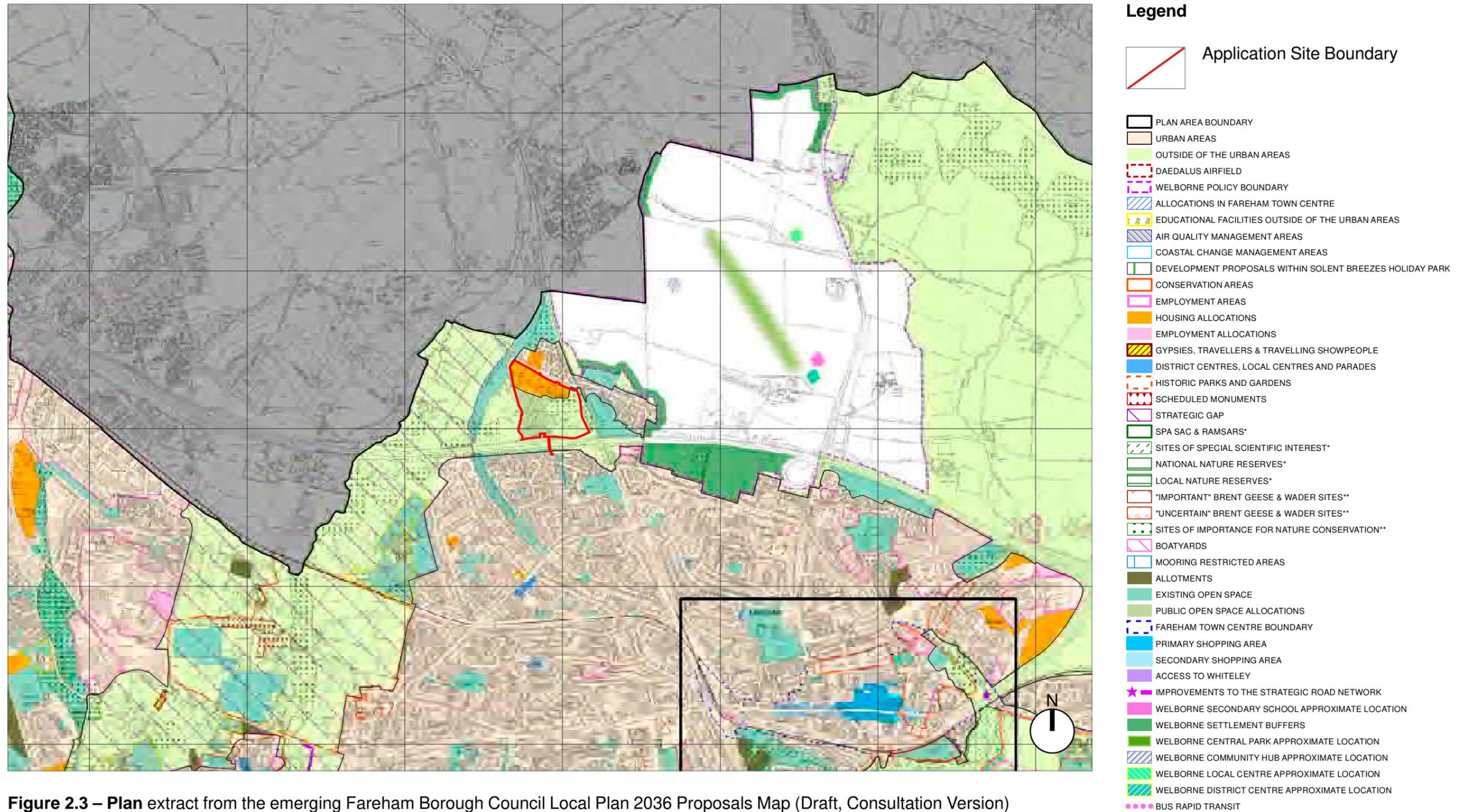


Figure 2.3 – Plan extract from the emerging Fareham Borough Council Local Plan 2036 Proposals Map (Draft, Consultation Version)

2. Baseline Conditions

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version) Continued

Policy NE1 deals with Landscape and states that: *“Development for all major applications will be permitted only where it can be demonstrated, through a robust landscape assessment that the proposals satisfy the specific development criteria contained within the Council’s Landscape Sensitivity Assessment for the character area in which the development is located.*

Development proposals must respect, enhance and not have severe adverse impacts on the character or function of the landscape that may be affected, with particular regard to:

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape’s role as part of the existing Green Infrastructure network;*
- e) The local character and setting of buildings and settlements;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough’s rivers and coastline, which should be safeguarded.*

Major development proposals shall include a comprehensive landscaping mitigation and enhancement scheme to ensure that the development is able to successfully integrate with the landscape and surroundings. The landscaping scheme shall be proportionate to the scale and nature of the development proposed and shall be in accordance with the enhancement opportunities specified in the

Council’s Landscape Sensitivity Assessment.”

Policy D1 is the topic for High Quality Design, setting out that all development proposals and spaces are to be of high quality, based on principles of urban design and sustainability to help create quality places. It includes the following:

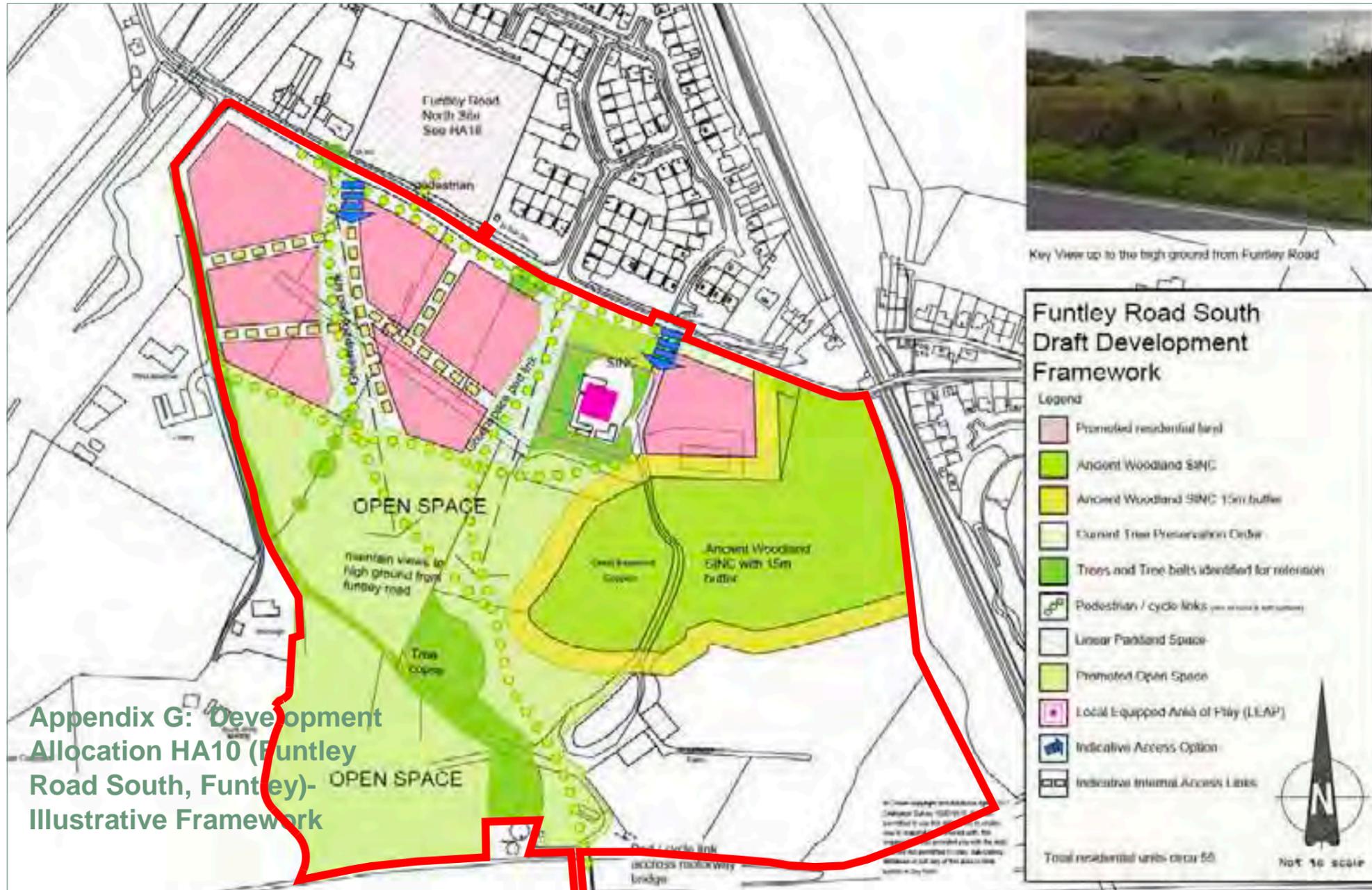
“Development proposals will be permitted where they:

- a) Respond positively to and be respectful of key characteristics of the area, including heritage assets, landscape, trees and landscape features, scale, spaciousness, form and the use of external materials;...*

In all instances proposals shall have regard to the adopted Borough Design Guidance SPD.”

In addition to the allocation pertaining to the Site, land to the north of Funtley Road (Funtley Road North Site HA18) is subject to an allocation for around 23 dwellings on land around 0.96ha in size (see Figure 2.4).

2. Baseline Conditions



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

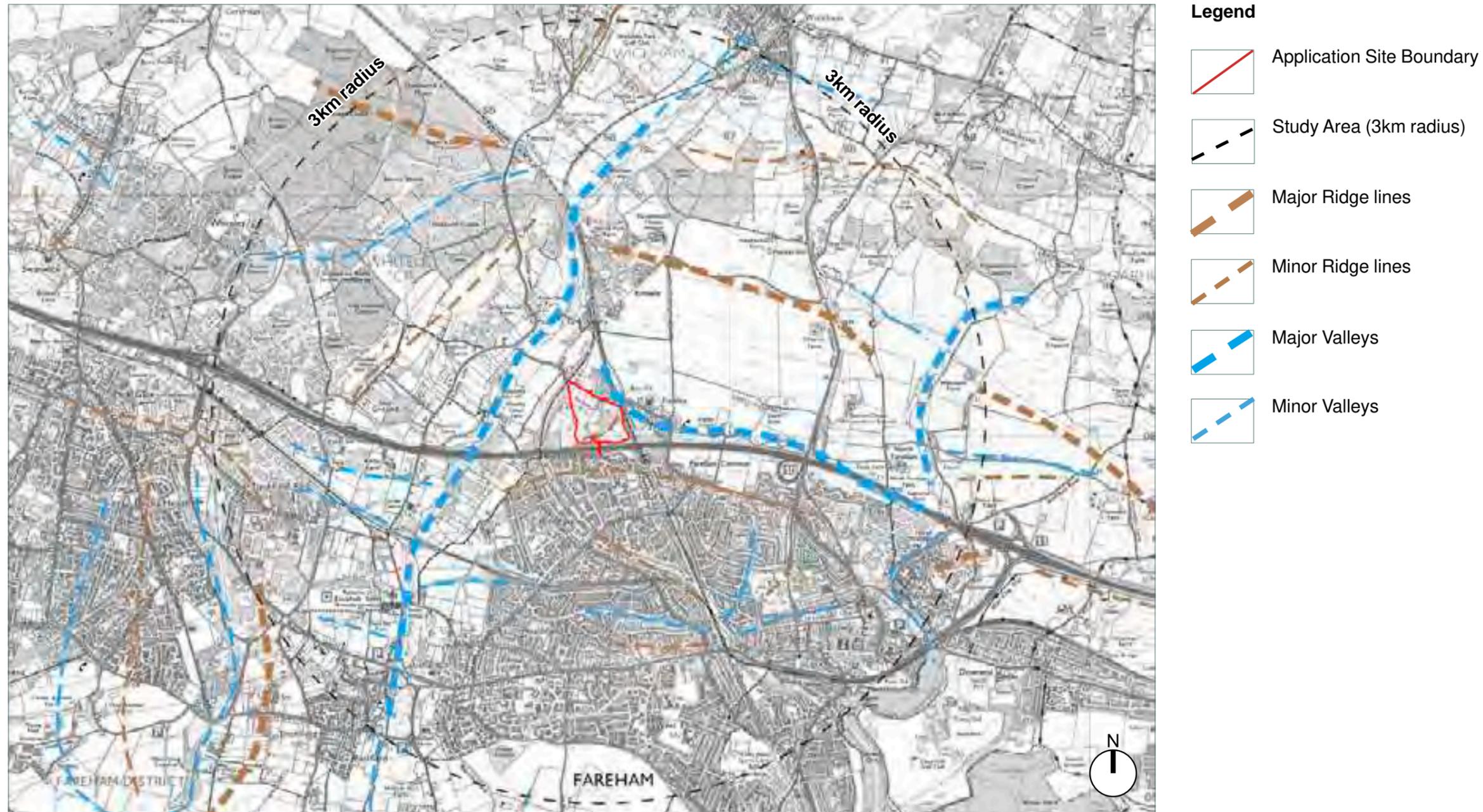


Figure 2.5 – Plan illustrating Topography and Drainage (fabrik, 2018)

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

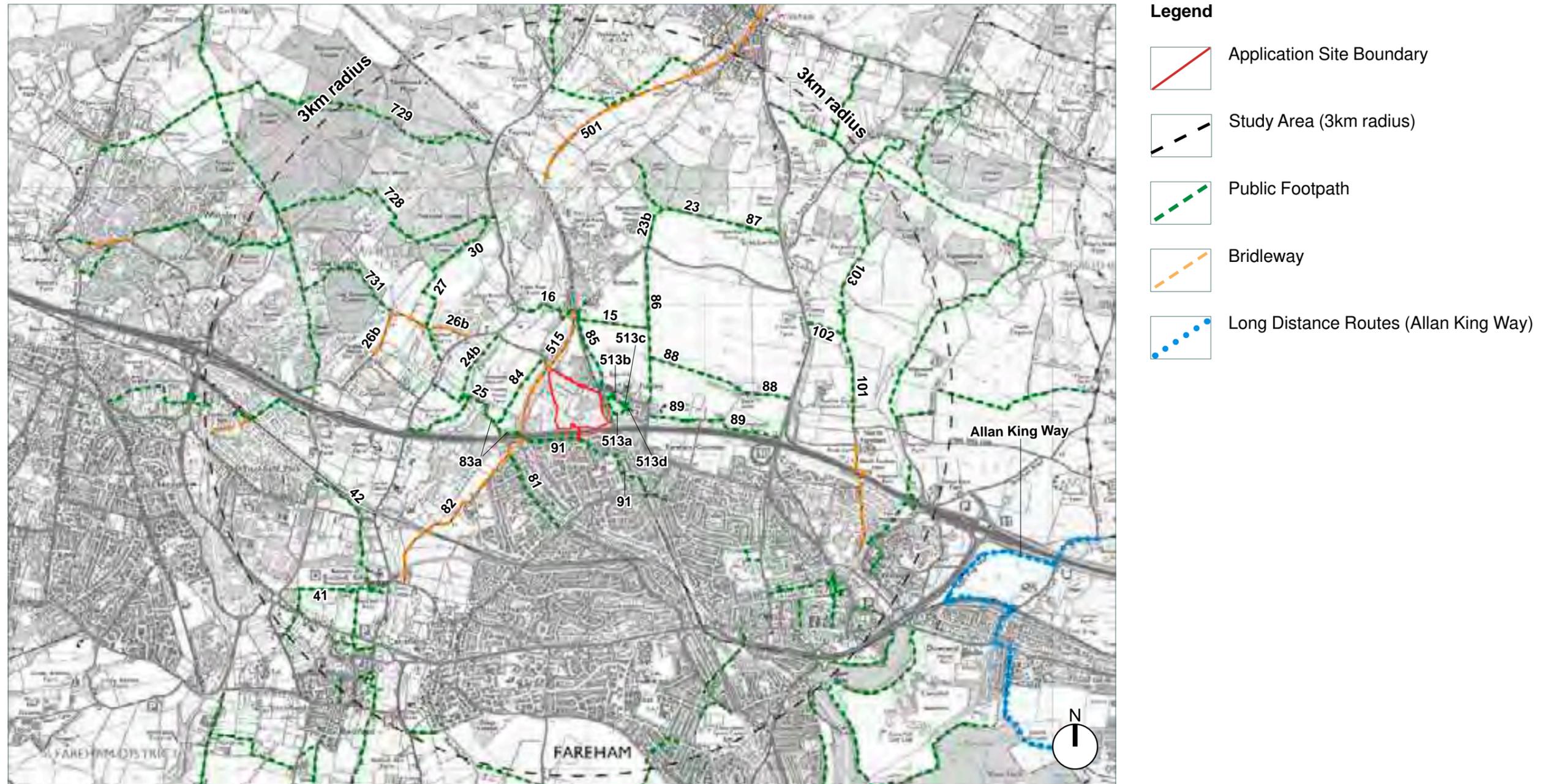


Figure 2.7 – Plan illustrating public rights of way and long distant routes within the study area (fabrik, 2018).

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

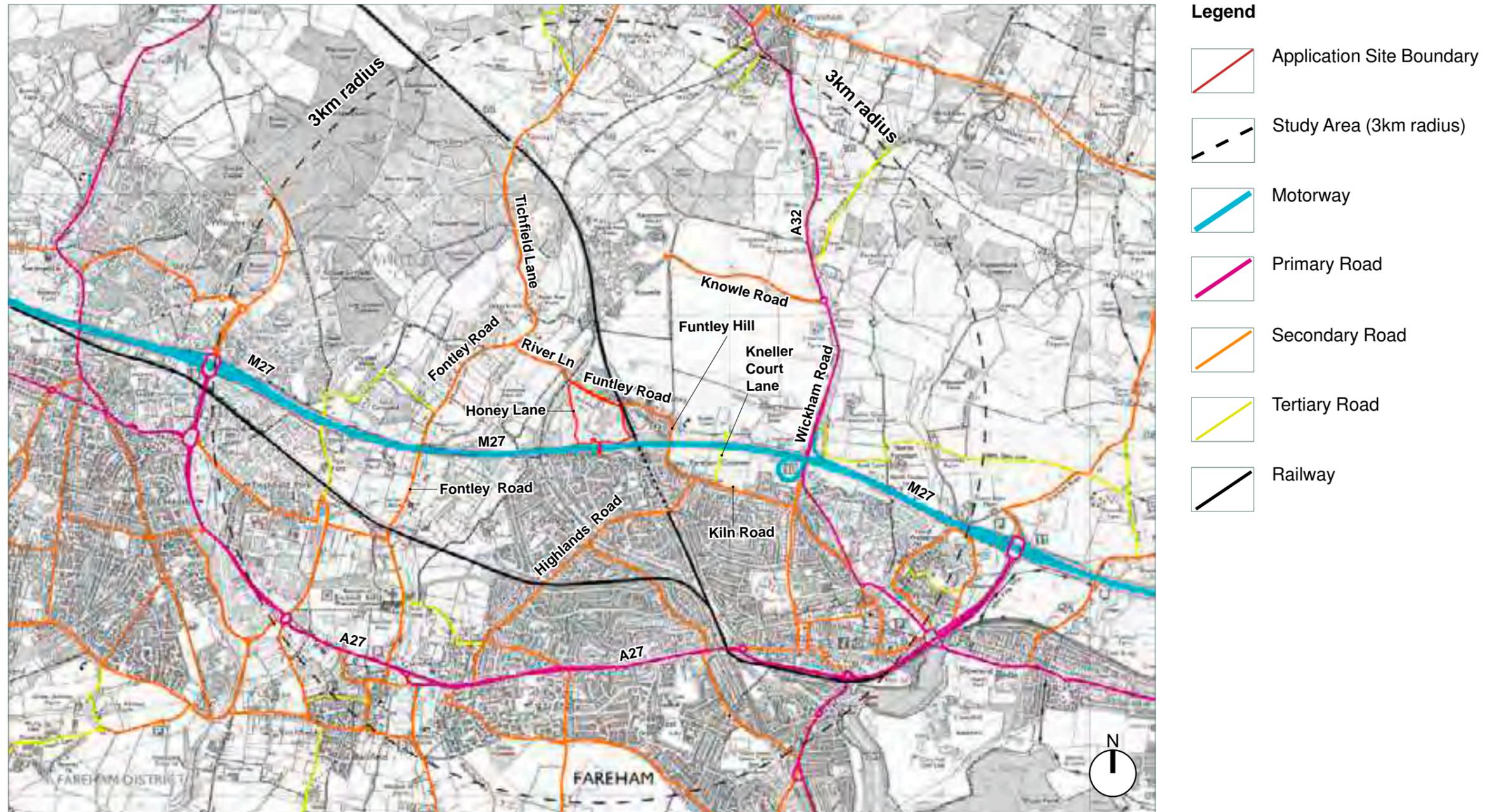


Figure 2.8 – Plan showing transportation links and road network within the study area (fabrik, 2018).

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

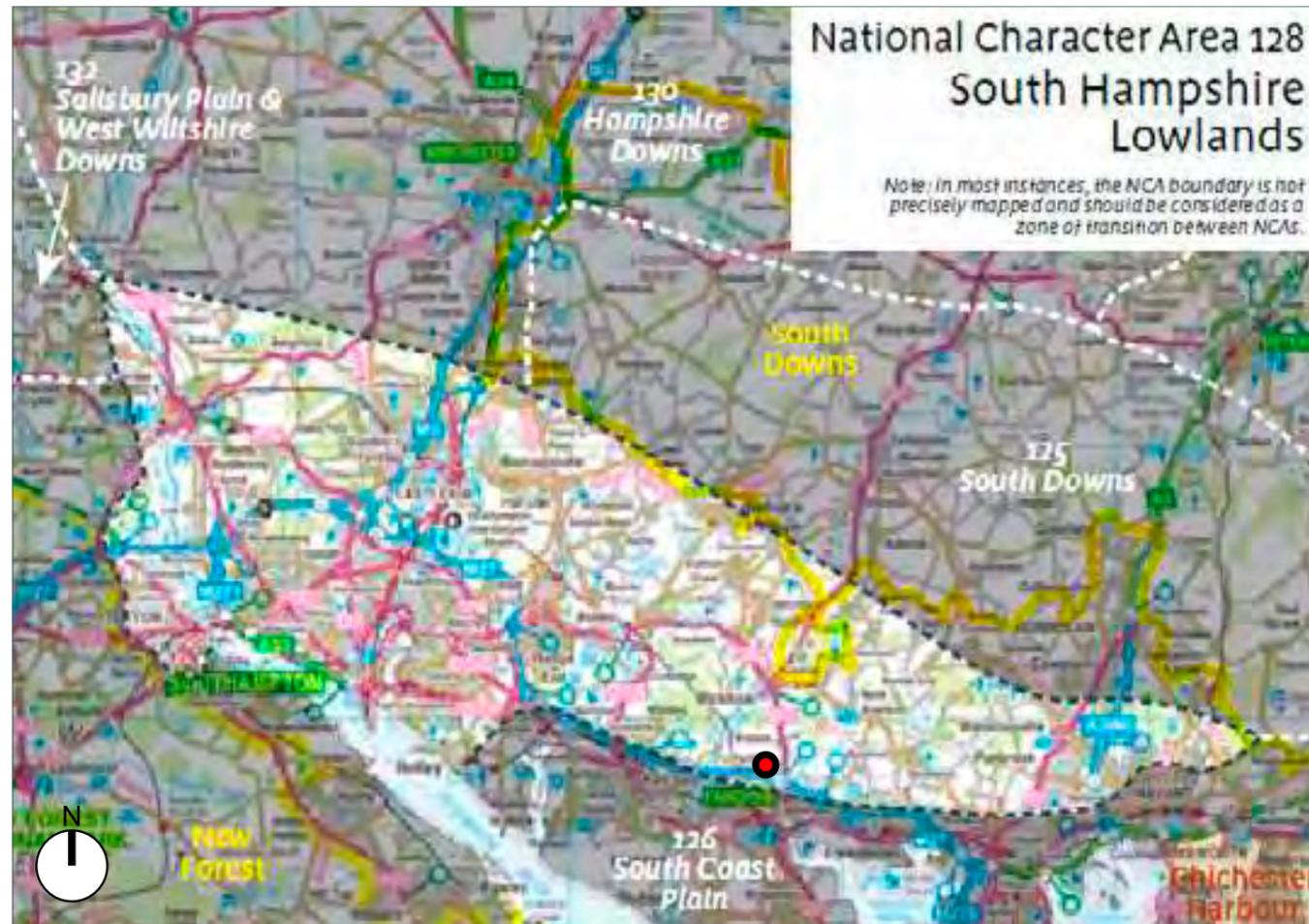


Figure 2.9 – Extract from National Landscape Character Area Map (Natural England, 2014)

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

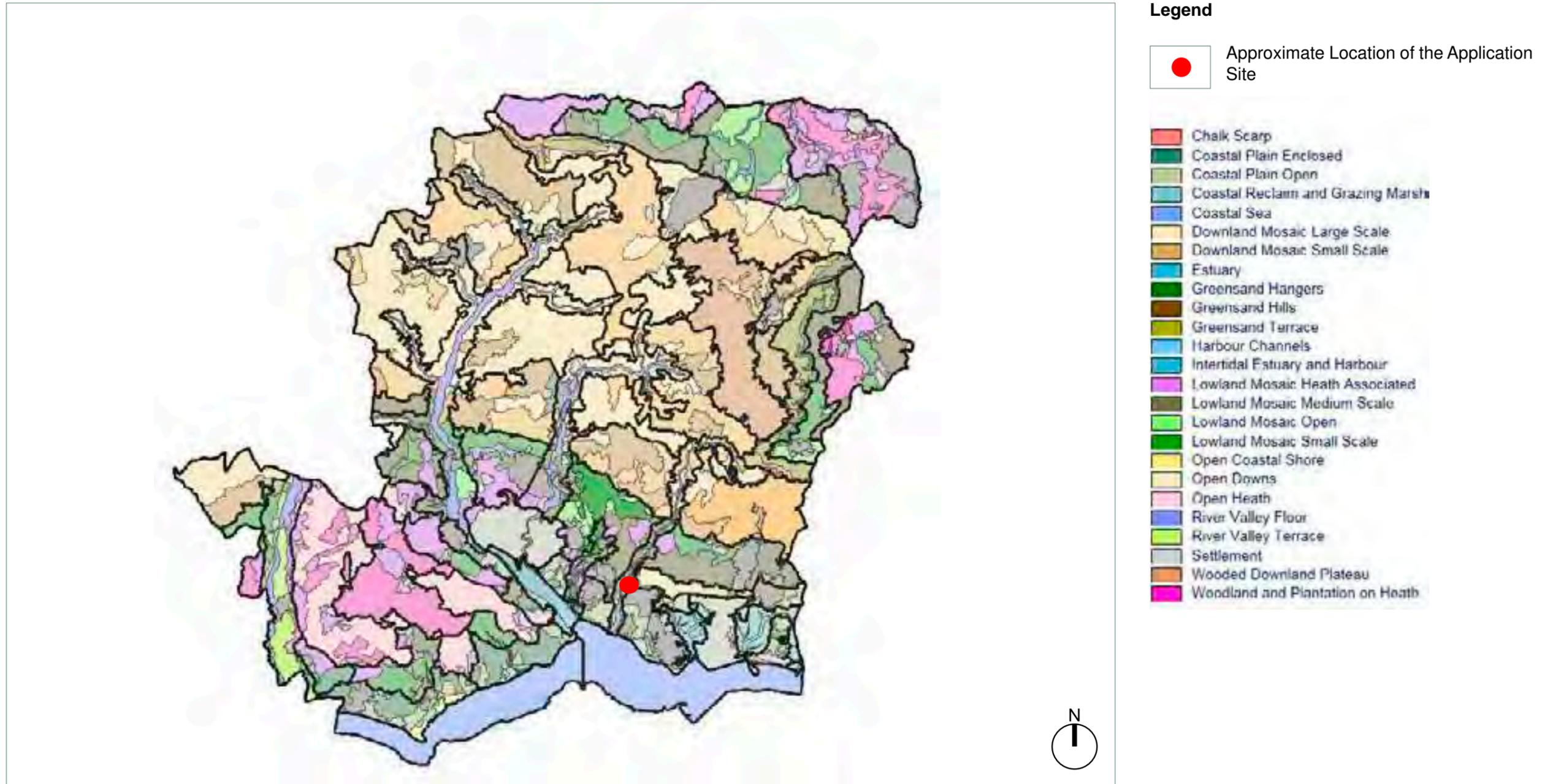


Figure 2.10 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape types

2. Baseline Conditions

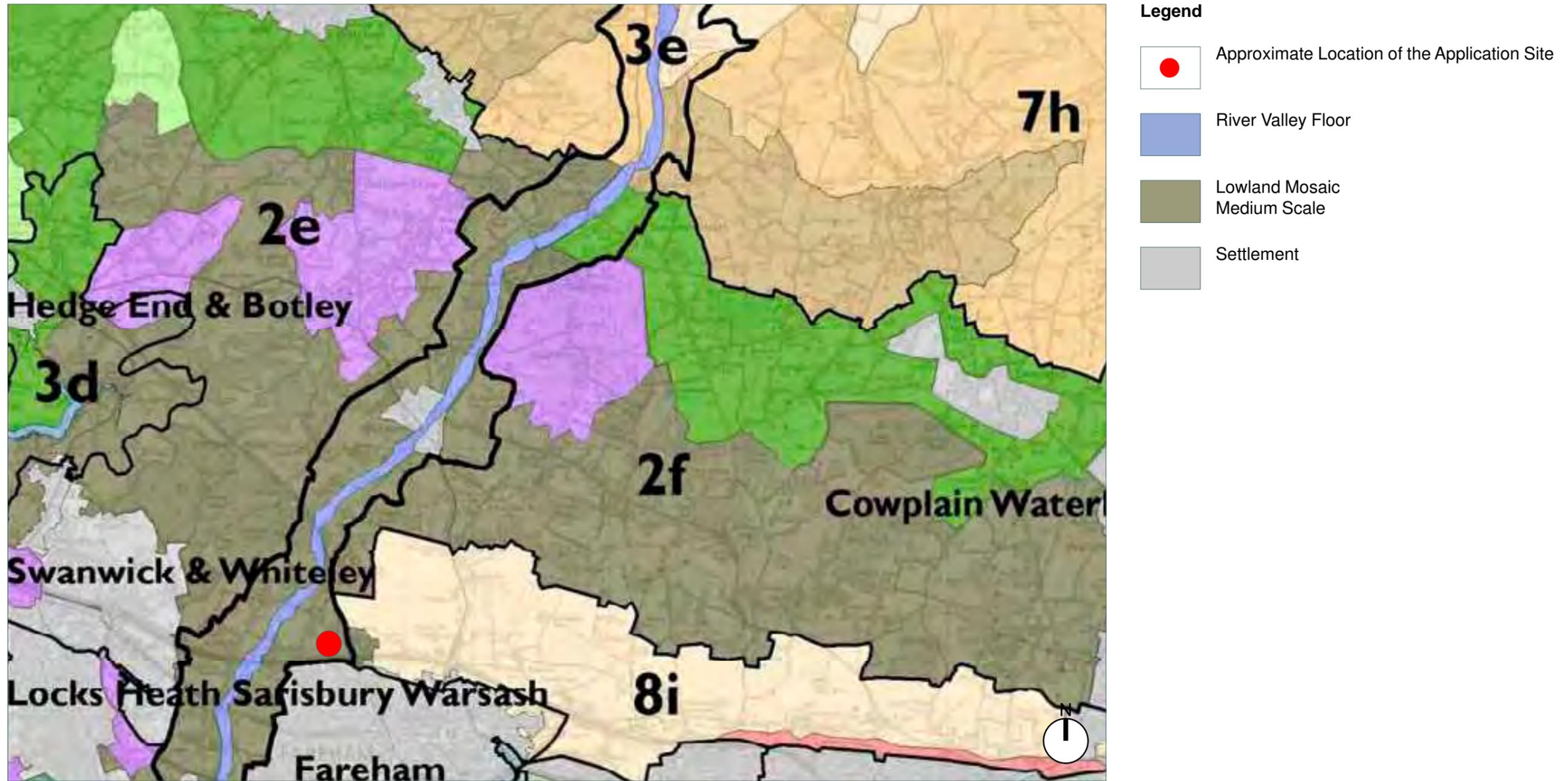


Figure 2.11 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape character areas.

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

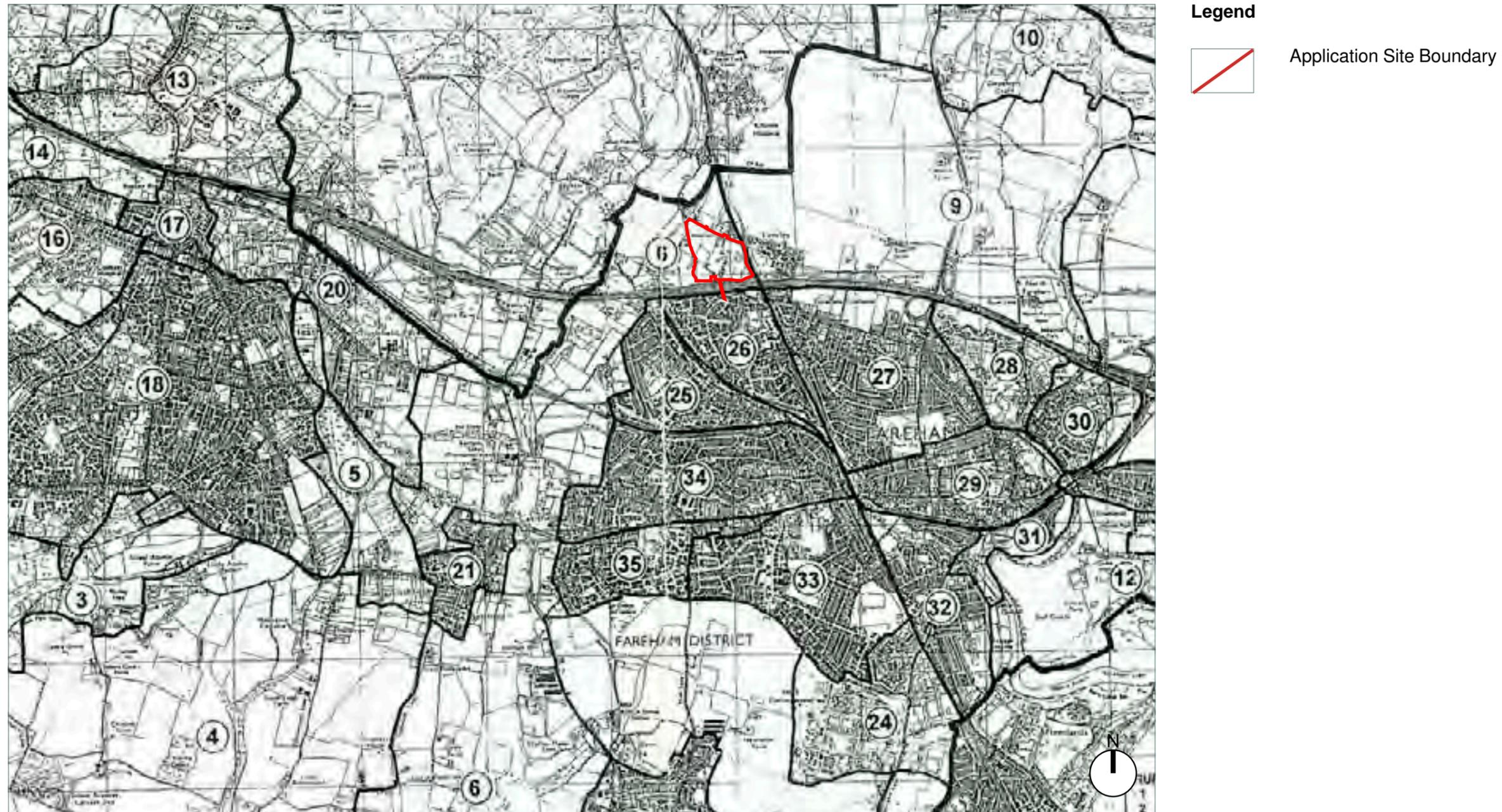


Figure 2.12 – Extract from Fareham Borough Landscape Character Assessment (May 1996) illustrating character areas.

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

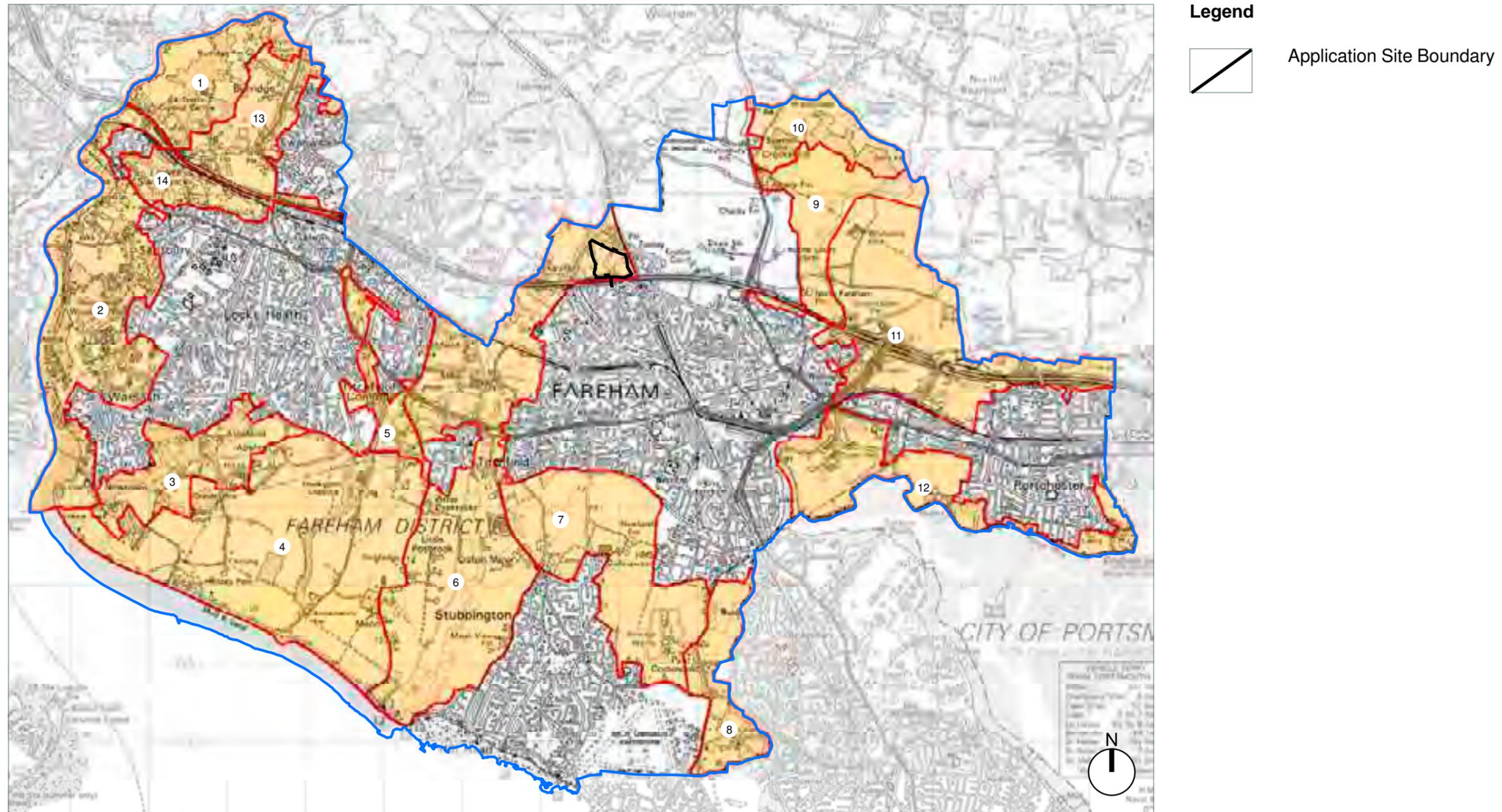


Figure 2.13 – Extract from Fareham Borough Landscape Character Assessment (2017) illustrating character areas.

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 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 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 S4

View looking west towards the western boundary of the Application Site. The existing hardstanding forms the foreground of this view, interspersed with existing stable units in the middle distance. The existing mature trees and vegetation are apparent behind the existing stable blocks and obscure views out to the west from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site

Winter Views



Photograph – Viewpoint S1 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S2 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S3 Winter View
There is slightly increased visibility towards vehicles on Funtley Road and of dwellings to the north of the Site, in winter.



Photograph – Viewpoint S4 Winter View
There is little change to the visibility across the Site in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



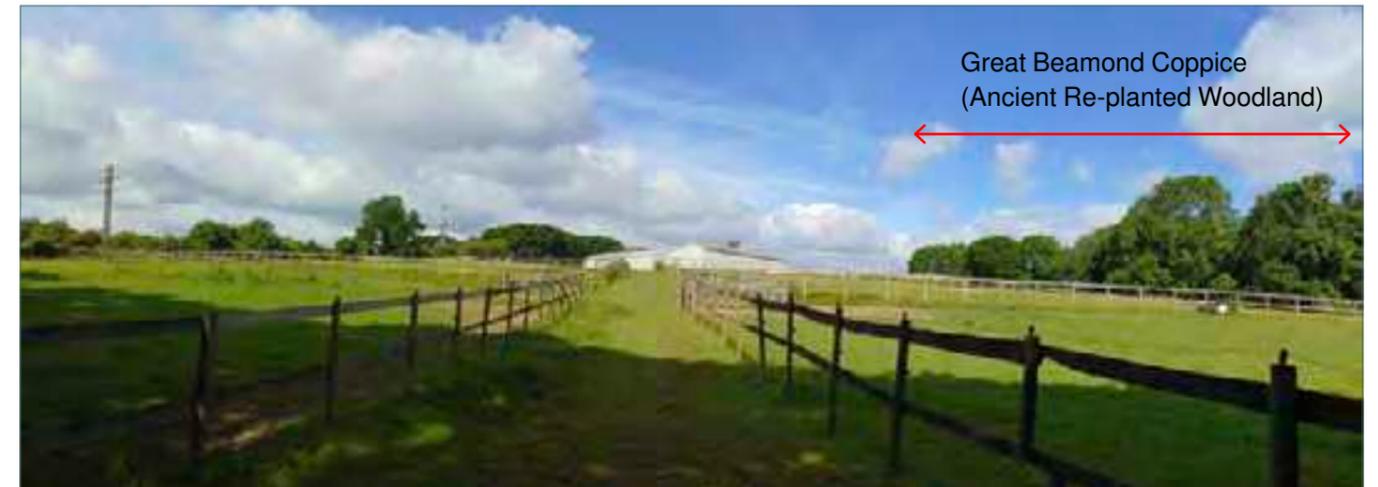
Photograph – Viewpoint S5
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground, set on rising ground. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S6
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground with topography rising to meet the southern and south-western Site boundaries in the distance. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S7
View looking south west across paddocks within the south-eastern section of the Application Site. The existing pasture grassland dominates the foreground with topography rising towards the ridgeline in the middle distance. The existing vegetation is apparent in the distance, however, glimpsed views of the roofline of the existing residential built form along Lechlade Gardens (south of the M27) are apparent from this location.



Photograph – Viewpoint S8
View looking west across paddocks within the south-eastern part of the Application Site. The existing grass path and pasture grassland dominates this view with topography gently rising to meet the existing barns in the distance. The existing mature vegetation along the southern part of the Application Site and Great Beamond Coppice is evident in the distance and along with topography, obscures views out to the west and south from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S5 - Winter View
 Visibility across the Site remains largely the same in winter.



Photograph – Viewpoint S6 - Winter View
 Visibility across the Site remains largely the same in winter, albeit there is slightly increased visibility of the property along Honey Lane. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.



Photograph – Viewpoint S7 - Winter View
 Visibility across the Site remains largely the same in winter. There is however, slightly increased visibility of existing dwellings south of the M27, without leaf cover to vegetation.



Photograph – Viewpoint S8 - Winter View
 Visibility across the Site remains largely the same in winter. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S9

View looking east across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates the foreground with the landform falling towards the mature tree line in the middle distance. The existing mature vegetation along the south east section of the Application Site is apparent in the distance and obscures the majority of views out to the east and south. However, glimpsed views of rooflines of the existing residential built form within Funtley beyond the site, are apparent in the distance.



Photograph – Viewpoint S10

View looking north east within the central part of the Application Site. The existing understorey vegetation dominates the foreground with mature trees along the internal field boundaries. The existing topography slopes towards the north with views of Great Beamond Coppice apparent in the middle distance. Due to the existing landform, the roofline of existing residential built form along Funtley Road and Roebuck Avenue are apparent in the distance. Glimpsed views of an existing 3 storey built form within neighbouring village of Knowle are also evident in the far distance, through gaps within the existing boundary vegetation and landform.



Photograph – Viewpoint S11

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with topography rising to meet the field boundary. Existing vegetation along the western boundary and trees to the east are apparent and with landform, limits views out to the west and east. However, glimpsed views of a wider elevated landscape are evident in the distance to the north.



Photograph – Viewpoint S12

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with the existing topography falling steeply towards the north. An existing tree line to the east is evident in the distance and obscures views out to the east from this location. However, views of wider landscape to the north are evident with existing built form along Funtley Road visible due to existing landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S9 - Winter View
There is slightly increased visibility beyond the Site, including of dwellings within Funtley, in winter.



Photograph – Viewpoint S10 - Winter View
The photo is taken standing slightly closer to the fenceline than in summer. The lack of leaf cover allows increased visibility across the Site and to existing dwellings within Funtley and within Knowle village.



Photograph – Viewpoint S11 - Winter View
The viewing position is from a slightly higher point, allowing views across the Application Site as it slopes down to the north, and of existing properties just north of the Site, the disused railway line to the west, and wider elevated landscape beyond the built form at Funtley. Parts of built form at Knowle village and pylons form part of the scene to the north.



Photograph – Viewpoint S12 - Winter View
There is slightly increased visibility within the Site in winter, with glimpses of the barns in the south-eastern part area. The glimpses of Funtley and Knowle village (to left, beyond edge of photo) remain in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S13

View looking north east across paddocks within the western part of the Application Site. The existing pasture grassland dominates this view with topography falling steeply towards the northern boundary. Partial views of hardstanding within the northern part of the Application Site are evident in the distance to the north east. Due to the existing topography, views of wider landscape beyond the Application Site are evident with existing built form along Funtley Road and Roebuck Avenue apparent from this location.



Photograph – Viewpoint S14

View looking east across paddocks within the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards to east and south west. The existing vegetation along northern boundary of the Application Site is visible with views of Great Beamond Coppice evident in the distance. Views out to east and south are obscured by the dense vegetation within Application Site. However, views of roof and upper storey of existing two storey built form along western part of Funtley Road are apparent through gaps within vegetation and landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S13 Winter View
In winter, the reduced leaf cover reveals more of the existing built form to the north of the Site.



Photograph – Viewpoint S14A Winter View
The viewpoint is taken from the access path south of the paddock from which summer view 14 was taken. In winter, there is slightly increased visibility of existing built form at Funtley to the north of the Site.



Photograph – Viewpoint S13A additional Winter View
View looking north to north-east from the south-western edge of the Site, by the boundary hedge which separates the Site from the existing property at the southern end of Honey Lane. This photo also provides a winter equivalent of external viewpoint 4. Existing built form at Funtley and further north of the village is visible beyond the Site. Existing outbuildings and part of Great Beamond Coppice are visible to the right in the photo.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer and Winter Views



Photograph – Viewpoint S15

View looking south east across paddocks from the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards the south. The existing vegetation along the western Application Site boundary is visible with views of Great Beamond Coppice evident in the distance. The dense vegetation within the Application Site obscures views out to the west and south.



Photograph – Viewpoint S15A Winter View

The viewpoint is taken from the access path north of the paddock from which summer view 15 was taken. The landform and dense vegetation within the Site and at its boundaries mean that visibility beyond the Site remains similar in winter. There is a very limited glimpse of the roof of the building at the south end of Honey Lane (adjacent to the Site) and of the roof of a vehicle parked within its curtilage.

3. Visual Baseline Conditions and Sensitivities

3.1 Introduction

The extent to which the internal ground plane and vegetation associated with the Application Site are visible from the surrounding landscape is based on grading degrees of visibility. It is determined from a visual inspection of the land within the Site and its context from roads, public rights of way and properties.

Seasonal change in existing evergreen and deciduous plant material will affect the available views. Typically views will be different through the seasons with a greater sense of enclosure in the summer months when deciduous trees are in leaf.

The plans that follow show the actual visual summary of the Application Site from the immediate environs. The photographs 1-19 then describe each of these views.

No winter views were taken for photo viewpoints 15-19 due to the significant level of visual screening by vegetation and in places, by landform.

3.2 Visual Appraisal

The plans on the following pages (Figures 3.1 and 3.2) illustrate the visual summary of the land within the Application Site from the surrounding landscape.

Views of the internal ground plane and vegetation of the Application Site are limited to the immediate local landscape due to the undulating topography and intervening layers of vegetation and built form.

Residential Receptors

Views from residential receptors are limited to those located in close proximity to the Site along the Funtley Road, Roebuck Avenue, Stag Way and Honey Lane. Refer to photographs 4 - 8.

There is slightly increased visibility of the Site in winter, in particular for properties along the south sides of Funtley Road which have windows facing in the direction of the Site.

The value of the residential receptors is judged to be **medium**.

Historic Receptors

There are no views from the Listed Buildings and Scheduled Ancient Monument located in the study area - along the Ironmill Lane and Skylark Meadows within Skylark Golf and Country Club. Refer to photographs 11 and 19. There is no significant change in the visibility in winter, and these receptors are not considered as part of the visual impact appraisal.

Transport Corridors

There are open and partial views of the internal ground plane and landscape features of the Application Site from Funtley Road, Roebuck Avenue and southern section of Honey Lane. Views are only from those parts of these roads in close proximity to the Site. Views from the wider road network are truncated. Refer to photographs 4 - 8.

There are slightly increased views into the Site in winter from Funtley Road and Roebuck Avenue, without leaf cover. Views from Honey Lane remain largely obscured except for two sections to the north and south where there is a gap in the vegetation (north) and a low hedge (south) at the boundary with the Site.

The value of the transport corridors is judged to be **low**.

Public Rights of Way

The majority of receptors from the public rights of ways within the local, middle distance and wider landscape are truncated due to intervening topography, vegetation and built form. Refer to photographs 1, 2, 11 - 19.

In winter, from viewpoint 2 (path around the lake by Lakeside) within Funtley, there are increased glimpses through the vegetation along the railway embankments. As the ground plane of the Site is not discernible, it is not possible to distinguish any vegetation within the Site from the general dense vegetation visible around the railway line from this location.

Reduced leaf cover to vegetation along the disused railway line to the west of the Site (Bridleway 515) allows glimpses through to the ground plane of the Site, but only from positions in close proximity to the crossing over Funtley Road (photographs 12A and 14A). In these views, existing built form at Funtley is also visible.

The highest part of the Site to the south, around the existing telecommunications mast is visible as a part of panoramic views looking back to Funtley village from two Public Rights of Way to the east - see photographs 9 and 10 (from Footpaths 88 and 89 respectively).

From viewpoint 9 in winter, the ground plane of a small part of the south-eastern part of the Site, the telecomms mast and nearby existing barns are visible, together with Great Beamond Coppice and other boundary vegetation within the south eastern area of the Site.

From viewpoint 10 in winter, the upper part of the mast, barns and small part of the Copse are visible above existing dwellings and vegetation at the edge of Funtley. The ground plane of the Site is obscured, even in winter.

No extensive views across the ground plane of the Site are available from these locations.

The existing southern boundary vegetation is visible from the M27 footbridge to the immediate south (photograph 3) however, this vegetation in turn obscures internal views of the land within the Application Site.

The value of the users of the public rights of way is judged to be **medium**.

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3. Visual Baseline Conditions and Sensitivities

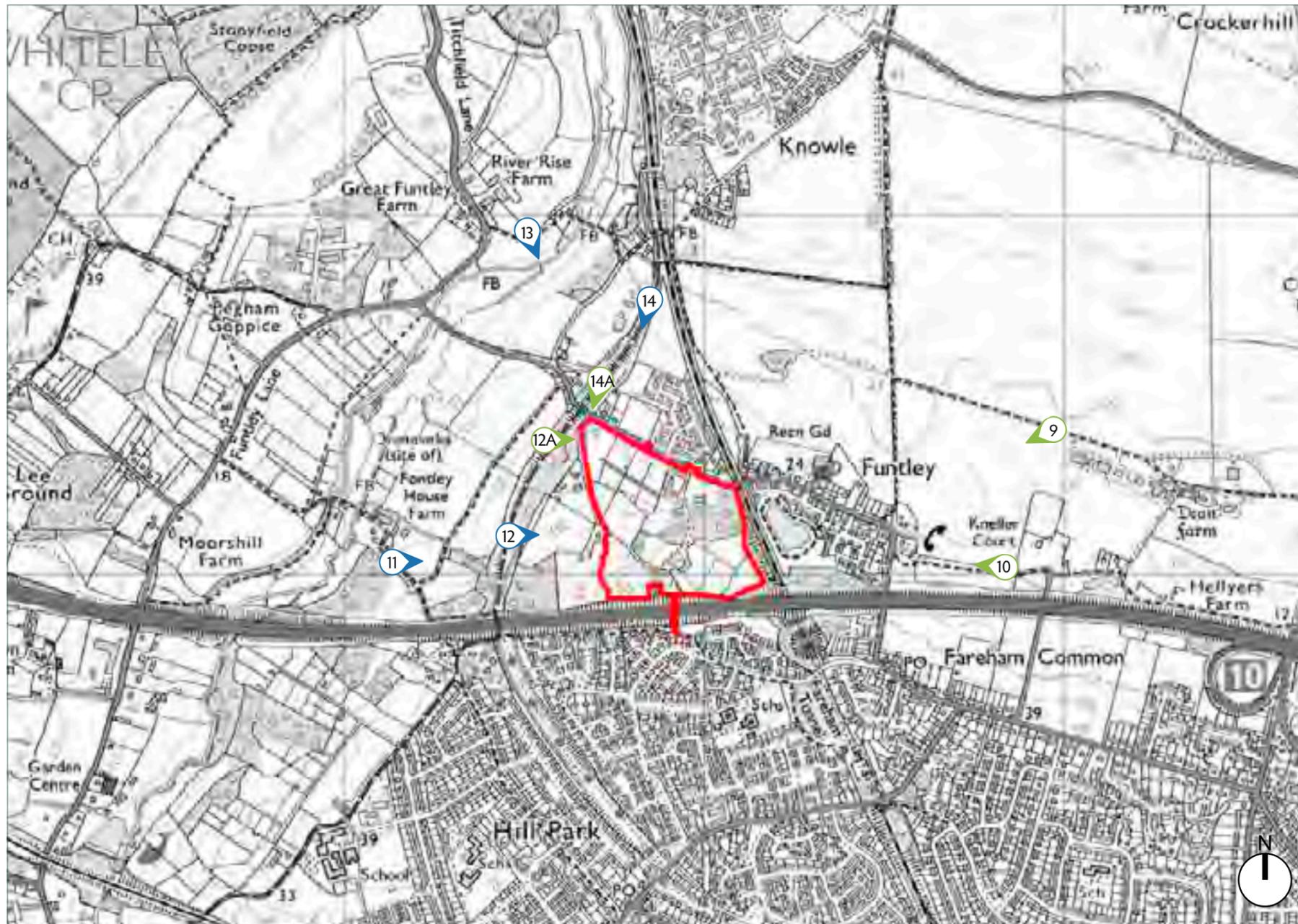


Figure 3.1 – Location Plan showing Visual Summary from the local area (fabrik, 2018)

Legend

-  Application Site Boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the Site or open view of part of the Site).
-  Location of Photographic viewpoint – Partial View (A view of the Site which forms a small part of the wider panorama, or where views are filtered between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the Site are obscured by the intervening built form and / or vegetation, or is difficult to perceive).

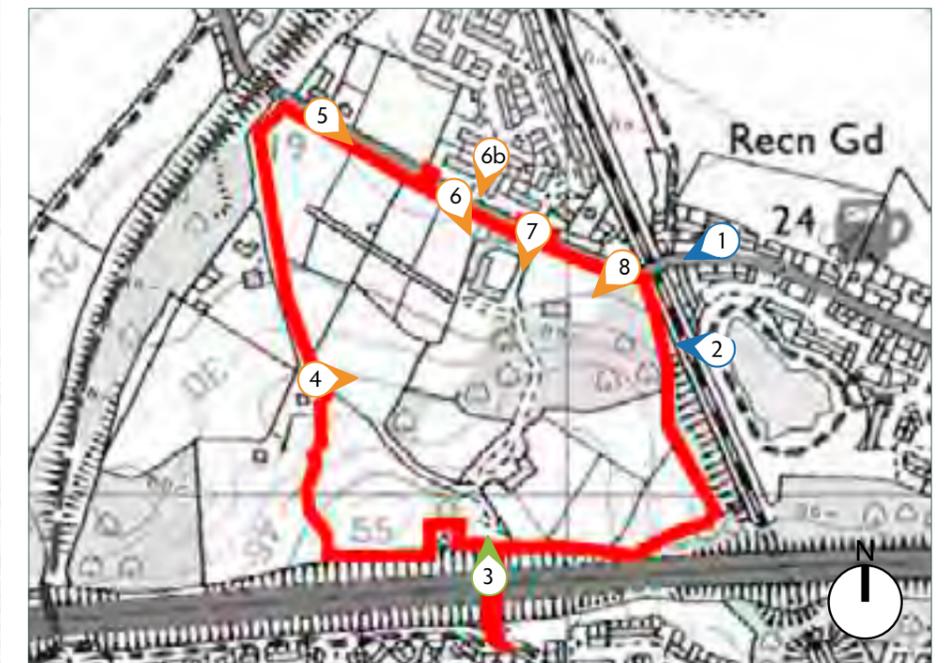


Figure 3.2 – Location Plan showing Visual Summary in close proximity to the Site (fabrik, 2017)

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 1

View looking south west towards the Application Site from the eastern section of Funtley Lane (Footpath 85). The existing residential built form along Funtley Lane dominates this view with mature hedgerow forming a vegetated edge along this part of the lane. Glimpsed views of the top section of Great Beamond Coppice along the north-eastern edge of the Application Site is apparent. Views of the internal ground plane within the Application Site are truncated.



Photograph – Viewpoint 2

View looking west towards the Application Site from an informal footpath at the edge of the lake to the south west of Lakeside (south of Funtley Road). Mature trees and vegetation dominate this view and forms a green corridor along the path. The intervening vegetation, which includes that alongside the live railway (right, truncates any views of the internal ground plane within the Application Site from this location).



Photograph – Viewpoint 3

View looking north towards the Application Site from the footbridge to the south of the Application Site over the M27. The footbridge and the mature tree belt planted along the motorway edge dominates this view. Partial views of the existing mature trees and vegetation along the southern Application Site are evident behind the existing vegetation that lines the motorway. Views into other areas across the Application Site are truncated by the intervening vegetation and topography from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 1 Winter View

The photo is taken from a position standing slightly further west along Funtley Lane (due to the presence of a large vehicle on the road). However, in winter, there is no significant change in the visibility of the Site in winter from any section of this lane.



Photograph – Viewpoint 2 Winter View

There is no significant change in the visibility of the Site in winter.



Photograph – Viewpoint 3 Winter View

There is no significant change in the visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 4

View looking east towards the Application Site from the existing hardstanding area associated with the private dwelling ‘Bramleigh’ located on Honey Lane. The existing boundary vegetation and pasture grassland within the Application Site dominates the view. Open view of the internal plane, boundary vegetation and the Great Beamond Coppice are apparent from this location.



Photograph – Viewpoint 5

View looking south east towards the Application Site from Funtley Road (by properties just east of the disused railway bridge). Views of existing residential built form along Funtley Road dominate the foreground with mature trees and vegetation along the northern Application Site boundary apparent. Views of the internal ground plane within the Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6

View looking south east towards the Application Site from the junction of Roebuck Avenue and Funtley Road. Views of existing residential built form around the entrance of Roebuck Avenue and mature trees and vegetation along the northern Site are apparent. Views of the internal ground plane within the Application Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6b

View looking south east towards the Application Site from Roebuck Avenue. The residential built form with its associated private garden along Roebuck Avenue dominates this view with the topography within the Application Site rising towards the local ridgeline. Open views of the central part within the Application Site occur, funnelled along the road with mature vegetation evident in the distance. Views into other areas within the Application Site are truncated by intervening vegetation, topography and built form from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views

Note: For the winter photo relating to Viewpoint 4 (taken from curtilage to Bramleigh), refer to internal winter viewpoint 13A (above) which is taken from the Site-side of the hedge at the boundary with the property Bramleigh.



Photograph – Viewpoint 5 Winter View
 In winter, the ground plane of the Site becomes apparent without leaf cover to the northern boundary vegetation.



Photograph – Viewpoint 6 Winter View
 There is little change in the visibility of the Site in winter.



Photograph – Viewpoint 6b Winter View
 There is slightly increased visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 7
View looking south west towards the Application Site from the junction of Stag Way and Funtley Road. Views of mature trees and boundary vegetation along the northern Site boundary dominate this view and form a green corridor along Funtley Road. Views of the existing access road and entrance gate within the Application Site are apparent. Views of the ground plane within the Application Site are, however, truncated by the intervening vegetation.



Photograph – Viewpoint 8
View looking south west towards the Application Site from Funtley Road. Views of mature boundary vegetation and tree planting along the northern boundary of the Application Site dominate this view and form a green corridor along Funtley Road. Views of the internal ground plane of the Application Site are in turn truncated due to intervening boundary vegetation.



Photograph – Viewpoint 9
View looking south west towards the Application Site from Footpath 88. Open views of arable land dominate the foreground. The existing settlement of Funtley is evident in the distance with the topography rising sharply towards the ridgeline to the south west. Partial views of the mature vegetation along the southern boundary of the Application Site are evident. Glimpsed views of small sections of existing pasture grassland and the roof section of the existing built form within the southern section of the Application Site are also apparent in the far distance. Views of other parts within the Application Site are truncated due to intervening vegetation and landform.



Photograph – Viewpoint 10
View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 7 Winter View
There is slightly increased visibility into the Site in winter.



Photograph – Viewpoint 8 Winter View
There are glimpses of the ground plane of the Site in winter without leaf cover.



Photograph – Viewpoint 9 Winter View
There is slightly increased visibility of the south-eastern part of the Site in winter - existing vegetation (including Great Beamond Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.



Photograph – Viewpoint 10 Winter View
There is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



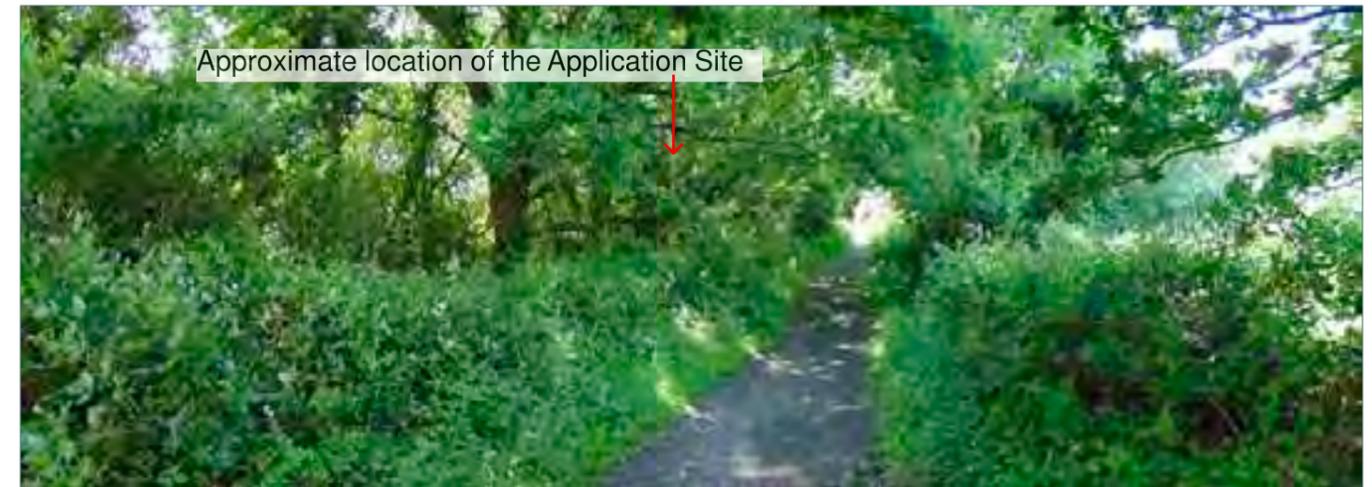
Photograph – Viewpoint 11
View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster’s House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form.



Photograph – Viewpoint 12
View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location.



Photograph – Viewpoint 13
View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location.



Photograph – Viewpoint 14
View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 11 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 12 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 13 Winter View
There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.

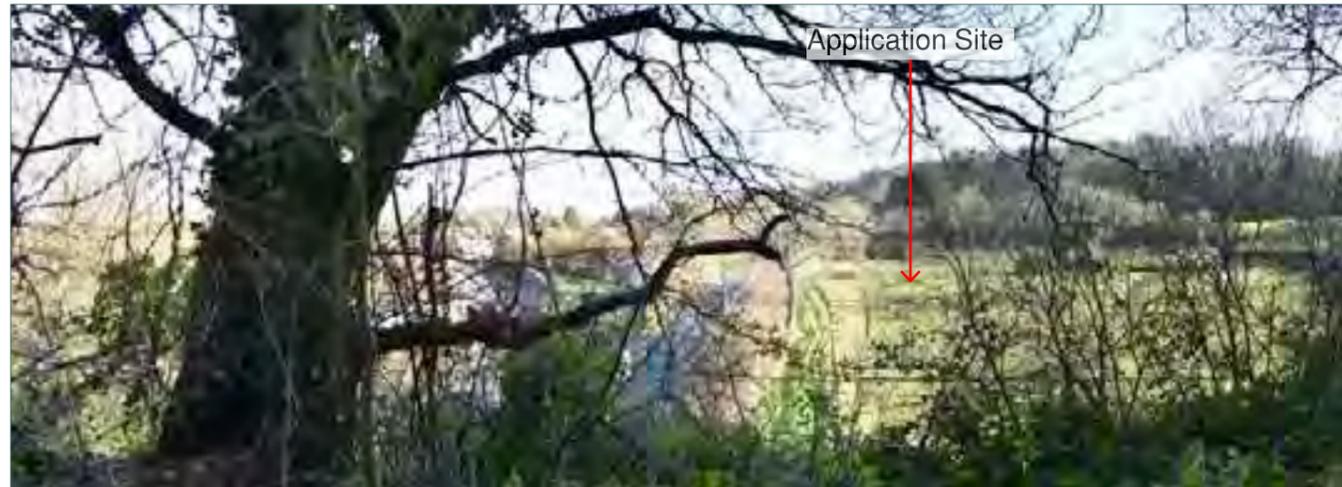


Photograph – Viewpoint 14 Winter View
There are no views towards the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Additional Winter Views



Photograph – Viewpoint 12A Additional Winter View

Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.



Photograph – Viewpoint 14A Additional Winter View

Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the western part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.

3. Visual Baseline Conditions and Sensitivities

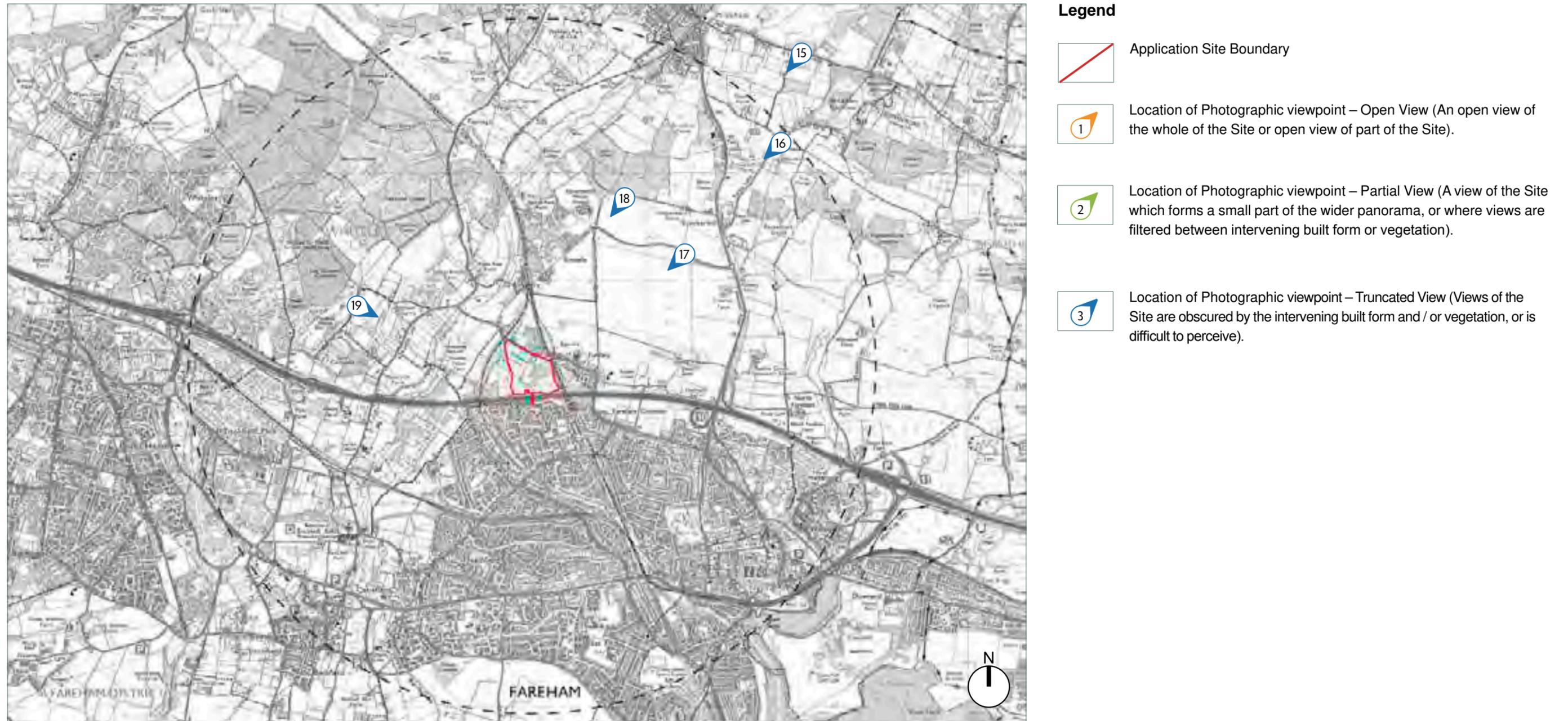


Figure 3.3 – Location Plan showing Visual Summary from the wider area (fabrik, 2018)

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



Approximate location of the Application Site

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 Beamong Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 23m AOD	Approximately 940m	Medium
10	Welborne Policy Boundary	Transient receptors on foot.	Glimpsed views of the top section of existing mobile mast adjacent to southern boundary of the Application Site occur with existing mature boundary vegetation evident, set within the wider panorama.	<p>View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.</p> <p>In winter, there is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 840m AOD	Approximately 15m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
11	Area Outside of Defined Urban Settlement Boundary; Strategic Gap	Transient receptors on foot, bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster's House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form. . There are no views towards the Site in winter.	Approximately 15m AOD	Approximately 540m	High
12 and 12A	Existing Open Space	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location, including in winter. From 12A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.	Approximately 30m AOD	Approximately 240m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
13	Outside of Fareham Borough Council's local policy boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location..</p> <p>There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.</p>	Approximately 15m AOD	Approximately 745m	High
14 and 14A	Existing Open Space; Public bridleway 515	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated, including in winter.</p> <p>From 14A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the westerns part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.</p>	Approximately 25m AOD	Approximately 488m	High
15	Outside of Fareham Borough Council's local boundary, but is adjacent southern boundary of South Downs National (along Wickham Road)	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from Footpath 11 adjacent to Wickham Road (southern boundary of South Downs National Park). Views of existing mature vegetation along either side of the footpath dominates this view and obscures any views towards the Application Site from this location.	Approximately 45m AOD	Approximately 3.74km m	Medium - High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
16	Area Outside of Defined Urban Settlement Boundary; Public footpath 10	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the junction of Footpath 10 (Castle Farm Lane) and Forest Lane. Mature trees and vegetation along the lane dominate this view and create a green corridor along the lane. Views of the Application Site are wholly truncated by the intervening vegetation and topography.	Approximately 55m AOD	Approximately 3km	Medium - High
17	Welborne Policy Boundary	Transient receptors on foot and bike.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the cycle and footpath along the eastern section of Knowle Road. The cycle / footpath is apparent centrally within this view with mature hedgerows and vegetation evident on either side of the path. Due to intervening vegetation, views of the Application Site are wholly truncated from this location.	Approximately 45m AOD	Approximately 1.62km	Medium
18	Welborne Policy Boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site truncated from this location.	View looking south west towards the Application Site from Footpath 23b located along the southern part of Aylesbury Copse. Views of arable fields dominate this view with topography gently sloping towards the west. The existing tree belt to the south of Knowle Road is apparent in the distance from this location. Any views of the Application Site are truncated due to intervening topography and vegetation.	Approximately 42m AOD	Approximately 1.74km	Medium - High
19	Public bridleway 26b; in close proximity of Barn 20m south of Lee Ground (Grade II Listed Building) and Skylark Golf & Country Club	Transient receptors on foot and horseback.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south east towards the Application Site from Bridleway 26b located in close proximity to a barn 20 metres south of Lee Ground (Grade II Listed Building) and Skylark Golf and Country Club. Mature trees and vegetation define the localised field boundaries and create a green corridor along the bridleway. Views of the Application Site are wholly truncated by the intervening vegetation and land form.	Approximately 35m AOD	Approximately 1.72km	Medium - High

4. Landscape Constraints and Opportunities

4.1 Introduction

The following landscape elements form a series of constraints and opportunities that will inform future development proposals:

4.2 Constraints

- The Ancient Woodland is to be retained and protected by a 15m buffer, with no development within this zone.
- Existing tree groups designed as SINC and TPO within the Site are to be retained and protected.
- Retention of the majority of the existing hedgerows along the ownership boundaries, with limited removal required to facilitate safe access into and out of the Site.
- The rooting zones and canopies of existing trees and hedges to be retained would be protected during construction works in accordance with the recommendations of the project arboriculturist and ecologist.
- While land within north-eastern part of the Site is designated as open space within the Core Strategy (adopted August 2011) in fact this is privately owned pasture land used for horse keeping and is not currently accessible to the public. The area is also proposed for deletion in the emerging local plan. The proposed development explores options to relocate this elsewhere within the Site, so that development within this less sensitive location near to the road and existing settlement may be developed.
- The existing topography within the northern section of the ownership is gently sloping towards Funtley Road. However, the undulating topography then rises sharply from the central part of the Site to meet the southern western boundary, and then falls again towards the south-eastern boundary. This restricts development to the area of land in the vicinity of Funtley Road.
- Timber pylons carrying overhead wires within the north-western part of the Site may be undergrounded where practicable.

- Due to the existing land form and close proximity to the neighbouring residential built form, there are a number of open views of the boundary vegetation, or views of the internal ground plane within the Site evident from neighbouring houses and the transient receptors in vehicles / on foot using Funtley Road and Honey Lane.

4.3 Opportunities

- Existing access into the Site (opposite Stag Way) to be retained and enhanced for vehicular and pedestrian access into the future development parcels.
- Bus route along Funtley Road passing by the Site.
- Large mature trees surrounding and within the Site present an opportunity to create a mature, well-established green structure.
- The potential to create green buffers with the opportunity for additional tree planting around future development parcels to provide an improved green settlement edge.
- To create a positive interface with the landscape where development parcels front the green infrastructure.
- Potential to create areas of public open space with pedestrian links within the development and to the wider landscape beyond. This may include opening up access to the bridge crossing over the M27.
- Potential to create a well-designed, discrete and accessible urban extension to Funtley and Fareham, rounding off the settlement, which is well contained by the existing boundary vegetation and topography of the Site.
- Land within the Site historically subject to excavation has been since reinstated back to agricultural use (as discussed in section 2.10). Therefore this land does not pose a constraint to development in terms of further excavation.

4. Landscape Constraints and Opportunities



Figure 4.1 – Plan showing the landscape constraints and opportunities (fabrik, 2018)

5. Illustrative Proposed Development Parameters

5.1 Landscape Development Parameters

The landscape development parameters illustrated on **Figure 5.1** have been prepared by considering the landscape features of the Site and other areas within the Site along with landscape policy, landscape character and the visual constraints associated with the local landscape.

The parameters therefore seek to:

- Locate the development parcels on the lower slopes of the Site to the north to minimise cut and fill as well as in-keeping within the local residential character of Funtley and the northern fringe of Fareham.
- Minimise the visual impact of the future development by providing landscape buffer planting along the development boundaries.
- Maintain and enhance the existing landscape features of the Site by retaining, where possible, existing trees and supplementing with additional trees, woodland and hedgerow planting.
- Make use of the existing access to the Site for access to the proposed development, and provide replacement and enhancement planting within this area. A secondary emergency access from Funtley Road may also be required to the north-west of this.
- Where appropriate, contribute to an improved ecological value of the Site through the incorporation of native species within the landscape planting and grassland proposals.
- Make use of any sustainable drainage features to integrate a more diverse range of plant species, suited to temporary flooding.
- Provide public open space within the development and to the south. Incorporate pedestrian links to serve the new residents and the wider community within Funtley and Fareham. This would provide an alternative option to the existing designated open space within the north-western part of the Site (Core Strategy 2011). Pedestrian links may extend to the south through the opening up of the M27 footbridge.

5. Illustrative Proposed Development Parameters



Figure 5.1 – Plan showing the illustrative landscape development parameters (fabrik, 2018)

6. Appraisal of Landscape and Visual Effects

6.1 Effects on Heritage Assets

The Site does not contain nor is adjacent to any heritage assets (such as Listed Building, Scheduled Ancient Monument and Conservation Areas). Therefore, there will be no change to the character of the landscape around these assets, and no views towards the proposed development are predicted from them (**neutral** effect).

6.2 Effects on Topography

Study area topography:

There will be no physical change to the existing topography across the wider study area since the changes will occur at Site and immediate Site level only.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level is **neutral**.

Site topography:

The proposed development parcels have been carefully located on the lower slopes within northern part of the Site. Some limited regrading where the Site meets the public highway may be required to facilitate ease of access for all. There may be some localised modifications to the existing landform within the proposed development parcels, to facilitate access and to form effective development platforms. In addition, localised excavations would be made to create sustainable drainage features. It is expected that suitable excavated material would be retained on Site and reused in the open spaces where grassed areas and planting are proposed. Care would be taken to avoid impacts on the rooting zones of existing vegetation. Any inert spoil excavated may be suitable for reuse within areas of proposed hardstanding, subject to confirmation by the project engineer.

The value is medium; susceptibility is low - medium; and sensitivity is low - medium. The magnitude of change would be low - medium. Therefore, the effects on this receptor is likely to result in **minor - moderate** adverse effects at the construction phase. Since no

further earthworks would occur beyond the construction stage, the operational phase effects on the Site topography would be **neutral**.

6.3 Effects on Land Use

Study area land use:

Farmland

At wider landscape level, there will be no direct change to the wider arable and pasture lands across the study area as the proposed changed to the existing land use will occur at Site level only. Furthermore, existing areas of farmland are largely separated from the Site by existing settlement, the existing and disused railway lines and mature vegetation.

During construction, there may be some views of construction plant / structures from elevated areas of private farmland north of Funtley, up to Knowle village (indirect effect). During operation, there may be some partial views of the upper elements of the built form (namely rooflines) from this private farmland, seen in context with existing built form within the valley through which Funtley Road passes. Any views of open and planted land south of the proposed development would remain. This is also an indirect effect and no direct changes to these farmed areas would occur.

Settlement and transport corridors

The Site forms a context and setting to a small part of the existing Funtley village and a short section of Funtley Road. This would change through the introduction of built development within the northern part of the Site. This would result in a limited change to the settlement pattern and character of the road corridor by extending built form to the south of Funtley Road. A broad context of open, unbuilt land would remain to the south of the proposed built area. In addition, longer views towards the elevated land within the southern parts of the Site from existing built areas and of the canopy of mature trees and woodland in these parts of the Site, are likely to be maintained. The road corridor would become more enclosed by built form, albeit this is proposed to be set well back from the existing Site boundary hedge, incorporating open space, sustainable drainage

features and additional planting.

The settlement pattern of Fareham would remain unchanged, and there would be no change to the pattern of roads around the Site or wider study area.

Open spaces

There would also be no physical change to existing open spaces across the study area, including that at Lakeside to the east of the Site.

Appraisal of study area land use effects

The value of the land use at study area level is low - medium; susceptibility is low; and sensitivity is low - medium. The magnitude of change would be low - medium, with the greatest level of change experienced by those land uses within very close proximity to the Site (Funtley Road and a part of Funtley village). A number of areas would experience no change (Fareham and rural landscapes east and west of the Site). Limited indirect visual change may be experienced from farmland further north of Funtley up to Knowle village. Therefore, the effect on land use at the study area level would be at worst, **minor** negative, with the effects being very localised to the Site.

The many areas of mitigation planting associated with the proposed development would reduce the effects to at worst **minor** negative to **neutral** in the long term (year 15). Other positive benefits are predicted through the creation of new public open spaces that would be accessible to both existing and new residents.

There would therefore be a **neutral** effect to the settlement pattern of Fareham, existing open spaces and the existing transportation network.

6. Appraisal of Landscape and Visual Effects

6.3 Effects on Land Use (continued)

Site land use:

The areas within the Site would be permanently changed from privately owned pasture land to a residential development. The new uses would include associated green infrastructure incorporating, retained vegetation and woodland; new trees and boundary buffer planting; planting throughout the built areas; sustainable drainage features and a series green, open spaces within the built area and to the south of it.

The Site lies entirely within the landscape designation of Area Outside Of Defined Urban Settlement within the Core Strategy (adopted August 2011) and a part of the Site to the north-west is designated as existing open space within the Core Strategy. The latter is not currently accessible to the public and the land is within private ownership for equestrian uses.

The changes to incorporate a built development and new publicly accessible open spaces within these areas is consistent with Local Plan Part 2 Policy DSP40 Housing Allocations, and with emerging the emerging Local Plan 2036, which allocates the Site for residential development. In addition, the supporting Landscape Assessment update (part of the evidence base to the Plan) indicates that small scale and sensitively integrated development may be appropriate in this location, given the existing residential areas of Funtley Road.

At enabling construction stage, the existing uses of the Site would change, particularly in the areas proposed for built development and new access. However, change would be limited within the proposed open spaces of the community park to the south, except for the creation of new paths, and implementation of green infrastructure such as sustainable drainage, new grasslands and planting.

The construction site would gradually change to a built development, with associated landscape planting. The built element, while wholly changing land use, would only occur in a part of the Site to the north. The proposed community park would retain a largely open character to land to the south, and would incorporate new paths for walkers. This park, together with further linear greenspaces and an open

space incorporating play features, would be provide facilities for use by new and existing residents.

The value of the land use at Site level is medium; the susceptibility is medium - high; and sensitivity is medium - high. The magnitude of change would be medium - high at the enabling, construction and early years operational stages. Therefore, as with any greenfield site, the level of effects would be **moderate - major** negative, arising principally from the introduction of built form to the paddocks. In addition, the provision of publicly accessible open spaces would result in a **minor - moderate** positive effect from completion of development (Year 1).

By Year 15, mitigation planting would further temper the effects on the Site land use, so that at worst, **minor** negative effects are predicted. The positive effects of the open spaces would remain, while the many new areas of planting within the Site, and management of existing vegetation are also expected to give rise to positive effects (see para. 6.4).

6.4 Effects on Existing Vegetation

Study area vegetation:

There are expected to be no physical changes to the existing vegetation across the wider study area since the changes are proposed at Site level only. Existing vegetation along the north side of Funtley Road is not expected to be affected by the provision of new access into the Site.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the vegetation at the study area level is **neutral**.

Site vegetation:

The Great Beamond Coppice, the existing tree groups near the existing access entrance and the tree blocks within the south-western part of the Site are designated as Sites of Importance for Nature Conservation in the Core Strategy. The mature vegetation and trees within these areas are to be retained and protected during

the construction works, with careful consideration given to the recommendations of the project ecologist and arboriculturist.

The proposed development would protect and retain the Ancient Replanted Woodland of Great Beamond Coppice and majority of mature trees and boundary vegetation within the Site. A 15m buffer would be retained to the Coppice.

There is expected to be some loss of existing trees and boundary vegetation within the Site to accommodate the proposed development parcels and access roads. A part of this includes dense, ornamental conifers of limited value to landscape character. Further arboricultural works may be undertaken to other vegetation within the wider Site area, if deemed necessary by the relevant professional for health and safety reasons, to remove any dead, dying, diseased or dangerous parts of the retained vegetation.

The value of the vegetation at Site level is medium; susceptibility is medium; and sensitivity is medium. The magnitude of change arising from the limited necessary vegetation loss at enabling / construction stage is predicted to be medium, giving rise to at worst, **moderate** negative effects. However these effects would be localised to the northern part of the Site where built form is proposed.

Effects on the majority of the vegetation within the Site are expected to be **neutral** or potentially positive, where management of vegetation would ensure its retention and longevity.

There is ample opportunity within and around the proposed built area and proposed community park, for replacement and additional tree, hedge, shrub and other planting, including landscape buffer planting, making use of species appropriate to the space, position and function. This would mitigate for and improve, the visual and landscape effects of the vegetation removal required to facilitate effective development.

Further details are set out in the Design and Access Statement (DAS) accompanying the planning application.

6. Appraisal of Landscape and Visual Effects

6.4 Effects on Existing Vegetation (continued)

The planting would be implemented during the construction stage with the effects in place by Year 1 of the operational stage. The low magnitude of change would give rise to **minor** positive effects. The positive effects of this planting on the landscape assets of the Site, and views within and towards the built area, would further increase over time, as this matures. The effect on the Site vegetation by Year 15 would therefore be **moderate** positive.

6.5 Effects on Public Rights of Way

Study area public rights of way:

There would be no physical change to the existing public rights of way network during construction or operation. Visual effects are considered separately.

The value is medium - high; susceptibility is low; and sensitivity is medium. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level during construction and operation is **neutral**.

There are opportunities to provide pedestrian connections between the proposed development and existing Bridleway 515 (along the disused railway line) to the immediate west. It may also be possible to open up a connection to Fareham via the footbridge over the M27 to the immediate south of the Site. This in turn could facilitate access by existing residents in this location to the open space and rights of way network north of the motorway.

As such, at the operational stage, the magnitude of change is predicted to be low, with effects the effects being **minor - moderate** positive in Years 1 and 15.

6.6 Effects on Landscape Character

National and county landscape character:

There would be **negligible** effects to the landscape character at national character level (NCA128 South Hampshire Lowlands) and county character level (LCA 3E Meon Valley). This is because the limited scale of the proposed development, and relatively high level of physical and visual enclosure of the Site, would result in changes that occur principally at the Site, and immediate local level.

There would be no change to the Portsdown Hill chalk ridge or Meon River described at NCA level, and the proposed development would form a very small part of NCA128 that is described as being dominated by large towns and with fragmentation by major transport links including the M27.

At county level, the proposed development would not affect the recreational route along the disused railway line to the west, and would retain a significant area of unbuilt land to the south, separating it from the motorway and Fareham settlement. Vegetation within the Site would be retained and protected as far as is practicable and potential adverse effects on the SINC and Ancient Replanted woodland within the Site have been designed out of the development proposals.

The value of the national and district character varies from low - high; susceptibility is low; and sensitivity is low - medium. The magnitude of change would be negligible, and therefore the effects would be **negligible**.

Borough and Site landscape character:

At Fareham Borough level, the Site lies within LCA 6: Meon Valley. While the Site comprises of pasture land, it is nonetheless subject to the nearby influences of relatively recent built form at Funtley, the live railway to the east and M27 and Fareham urban fringe to the south. The proposed development would form a limited addition to this existing built context.

The proposed development is set out to closely follow the parameters for the Site allocation set out in the emerging Local Plan. Thus, there would be built form in the northerly, lower lying and more level parts of the Site, forming a limited extension to the existing Funtley village. Like the existing residential development north of Funtley Road, development would be set back to allow a leafy green and spacious character to be retained along the road. Development is not proposed on the steep slopes or high ground of the Site.

In accordance with the LCA, the proposal protects the important landscape features of the Site - the steeply sloping landforms, unbuilt skyline, mature vegetation and openness to the south; while proposing to integrate many new areas of planting, including in association with new sustainable drainage features.

Development would, like the existing village, be kept to the relatively low lying part of the valley within which it lies, limiting the potential for widespread visual effects.

The proposed built form would respond to the positive aspects of existing built form both north of Funtley village and within the wider settled areas. A generous network of green infrastructure and open spaces are proposed. Further details are set out in the DAS accompanying the planning application.

The value of the borough character varies from low - medium; susceptibility is medium; and sensitivity is low - medium. The magnitude of change would be medium - high at the Site level only, reducing to negligible - low with distance across LCA6 from the Site. Therefore, the effects would be at worst, **moderate - major** negative for the parts of the Site proposed for built development at the construction and operational stage (Year 1). This is due to the change in character from semi-enclosed pasture fields to a residential development.

The changes beyond the proposed built area, would be at worst, **minor - moderate** negative (Year 1) for those areas immediately around the proposed built area - the existing village to the north and open land retained to the south - due to changes to the context and setting of these areas.

6. Appraisal of Landscape and Visual Effects

6.6 Effects on Landscape Character (continued)

However, further afield, the effects would be at worst, **minor** or **negligible**, due to the physical and visual separation of the Site from most of the area of Fareham borough LCA 6: Meon Valley.

As the planting associated with the green infrastructure areas matures through time, the landscape and visual effects would improve, so that at Site level, these are expected to be no greater than **minor** negative (on a clear day in winter) and at best, **minor - moderate** positive (Year 15) due to the additional physical enclosure, landscape integration and visual softening and screening provided by the proposed planting. In turn, the effects on the parts of the character area surrounding the Site would also be further tempered in the medium to long terms.

6.7 Effects on Visual Receptors

Residential Receptors

The residential receptors that will experience the most direct and proximate views of the construction site and emerging built development would be occupants of the few dwellings to the north side of Funtley Road, just east of the railway Bridge (Viewpoint 5).

Some additional residents along the north side of Funtley Road would also experience direct views, albeit with filtering of views through tall vegetation along both sides of Funtley Road - see Viewpoints 6, S13A, and winter views S3 and 7. This vegetation becomes more of a screen in summer views (with leaf cover). However, parts of this may require removal to facilitate access into the Site from Funtley Road and the built development, which in turn, may further increase visibility into the Site in the short term.

Further visual receptors along Roebuck Avenue and Stag Way may experience some partial and oblique views of the construction site and emerging built form where the roads themselves allow visibility toward parts of the Site - see Viewpoints 6b and 7 (winter view). The

Site boundary vegetation provides a greater level of visual screening to some views in summer. As above, some loss of vegetation may be required to facilitate access into the Site and the development itself, which may further increase visibility into the Site in the short term.

In all of these views, construction hoardings may partially obscure views.

There would also be oblique and more distant views of the construction site and emerging built development from the property (Bramleigh) at the south end of Honey Lane, due to its position on elevated ground and the relatively low level hedge at the boundary with the Site (Viewpoints S5, S6 and S13A, and summer Viewpoint 4). The views would be in context with existing views towards built form north of Funtley Road. While built form would be brought forward in the view, existing longer distance views towards the lower Downs, part of Knowle village and other built areas to the north of Funtley would be largely retained.

The completed development and newly implemented planting would create a new element in these views, replacing part of existing views of pasture fields. The areas of the Site remaining unbuilt would appear as a park with new areas of planting.

The value of the residential receptors is medium; susceptibility is medium - high; and sensitivity is medium - high. The magnitude of change at the construction and Year 1 operational stage would be medium - high, and therefore the effects would be at worst, **moderate - major** negative (Year 1), for the relatively limited number of residents with potential views towards the proposed development. The many areas of mitigation planting would contribute to some visual softening of the built areas in the early years. However in the mid to long terms this is predicted to create a significant amount of visual softening and screening, and therefore a bettering of the visual effects. Thus by Year 15, the effects are predicted to reduce to at worst, **minor** negative (the greater effects being on a clear day in winter).

Views from the dwelling at the south end of Honey Lane would retain long views out to the distant countryside to the north, albeit beyond additional areas of built form and planting within the valley. Views from dwellings to the north side of Funtley Road are likely to retain some partial views of the higher, southern parts of the Site, as a backdrop to the built form in the foreground.

Receptors using Roads

The views would be very similar to those described for the residential receptors above, and therefore includes parts of Funtley Road, Honey Lane, Roebuck Avenue and Stag Way (see Viewpoints 4-7, 8 and S13A). In all cases, the views would be transitory and Site hoardings may partly screen views.

Views from the western part of Funtley Road are likely to be more open due to the more limited nature of existing vegetation here, albeit the necessary vegetation removal to facilitate access and development to the east may also increase visibility into the Site in the short term.

Views from Honey Lane are rather more limited by existing vegetation at the boundary with the Site, even in winter. Visibility is mainly from two gaps in this vegetation at the north and south ends of the lane.

The value of the receptors using the roads is low; susceptibility is low; and sensitivity is low. The magnitude of change at the construction and Year 1 operational stage would be medium - high, and therefore the effects would be at worst, **minor - moderate** negative (Year 1). The setback of development from the roads edging the Site and landscape buffer planting would contribute to mitigating effects in the short to medium terms. By year 15, the landscape buffers would provide more robust visual softening and screening, reducing the effects to at worst, **minor** negative.

6. Appraisal of Landscape and Visual Effects

6.7 Effects on Visual Receptors (continued)

Receptors using Public Rights of Way and M27 footbridge

There is a slight possibility that users of Public Footpaths 88 and 89 to the east of Funtley (Viewpoints 9 and) may be aware of tall construction plant within the Site, should this be required to facilitate development. There may also be some awareness of works to provide the proposed community park in the south-eastern part of the Site. Any potential views to the construction site would be distant and form part of a wide panorama that includes parts of Funtley, the telecommunications mast on the Site and pylons carrying overhead wires, as well as farmland and vegetation in the intervening areas. The construction effects are therefore predicted to be **negligible**.

Due to the landform of the Site and vegetation and built form in the intervening areas, no notable views of the proposed development or associated proposed community park are predicted from these two footpaths. The operational effects are therefore predicted to be **neutral**.

From Public Bridleway 515 to the immediate west of the Site, walkers and equestrians in the vicinity of the bridge crossing over Funtley Road are likely to gain glimpsed views of the construction site and emerging built form. Views would be filtered by existing vegetation along the disused railway embankment and less apparent from the section north of Funtley Road than from that to the south - see winter Viewpoints 12A and 14A. By the operational stage, these glimpses would be replaced by a completed development, seen in context with existing partial views through the vegetation of existing dwellings north of Funtley Road.

The value of the receptors using Bridleway 515 is medium; susceptibility is medium; and sensitivity is medium. The magnitude of change at the construction and Year 1 operational stage would be medium, and therefore the effects would be at worst, **moderate** negative (Year 1). The setback of development from the western and

northern edges of the Site and landscape buffer planting here and to the south would contribute to mitigating effects in the short to medium terms. By year 15, the landscape buffers would provide more robust visual softening and screening, reducing the effects to at worst, **minor** negative. In summer, views to the proposed development are likely to be less evident as existing vegetation would reduce visibility towards the Site.

From the bridge crossing over the M27, there is little opportunity for views into the Site and no notable views of the construction phase for the southern community park are proposed. The land proposed for the built development would not be visible either during or following construction. Therefore effects are judged to be **minor** for this receptor.

Discounted Visual Receptors

No views during construction or operation are predicted from the following middle distance and wider area locations as the views are truncated by landform, vegetation and / or built form: Viewpoints 1 and 2 - Funtley Lane and Lakeside; summer Viewpoints 12 and 14 from Bridleway 515, to the west; and more distant Viewpoints 11, 13 and 19 (from the west / north-west) and 15 - 18 (from the north-east). No views towards the Site were identified from the South Downs National Park.

7. Policy Compliance

7.1 Emerging Fareham Local Plan 2036 (Draft Consultation Version)

The proposed development is consistent with the Development Allocation for the Site (Policy HA10), set out in the emerging Fareham Local Plan 2036 (see Figure 2.4). It confines the proposed development to the northern parts of the Site; and creates new public open space in the form of parkland with paths to the south. It respects a 15m buffer to Great Beamond Coppice and protects the majority of the existing vegetation within and bounding the Site. The proposal creates new public open space with play elements in the north, incorporating existing vegetation designated as a SINC. The proposed open spaces more than compensate for the loss of the existing designated open space land within the Site (which is not currently accessible to the public).

Access is proposed to be taken from Funtley Road, making use of the existing access track into the Site. Green corridors, buffers and spaces are integral to the proposed built and green infrastructure areas. Sustainable drainage features are proposed, potentially contributing to the biodiversity and landscape value of the Site. View corridors would be retained between development blocks, allowing views towards the undeveloped southern slopes from Funtley Road to be retained. In accordance with emerging Policy CF6, the open space provision would more than compensate for the change of use of the existing open space designation with the Site (which is not currently accessible to the public).

A total of 55No dwellings are proposed in accordance with the Site allocation. The built form would respect the positive aspects of existing settlement character, and further details on this, and the proposed landscape mitigation are set out in the DAS. Community facilities and pedestrian and cycle links to surrounding areas to the north, south, west and east are also proposed (Policy D1).

The setbacks of the proposed development from the Site boundaries to the north and west, and proposals for landscape buffers with many new areas of planting here and to the south, would create a significant landscape framework that together with the retained

vegetation would contribute to effective landscape integration of the built areas.

In turn, this planting, as well as planting within the built areas would contribute to meaningful visual softening and partial screening of the development from surrounding built areas, while partial views of the higher, undeveloped slopes of the Site would be retained. This is consistent with the aims of the policy.

The confinement of the proposed built area to the existing, developed valley floor (through which Funtley Road runs) would limit the extent to which the proposals would impact on the character of the Site and wider surrounding landscape (Policies NE1 and D1). This is because this part of the Site already benefits from a high degree of landscape and visual containment, by surrounding landform (including railway embankments), built form and existing mature and dense vegetation. The higher slopes of the Site, which are intervisible with elevated farmland north of Funtley and up to Knowle village, would remain undeveloped and additional planting is proposed in these locations.

7.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

In terms of section 7 of the NPPF and NPPG section ID 26 relating to design, the proposed development seeks to provide attractive, high quality and inclusive design; with a strong sense of place, that is integrated with and respectful to the character and pattern of the local area. The proposed provision of a community building, community park and public open space with play areas provide opportunities for social interaction and active lifestyles. The built areas would be developed on the basis of perimeter blocks with good natural surveillance to all public areas. Adaptability and efficiency of the built environment would be important considerations. The proposed development carefully considers the topography of the Site and potential impact on views in the layout and form of the built areas.

In accordance with sections 8 (healthy communities) and 10 (climate change) of the NPPF, the areas of green and blue infrastructure would support action to combat effects of climate change through

provision of shading, water attenuation, and carbon absorption. Consistent with section 10 of the NPPF. Regarding NPPF section 11 (natural environment) the proposals protect the undulating landform of the Site and the majority of the existing vegetation, and seek to improve the biodiversity of the Site by creating further diversity to the range of planting and grassland types within it.

In accordance with NPPG Paragraphs 009 and 015 the proposed development promotes green infrastructure including a number of open and green public spaces; it respects natural features, and promotes a high quality landscape with many areas of planting that contributes to the quality of the local area. By placing development in the lower parts of the Site, and in association with existing built form, the wider landscapes of the Site would be maintained as open, while there would be negligible impact on surrounding areas (NPPG section ID 8).

7.3 Fareham Local Development Framework, Core Strategy (Adopted August 2011)

In turn, these proposals for the Site are consistent with the Fareham Core Strategy (2011) Strategic Objectives SO10 (to manage, maintain and improve the built and natural environment to deliver quality places, taking into account the character and setting of existing settlements); SO11 (to protect sensitive habitats and maintain separate settlement identity); as well as Policy CS4 (protection of habitats important to biodiversity and provision of accessible green space for informal recreation); Policy CS14 (to protect countryside from adverse effects on landscape, character and function arising from development); Policy C17 (to create high quality development that adheres to good urban design and sustainability principles, that is respectful of landscape, scale, form and spaciousness, and that includes greenways and trees within the public realm); Policy CS21 (to seek to provide alternative, and better public open space provision to replace the designated area of open space within the Site); and, Policy CS22 (the proposal does not affect the Strategic Gap located west of the disused railway line).

7. Policy Compliance

7.4 Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

Referring to the Fareham Borough Local Plan Part 2 (2015), the proposed development:

- Seeks to mitigate and improve any potential impacts on neighbouring development and adjoining land, through respectful layout and provision of a robust landscape framework (In accordance with Policies DSP2 and DSP40);
- Does not adversely affect heritage assets (In accordance with Policies DSP5 and DSP40);
- Lies outside of the Defined Urban Settlement Boundary, but is located close to and would be in keeping with the character, scale and appearance of surrounding areas; is sited and designed to integrate with the existing settlement and prevent detracting from existing landscape; and is laid out to respect views into and out of the Site and to the elevated land to the south (In accordance with Policies DSP6 and DSP40);
- Protects designated nature conservation sites and provides additional planting within or around these; provides a wide range of new grassland, herbaceous, aquatic, shrub, hedge and tree planting, including native species and species supporting potential habitat creation, nectar and pollen provision; and retains the majority of the existing vegetation on the Site, providing a number of new landscape buffers and other areas of planting, as well as sustainable drainage ponds that would contribute to maintaining and reinforcing the biodiversity network (In accordance with Policies DSP13 and DSP40); and
- Does not adversely affect a Strategic Gap (In accordance with Policy DSP40).

In terms of the Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016, the proposed development provides a village green integrating play features to the north; and a community park to the south. In total, over 53% of the Site area (8.62ha out of 16.18ha) would remain undeveloped, for use as open spaces and for green and blue infrastructure.

7.5 Landscape Character

In accordance with Statement of Opportunity 1 (SEO1) set out in the profile for **National Character Area 128: South Hampshire Lowlands**, the proposed development promotes creative and effective sustainable development, including a well-connected network of high-quality greenspace, which would benefit local communities, protect local distinctiveness, encourage public understanding and enjoyment of the natural environment, and help to mitigate the impacts of climate change.

In addition, in accordance with SEO2, the proposed development would protect, manage and enhance the area's historic well-wooded character – including its ancient semi-natural woodlands and hedgerows – to link and strengthen habitats for wildlife, and improve recreational opportunities.

There is also opportunity, in accordance with SEO3 to diversify the grassland habitats with the Site, providing recreational opportunities and potential improved biodiversity.

In accordance with the opportunities for **Hampshire County Landscape Character Area 3E: Meon Valley**, the proposed development:

- Keeps development within the valley bottom and avoids building on the slopes and elevated parts of the Site;
- Retains the majority of the existing vegetated boundary structure to the Site;
- Provides many areas of green infrastructure with retained and new planting; and
- Creates potential pedestrian / cycle links to existing settlements and public rights of way.

In accordance with the priorities for enhancement for **Fareham Borough Landscape Character Area 6: Meon Valley**, the proposed development:

- Protects important landscape and ecological resources, woodland and the slopes and ridge of the Site, which form part of the valley within which it lies;
- Creates a development that is limited in extent and which relates well to the existing Funtley village, maintaining an informal, rural character to the southern parts of the Site (community park);
- Provides opportunity to remove unsightly features from the Site;
- Sets development away from the Site boundaries, providing space to reinforce existing boundary vegetation with additional landscape buffers, that protect the character of the nearby roads and settlement. Where vegetation removal is required to facilitate safe access and egress from the Site, this would be minimised as far as possible, with new planting provided within the Site, outside of visibility splays; and
- Reinforces the retained green infrastructure network with many new areas of planting, including as part of the sustainable drainage strategy.

8. Summary and Conclusions

8.1 Summary of the baseline conditions

The Site is located at south-western edge of Funtley village in Hampshire and is bound by Funtley Road to the north and Honey Lane to the west.

The Site lies wholly within the landscape designation of 'Areas outside of Defined Urban Settlement' as defined in the proposal map of the Fareham Borough Core Strategy (adopted August 2011), whilst the area within north-western part of the Site is also designated as 'Existing Open Space' albeit this is not currently accessible to the public. The Ancient Woodland of Great Beamond Coppice is also located within the north east of the Site.

The Great Beamond Coppice is designated as a Site of Importance for Nature Conservation together with the existing tree groups located near the existing access entrance along the northern boundary and south-western boundary as shown on Figures 2.1 and 4.1. There are no other landscape designations within the Site. The Site is also subject to the influences of the nearby M27 motorway, settlement at Funtley village and the live railway to the east; with the addition of a telecommunications mast and timber poles carrying overhead lines within the Site. Therefore, the existing Site is considered to have a medium landscape value overall.

The Site is allocated for residential units in the emerging Fareham Local Plan 2036, subject to Policy HA10. In addition, the updated Borough Landscape Assessment (part of the Local Plan evidence base) indicates that small scale and sensitively integrated development could be accommodated in this location. The development allocation would remove the open space designation within the Site, albeit other existing policy provision seeks the provision of alternative or better uses. Several new, publicly accessible open spaces are therefore included as part of the scheme proposals.

Across the study area, there are a number of heritage assets comprising of Listed Buildings, Scheduled Ancient Monuments and local non-designated heritage asset Historic Parks and Gardens. There are no heritage assets located within or adjacent to the Site and none would be affected by the proposed development.

Views of the Site from the wider landscape (including the South Downs National Park) are truncated due to the undulating landform and intervening vegetation, whilst open and partial views of the internal ground plane and vegetation within and along the Site are apparent from the receptors located within close proximity of the Site - along parts of Funtley Road, Stag Way, Roebuck Avenue, Honey Lane; along part of Bridleway 515 to the west, near the bridge crossing over Funtley Road; and from parts of Public Footpaths 88 and 89 to the east of Funtley.

8.2 Summary of the landscape effects

The proposed development within the Site would not noticeably alter the landscape character at the national or county levels as discussed in this LVIA (**negligible** effects).

It is predicted that there would be, at worst, a **moderate - major** negative effect on land use landscape character at Site level - that is, the parts of the Site proposed for built development, due to the change in character from semi-enclosed pasture fields. Beyond this built area, the effects on the character of the wider Site and immediate context is predicted to be at worst, **minor - moderate** negative, but on the wider Borough character area, effects would be no greater than **negligible** or **minor**. Nevertheless, the proposed development is sited in close proximity to existing settlement and would not affect separate settlement identity or gaps.

Some modifications to landform would be required within the Site to provide safe access into, out of and within the proposed development, and to provide effective development platforms. The more steeply sloping and elevated parts of the Site would not be built on, with localised ground modelling only required to construct new pedestrian and cycle paths.

The effect on the Site landform is predicted to be at worst, **minor - moderate** negative at the construction stage only. Vegetation removal within the Site would be limited to that essential to facilitate effective development, to provide a safe area for new residents, or for other arboricultural or ecological reasons as identified by the relevant project specialists. The effects are predicted to be at worst, **moderate** negative at the construction stage, albeit these effects would be largely localised to the area proposed for built form.

The proposed development would, from the outset, be contained within an existing landscape framework of retained and protected mature hedges, trees, tree belts and woodland. There would also be retained open land (for community park uses) to the south. The proposed village green open space to the north would include play facilities and incorporate the retained SINC.

As the many areas of proposed landscape mitigation planting mature, the short term negative effects on land use and landscape character identified above would improve considerably with time, further reinforcing landscape integration, visual softening and partial screening.

Thus the effects on Site character and the immediate context would reduce by Year 15 to at worst **minor** negative (a clear day in winter) to at best **minor - moderate** positive, due to the ongoing positive management of the existing vegetation within the Site, and reinforcement of this with an additional robust network of varied landscape planting, diverse grasslands and planting associated with the proposed sustainable drainage features.

The many new areas of planting proposed would replace vegetation lost, while providing a considerable additional resource to the Site. Therefore, the effect on the Site vegetation is predicted to be **minor** positive in Year 1 and **moderate** positive by Year 15 when this is maturing.

8. Summary and Conclusions

8.2 Summary of the landscape effects (continued)

In terms of land use and the designated open space area of the Site, the provision of a total of 8.62ha of new publicly accessible open space with the proposed development is predicted to give rise to **minor - moderate** positive effects from Year 1 of operation. This would mean that over 53% of the total Site area of 16.18ha) would remain undeveloped and semi-rural in character.

Furthermore, the potential to provide pedestrian and cycle links to existing settlement north of Funtley Road, to Bridleway 515 to the west, and to Fareham to the south (by opening up the bridge link over the M27), the proposed development is predicted to give rise to **minor - moderate** positive effects on the public rights of way network from Year 1.

8.3 Summary of the visual effects

Regarding visual effects, the most noticeable visual change arising from the proposed development would be for the road users of Funtley Road and residents along the north side of the road, including a few residents of Stag Way and Roebuck Avenue. The views would be direct and in close range of the Site, albeit some views would be partly filtered by existing boundary vegetation.

Residents of Bramleigh at the south end of Honey Lane would have more distant and elevated views to the proposed development, seen in context with existing development at Funtley, and the farmland, and built areas including part of Knowle village to the north of Funtley. While development would be brought forward in these views, overall, the character and amenity of the panoramic views would be retained.

The construction and Year 1 operational effects are predicted to be at worst, **moderate - major** negative for residents along Funtley Road / Stage Way / Roebuck Avenue / Honey Lane; and **minor - moderate** negative for the transient receptors using Funtley Road. The mitigation planting associated with the built development would reduce these visual effects to at worst, **minor** negative for Funtley

Road residents and road users by Year 15. The scheme proposes to retain views beyond the built area to the elevated and more open higher ground within the community park to the south.

No notable visual effects are predicted from Public Footpaths 88 and 89 to the east of Funtley, due to the limited areas of the Site visible, and screening by landform, built form at Funtley and vegetation in the intervening areas.

From Bridleway 515 to the west, some partial views and glimpses of the proposed development would be seen beyond existing vegetation along the embankments of the disused railway line. These views would be in context with partial views and glimpses of existing built form to the north of the Site, and would be in context with retained semi-open parkland with additional planting south of the built area. The Year 1 effects are predicted to be at worst, **moderate** negative, and only from a short section of the Bridleway in the vicinity of the bridge crossing over Funtley Road. By Year 15, the softening and enclosing effect of mitigation planting is predicted to reduce the visual effects to at worst, **minor** negative. There would be no views of the development from most sections of the Bridleway due to physical and visual separation by dense vegetation in the intervening areas.

8.3 Conclusions

It is considered that the proposed development, which is subject to an allocation in the emerging Fareham Local Plan 2036, would represent a relatively limited and logical extension to an existing settlement. No widespread landscape or visual effects are predicted, and those effects predicted to occur at a Site and immediate site context level can be effectively mitigated and compensated for. The proposed development also offers opportunity for long term management of the Site and its mature vegetation (including Ancient Replanted Woodland); and provision of an additional robust structure of green infrastructure incorporating a diverse range of planting and grasslands, including within the areas of sustainable drainage. There would be the provision of a considerable area of new publicly accessible open space. The development is proposed to

be well connected to existing settlement and public rights of way. In conclusion, therefore, with careful consideration of the constraints and opportunities of the Site, an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits.

Appendix 1 – fabrik LVA Methodology

A1.1 Introduction

The methodology employed in carrying out an LVA or LVA with an impact statement of the Site, is drawn from the Landscape Institute and the Institute of Environmental Management and Assessment's "Guidelines for Landscape and Visual Impact Assessment" (GLVIA) Third Edition (Routledge 2013).

The term landscape is defined as an area perceived by people, whose character is the result of the action and interaction of nature and / or human factors. It results from the way that different components of our environment – both natural and cultural / historical interact together and are perceived by us. The term does not mean just special, valued or designated landscapes and it does not only apply to the countryside. The definition of landscape can be classified as:

- All types of rural landscape, from high mountains and wild countryside to urban fringe farmland (rural landscapes);
- Marine and coastal landscapes (seascapes); and
- The landscape of villages, towns and cities (townscapes).

An LVA with an impact statement provides a description of the baseline conditions and sets out how the study area and site appears, or would appear, prior to the proposed development. The baseline assessment is then used to predict the landscape and visual impacts arising from the proposed development. The assessment of impact is carried out as part of the iterative design process in order to build in mitigation measures to reduce the impacts as much as possible. The impact assessment will identify and assess effects during the construction and operational stages of the proposed development.

A1.2 Summary Overview of LVA Methodology

The LVA baseline assessment describes:

- Each of the landscape elements which then collectively inform landscape character for the contextual area to the site and the site itself;
- The character, amenity and degree of openness of the view from a range of visual receptors (either transient, serial or static views);
- The current baseline scenarios;
- The value of each of the landscape and visual receptors.

Landscape effects derive from changes in either direct or in-direct changes to the physical landscape, which may give rise to changes to the individual landscape components which in turn effects the landscape character and potentially changes how the landscape is experienced and valued.

Visual effects relate to the changes that arise in the composition, character and amenity of the view as a result of changes to the landscape elements.

The assessment of effects therefore systematically:

- Combines the value of the receptor with the susceptibility to the proposed change to determine the sensitivity of the receptor;
- Combines the size, scale, geographic extent, duration of the proposals and its reversibility in order to understand the magnitude of the proposal.
- Combines the sensitivity of the each of the receptors and the magnitude of effect to determine the significance of the effect.
- Presents the landscape and visual effects in a factual logical, well-reasoned and objective fashion.
- Indicates the measures proposed over and above those designed into the scheme to prevent/avoid, reduce, offset, remedy, compensate for the effects (mitigation measures) or which provide an overall landscape and visual enhancement;

- Sets out any assumptions considered throughout the assessment of effects.

Effects may be positive (beneficial) or negative (adverse) direct or indirect, residual, permanent or temporary short, medium or long term. They can also arise at different scales (national, regional, local or site level) and have different levels of significance (major, moderate, low, negligible or neutral / no change). The combination of the above factors influences the professional judgement and opinion on the significance of the landscape and visual effect.

The following sections sets out in more detail the assessment process employed.

A1.3 Establishing the Landscape Baseline

Desk and Field Studies: The initial step is to identify the existing landscape and visual resource in the vicinity of the proposed development – the baseline landscape and visual conditions. The purpose of baseline study is to record and analyse the existing landscape, in terms of its constituent elements, features, characteristics, geographic extent, historical and cultural associations, condition, the way the landscape is experienced and the value / importance of that particular landscape. The baseline assessment will also identify any potential changes likely to occur in the local landscape or townscape which will change the characteristics of either the site or its setting.

An desk study is carried out to establish the physical components of the local landscape and to broadly identify the boundaries of the study area. Ordnance survey (OS) maps and digital data is used to identify local features relating to topography/ drainage pattern, land cover, vegetation, built developments/settlement pattern, transport corridors/definitive public rights of way and any historic or prominent landscape features, which together combine to create a series of key characteristics and character areas. Vertical aerial photography will be used, to supplement the OS information. At this stage, any special designated landscapes (such as Areas of Outstanding Natural Beauty, National Parks, Green Belt, Conservation Areas, Listed Buildings, Areas of Special Character); heritage or ecological assets are identified. A review of information available in terms of any published historic landscape characterisation together with any other landscape / capacity / urban fringe and visual related studies is carried out at this stage.

Landscape character assessment, is the tool for classifying the landscape into distinct character areas or types, which share common features and characteristics. There is a well established methodology developed in the UK by the Countryside Agency and Scottish Natural Heritage in 2002, with further guidance published by Natural England in 2014. The national and regional level character assessments are often available in published documents, however the local / district or site levels may need to be set out

based on a combination of desk studies and field survey work. The character assessment will also identify environmental and landscape opportunities, recent changes, future trends and forces for change where they may be important in relation to the proposal, especially considering how the landscape appears, or would appear prior to the commencement of development. The condition of the landscape, i.e. the physical state of an individual area of landscape, is described as factually as possible. The assessment of landscape importance includes reference to policy or designations as an indicator of recognised value, including specific features or characteristics that justify the designation of the area. The value of that landscape by different stakeholders or user groups may also influence the baseline assessment.

If published local / site level landscape character assessments are not available, the landscape is to be classified into distinctive character areas and / or types, based on variations in landform, land cover, vegetation / settlement pattern, field pattern, enclosure, condition, value and etc. The classification will take into account any National, County/District and Parish level landscape character assessments.

These desk based studies are then used as a basis for verification in the field.

Judgements on the value of both the landscape and visual receptor are made at the baseline stage.

Landscape Value

Value is concerned with the relative value or importance that is attached to different landscapes. The baseline assessment considers any environmental, historical and cultural aspects, physical and visual components together with any statutory and non-statutory designations and takes into account other values to society, which may be expressed by the local community or consultees. These tables are considered a starting point for consideration in the field. The landscape designations are to be considered in terms of their ‘meaning’ to today’s context. The following table sets out the criteria

and definitions used in the baseline assessment to determine landscape value at the local or site level (in addition to condition / quality as set out on the previous page). Wherever possible information and opinions on landscape value is to be sought through discussions with consultees, stakeholders and user groups.

Table A1.1 sets out the criteria used to determine landscape condition / quality and value at the local or site level in the field.

Table A1.1 – Landscape Value Criteria

Criteria
<p>High (Very Good / Good Condition) International - National - Regional Scale</p> <ul style="list-style-type: none"> • Exceptional landscape with outstanding perceptual qualities. Very attractive, intact, natural, scenic, rare, wild and tranquil. The landscape may include World Heritage Sites, National Parks, Areas of Outstanding Natural Beauty or Heritage Coast or key elements/features within them; together with any non-statutory designations. Alternatively, the landscape may be un-designated but is valued as set out in published landscape character assessments and which, for example, identify and artistic and literary connections which assist in informing the identify of a local area (such as ‘Constable Country’); • Recognisable landscape or townscape structure, characteristic patterns and combinations of landform and landcover are evident, resulting in a strong sense of place; • No or limited potential for substitution and which is susceptible to small changes; • A landscape that contains particular characteristics or elements important to the character of the area; • A valued landscape for recreational activity where the experience of the landscape is important; • Good condition with -appropriate management for land use and land cover, or with some scope to improve certain elements; • Distinct features worthy of conservation; • Unique sense of place; • No or limited detracting features.

Criteria
<p>Medium (Good - Ordinary Condition) Regional - Local Scale</p> <ul style="list-style-type: none"> • Ordinary landscape and perceptual qualities. The landscape may include local designations such as Special Landscape Areas, Areas of Great Landscape Value, Strategic or Local Gaps; or un-designated but value expressed through literature, historical and / or cultural associations; or through demonstrable use by the local community; together with any non-statutory designations. Alternatively, the landscape may be valued through the landscape character assessment approach. • Distinguishable landscape or townscape structure, with some characteristic patterns of landform and landcover; • Potential for substitution and tolerant of some change; • Typical, commonplace farmed landscape or a townscape with limited variety or distinctiveness; • A landscape which provides recreational activity where there are focused areas to experience the landscape qualities; • Scope to improve management; • Some dominant features worthy of conservation; • Some detracting features.
<p>Low (Ordinary - Poor Condition) Local /Site Scale</p> <ul style="list-style-type: none"> • Poor landscape and perceptual qualities. Generally un-designated. Certain individual landscape elements or features may be worthy of conservation and landscape either identified or would benefit from restoration or enhancement (such as local parks and open spaces). Alternatively, the landscape may be valued through the landscape character assessment approach. • Monotonous, weak, uniform or degraded landscape or townscape which has lost most of it's natural or built heritage features and where the landcover are often masked by land use; • Tolerant of substantial change; • A landscape which provides some recreational activities with limited focus on the landscape attributes; • Lack of management and intervention has resulted in degradation; • Frequent dominant detracting features; • Disturbed or derelict land requires treatment.

A1.4 Establishing in the Visual Baseline

Desk and Field Studies: The visual baseline will establish the area in which the site and the proposed development may be visible, the different groups of people who may experience the views, the places where they will be affected and the nature, character and amenity of those views.

The area of study for the Visual Assessment is determined through identifying the area from which the existing site and proposal may be visible (the Zone of Theoretical Visibility or ZTV). The baseline ZTV of the site is determined through either manual topographical analysis (a combination of desk and field based analysis which are considered appropriate for Landscape and Visual Appraisals and projects below the EIA threshold) or digital mapping based on bare earth modelling, (which do not take account of features such as vegetation or built form) constructing a map showing the area where the proposal may theoretically be visible. The extent of the mapping will depend on the type of proposal. The actual extent of visibility is checked in the field (both in the summer and winter months if the project timescales allow) to record the screening effect of buildings, walls, fences, trees, hedgerows and banks not identified in the initial bare ground mapping stage and to provide an accurate baseline assessment of visibility. Viewpoints within the ZTV should also be identified during the desk assessment, and the viewpoints used for photographs selected to demonstrate the relative visibility of the site (and any existing landscape and built forms). The selection of a range of key viewpoints will be based on the following criteria for determination in the field:

- The requirement to provide an even spread of representative, specific, illustrative or static / kinetic / sequential / transient viewpoints within the ZTV and around all sides of the Site.
- From locations which represent a range of near, middle and long distance views (although the most distant views may be discounted in the impact assessment if it is judged that visibility from this distance will be extremely limited).
- Views from sensitive receptors within designated, historic or cultural landscapes or heritage assets (such as from within World Heritage Sites; adjacent to Listed Buildings - and co-ordinated

with the heritage consultant - Areas of Outstanding Natural Beauty or Registered Parks and Gardens) key tourist locations and public vantage points (such as viewpoints identified on OS maps).

- The inclusion of strategic / important / designed views and vistas identified in published documents.

Views from the following are to be included in the visual assessment:

1. Individual private dwellings. These are to be collated as representative viewpoints as it may not be practical to visit all properties that might be affected.
2. Key public buildings, where relevant (e.g. libraries; hospitals, churches, community halls etc)
3. Transient views from public viewpoints, i.e. from roads, railway lines and public rights of way (including tourist or scenic routes and associated viewpoints);
4. Areas of open space, recreation grounds and visitor attractions; and
5. Places of employment, are to be included in the assessment where relevant.

A1.4 Establishing in the Visual Baseline (continued)

The final selection of the key viewpoints for inclusion in the LVA will be based proportionately in relation to the scale and nature of the development proposals and likely significant effects and in agreement with the LPA.

The visual assessment should record:

- The character and amenity of the view, including topographic, geological and drainage features, woodland, tree and hedgerow cover, land use, field boundaries, artefacts, access and rights of way, direction of view and potential seasonal screening effects will be noted, and any skyline elements or features.
- The type of view, whether panoramas, vistas or glimpses.

The baseline photographs are to be taken in accordance with the Landscape Institutes technical guidance on Photography and Photomontage in LVIA (Landscape Institute 2011). The extent of visibility of the range of receptors is based on a grading of degrees of visibility, from a visual inspection of the site and surrounding area. There will be a continuity of degree of visibility ranging from no view of the site to full open views. Views are recorded, even if views are truncated of the existing site, as the proposed development may be visible in these views. To indicate the degree of visibility of the site from any location three categories are used:

a) Open View:

An open, unobstructed and clear view of a significant proportion of the ground plane of the site; or its boundary elements; or a clear view of part of the site and its component elements in close proximity.

b) Partial View:

A view of part of the site, a filtered or glimpsed view of the site, or a distant view where the site is perceived as a small part of the wider view;

c) Truncated View:

No view of the site or the site is difficult to perceive.

Following the field survey (which should cover ideally both winter and summer views) the extent to which the site is visible from the surrounding area will be mapped. A Photographic Viewpoint Plan will be prepared to illustrate the representative, specific and illustrative views into / towards and within the Site (if publicly accessible) and the degree of visibility of the site noted. This Plan will be included in a Key Views document for agreement with the Local Planning Authority and any other statutory consultees as part of the consultation process. The visual assessment will include a series of annotated photographs, the location and extent of the site within the view together with identifying the character and amenity of the view, together with any specific elements or important component features such as landform, buildings or vegetation or detracting features which interrupt, filter or otherwise influence views. The photograph will also be annotated with the Value attributed to the receptor or group of receptors.

By the end of this stage of the combined landscape and visual site study, it will be possible to advise, in landscape and visual terms, on any specific mitigation measures required in terms of the developments preferred siting, layout and design.

Value of Visual Receptors

Judgements on the value attached the views experienced are based on the following criteria.

Table A1.2 – Value Attached to Views

Value	Criteria
High	Views from landscapes / viewpoints of national importance, or highly popular visitor attractions where the view forms an important part of the experience, or with important cultural associations. This may include residential receptors in Listed Buildings where the primary elevation of the dwelling is orientated to take advantage of a particular view (for example across a Registered Park and Garden or National Park).
Medium	Views from landscapes / viewpoints of regional / district importance or moderately popular visitor attractions where the view forms part of the experience, or with local cultural associations. This may include residential receptors where the primary elevation of the dwelling is orientated to take advantage of a particular view.
Low	Views from landscapes / viewpoints with no designation, not particularly important and with minimal or no cultural associations. This may include views from the rear elevation of residential properties.

Susceptibility of the Visual Receptor to the Proposed Change

The susceptibility to the proposed changes in views and visual amenity occur as a result of the occupation or activity of people experiencing the view and the extent to which their attention or interest may be focused on the views and the visual amenity they experience. The grouping of susceptibility of the visual receptors is set out later in this document.

A1.5 Predicting and Describing the Landscape and Visual Effects

An assessment of visual effect deals with the change on the character and amenity arising from the proposal on the range of visual receptors.

The assessment of effects aims to:

- Identify systematically and separately the likely landscape and visual effects of the development;
- Identify the components and elements of the landscape that are likely to be affected by the scheme;
- Identify interactions between the landscape receptors and the different components of the development at all its different stages (e.g. enabling, construction, operation, restoration etc);
- Indicate the secondary mitigation measures over and above those already designed into the scheme proposed to avoid, reduce, remedy or compensate for these effects;
- Estimate the magnitude of the effects as accurately as possible and considering this in relation to the sensitivity of the receptor; and
- Provide an assessment of the significance of these effects in a logical and well-reasoned fashion.

Having established the value of the landscape and visual receptor, the effects are then considered in relation to the magnitude of change, which includes the size / scale, geographical extent of the areas influenced and the duration and reversibility.

Wherever possible tables or matrixes will be used, linked with the illustrative plans, so that the landscape and visual effects are recorded and quantified in a systematic and logical manner. Consideration is given to the impacts on completion of development at Year 1 and at maturity (Year 15) (to represent short, medium and long term effects) so that the effects of the development after mitigation has matured are identified. Assumptions or limitations to the assessment will also be set out.

Effects will include the direct and/or indirect impacts of the development on individual landscape elements / features as well as the effect upon the general landscape character and visual receptors.

Landscape Susceptibility

Landscape susceptibility is evaluated by its ability to accommodate the proposed change (i.e. the degree to which the landscape is able to accommodate the **proposed** change without undue consequences for the maintenance of the baseline situation and / or the achievement of landscape planning policies and strategies) as set out in Table A1.2.

As part of the assessment of the landscape character and its component parts, conclusions will be drawn as to the overall susceptibility of the landscape / landscape elements and visual environment to the type of development proposed. Existing landscape capacity assessments may form a starting point for the refinement of the assessment of landscape susceptibility at the local and site level.

Table A1.3 – Landscape Susceptibility Criteria

Susceptibility	Criteria
High	A landscape or townscape particularly susceptible to the proposed change, which would result in significant negative effects on landscape character, value, features or individual elements.
Medium	A landscape or townscape capable of accepting some of the proposed change with some negative effects on landscape character, value, features or elements.
Low	A landscape or townscape capable of accommodating the proposed change without significant negative effects on landscape character, value, features or elements.

Landscape Sensitivity

The assessment of landscape sensitivity is then combined through a judgement on the value attributed to that landscape receptor / component and the susceptibility of the landscape receptor to the proposed change using the following matrix.

Table A1.4 - Landscape Sensitivity

		Landscape Receptor Susceptibility		
		High	Medium	Low
Landscape Value	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Medium - Low
	Low	Medium	Medium - Low	Low - Negligible

Visual Susceptibility

The susceptibility of the different types of people to the changes proposed is based on the occupation of the activity of the viewer at a given location; and the extent to which the persons attention or interest may be focussed on a view, considering the visual character and amenity experienced at a given view. The criteria used to assess the susceptibility of a visual receptor are summarised below.

Table A1.5 – Visual Susceptibility Criteria

Susceptibility	Criteria
High	People with particular interest in the view, with prolonged viewing opportunity, including: Residents where views contribute to the landscape setting enjoyed by the community; those engaged in outdoor recreation, such as those using public rights of way; views from within the designated landscapes and heritage assets where the views of the surroundings are an important contributor to the experience; travellers along scenic routes.
Medium	People with moderate interest in the view and their surroundings, including: Communities where the development results in changes in the landscape setting or value of views enjoyed by the community; people travelling through the landscape, where the appreciation of the view contributes to the enjoyment and quality of that journey; people engaged in outdoor recreation, where their appreciation of their surrounding and particular view is incidental to their enjoyment of that activity.
Low	People with momentary, or little interest in the view and their surroundings, including: People engaged in outdoor sport; People at their work place; Travellers where the view is fleeting or incidental to the journey.

Visual Sensitivity

The sensitivity of visual receptors in views is based on the professional judgement combining the value and susceptibility to change on that visual receptor.

Table A1.6 - Visual Sensitivity

		Visual Receptor Susceptibility		
		High	Medium	Low
Value of Visual Receptor	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Low
	Low	Medium	Low	Low - Negligible

A1.6 Magnitude of Effects

In determining the magnitude of landscape effects, this will consider:

1. Scale and size of the change in the landscape (considering the changes to individual components and the effect this has on contribution to landscape character; the degree to which aesthetic or perceptual aspects of the landscape are altered; whether the effect changes the key characteristics of the landscape);
2. Geographic extent over which the landscape effects will be experienced (effects limited to the site level; effects on the immediate setting; effects relating to the scale of the landscape type or character area; effects on a larger scale such as influencing several landscape character areas); and
3. The duration, permanence and reversibility of the proposal.

Similar to landscape effects, the magnitude of visual effects will consider:

1. Scale and size of the change to the view (considering loss or addition of features to the view and proportion of the view occupied by the proposed development; the degree of contrast or integration of any new landscape features or changes in the landscape and characteristics in terms of form, scale, mass, line, height, colour and texture; and the nature of the view of the proposed development relative to the time over which it will be experienced and whether views will be full, partial or glimpses).
2. Geographical extent (including the angle of the view; the distance of the viewpoint to the proposed development; and the extent of the area over which the changes would be visible).
3. The duration, permanence and reversibility of the proposal.

A1.7 Significance of Effects

The two principal criteria determining the significance of effects are the sensitivity of the receptor in relation to the magnitude of effect. A higher level of significance is generally attached to the magnitude of change on a sensitive receptor; for example, a low magnitude of change on highly sensitive receptor can be of greater significance than very high magnitude of change on low sensitivity receptor. Therefore, whilst the table opposite sets out a starting point for the assessment, it is important that a balanced and well reasoned professional judgement of these two criteria is provided and an explanation provided.

In order to develop thresholds of significance, both the sensitivity of receptors and the magnitude of change must be classified for both landscape receptors and visual receptors as set out in the tables below. Where landscape effects are judged to be adverse, additional mitigation or compensatory measures are to be considered. The significant landscape effects remaining after mitigation are then to be summarised as the residual effects.

Magnitude Elements					Overall Magnitude of Change
Size / Scale	Geographic Extent	Duration	Permanence	Reversibility	
Major	Wide or Local; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High
Major	Site Level; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High - Medium
Moderate	Local / Site Level; Direct or oblique, partial view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Medium - Low
Minor	Local / Site level; Oblique partial or glimpsed view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Low
Negligible	All of the above and a truncated view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Negligible

The criteria for each of the above is to be determined relative to the size and scale of the individual project applying professional judgement and opinion.

However, the following are typically used:

Size and Scale: relates to the combination of the following (and are linked to the descriptions set out under table A1.9):

- extent of existing landscape elements that will be lost (to proportion of the total extent that is lost) and the contribution that the element has to landscape character;
- the degree to which aesthetic or perceptual aspects of the landscape are altered (addition or removal of features and elements)
- whether the effect changes the key distinctive characteristics of the landscape;
- size and scale of change in the view with respect to the loss or addition of features in the view and changes to the composition, including the proportion of the view occupied by the proposed development;
- the degree of contrast or integration of any new features or changes in the townscape with the existing or remaining townscape or landscape elements and characteristic terms of form, scale, mass, line, height, colour and texture;
- the nature of the view of the proposed development, in terms of relative amount of time over which it will be experienced and whether views will be open, partial, glimpsed.

Geographic Extent: The geographic area over which the landscape effects will be felt relative to the proposal; and relative to visual receptors is to reflect the angle of the view; the distance of the viewpoint; the extent of the area over which the changes would be visible.

Duration, Permanence and Reversibility: These are separate but linked considerations and are project specific. For example, changes to a brownfield urban site could be reversible. Construction impacts are likely to be short term, temporary, but see the start of a permanent change. Operational effects are likely to be long term, permanent and either irreversible or reversible, depending on the nature of the project.

No change: If there is no change to the landscape or visual receptor then the overall magnitude of change will be **Neutral**.

A1.7 Significance of Effects (continued)

Effects will be described clearly and objectively, and the extent and duration of any negative / positive effects quantified, using four categories of effects, indicating a gradation from high to low.

Table A1.7 - Sensitivity and Magnitude of Effects

		Landscape and Visual Receptor Sensitivity		
		High	Medium	Low
Magnitude of Change	High	Major	Moderate to Major	Moderate
	Medium	Moderate to Major	Moderate	Minor - Moderate
	Low	Moderate to Major	Minor - Moderate	Minor
	Negligible	Negligible	Negligible	Negligible
	Neutral	Neutral	Neutral	Neutral

The degree of effect is graded on the following scale in relation to the significance criteria above:

Table A1.9 - Significance of Landscape and Visual Effects

Effect Significance	Criteria
Substantial negative / adverse effect	Where the proposals would cause the substantial or significant loss of key mature landscape elements and characteristic features / a significant deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Major negative / adverse effect	Where the proposals would cause the total loss of key mature landscape elements and characteristic features / a major deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Moderate negative / adverse effect	Where the proposals would cause the loss of some of the key landscape elements and / or particularly representative characteristic features / or introduce elements considered significantly uncharacteristic of the area; and a noticeable deterioration in the character and amenity of the view from the range of visual receptors.
Minor negative / adverse effect	Where the proposals would cause the loss of some landscape elements or characteristic features / introduce elements characteristic of the area; and a barely perceptible deterioration in the character and amenity of the view from the range of visual receptors.

Negligible	Where the proposals would have no discernible deterioration or improvement in the existing baseline situation in terms of landscape elements or view.
Neutral	Where the proposals would result in no change overall (resulting in no net improvement or adverse effect).
Minor positive / beneficial effect	Where the proposals would result in minor loss or alteration or improvement of the key elements and features / provide a small enhancement to the existing landscape elements or characteristic features; and cause a barely perceptible improvement in the existing view for the range of receptors.
Moderate positive / beneficial effect	Where the proposals would cause some enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Major positive / beneficial effect	Where the proposals would cause a major enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Substantial positive / beneficial effect	Where the proposals would cause a significant enhancement to the existing landscape elements or characteristic features / wholesale improvement in the character and amenity of the existing view from a range of visual receptors.

Effects assessed as being greater than moderate are considered to be a significant effect.

A1.8 Effects During Site Enabling and Construction

It is recognised that project characteristics and hence sources of effects, will vary through time. The initial effects arise from the site enabling and construction works. Sources of landscape and visual effects may include:

- The location of the site access and haulage routes;
- The origin and nature of materials stockpiles, stripping of material and cut and fill operations / disposal and construction compounds;
- The construction equipment and plant (and colour);
- The provision of utilities, including lighting and any temporary facilities;
- The scale, location and nature of any temporary parking areas and on-site accommodation;
- The measures for the temporary protection of existing features (such as vegetation, trees, ponds, etc) and any temporary screening (such as hoarding lines); and
- The programme of work and phasing of development.

A1.9 Effects During Operation (at Year 1)

At the operational stage, the sources of landscape and visual effects may include:

- The location, scale, height, mass and design of buildings in terms of elevational treatment; structures and processes, including any other features;
- Details of service arrangements such as storage areas or infrastructure elements and utilities and haulage routes;
- Access arrangements and traffic movements;
- Lighting;
- Car parking;
- The noise and movement of vehicles in terms of perceived effects on tranquillity;
- Visible plumes from chimneys;
- Signage and boundary treatments;
- Outdoor activities that may be visible;

- The operational landscape, including landform, structure planting, green infrastructure and hard landscape features;
- Land management operations and objectives; and
- The enhancement or restoration of any landscape resource of particular view.

A1.10 Mitigation and Compensatory Measures

The purpose of mitigation is to avoid, reduce and where possible, remedy or offset, any significant (major to minor) negative (adverse) effects on the landscape and visual receptors arising from the proposed development. Mitigation is thus not solely concerned with “damage limitation”, but may also consider measures that could compensate for unavoidable residual effects. Mitigation measures may be considered under three categories:

- Primary measures that intrinsically comprise part of the development design through an iterative process;
- Standard construction and operational management practices for avoiding and reducing environmental effects; and
- Secondary (or residual) measures designed to specifically address the remaining effects after the primary and standard construction practices have been incorporated.

If planting is required as part of the mitigation measures, it is proposed that areas of planting are introduced as part of the proposed development and the height of this planting will be considered as follows (dependent on plant specification and details of the scheme):

- Planting at completion / short term: 3-5 metres (dependent on plant specification).

Strategies to address likely negative (adverse) effects include:

- Prevention and avoidance of an impact by changing the form of development;
- Reduce impact by changing siting, location and form of development;

- Remediation of impact, e.g. by screen planting;
- Compensation of impact e.g. by replacing felled trees with new trees; and
- Enhancement e.g. creation of new landscape or habitat.

A1.11 Guidelines for Mitigation:

- Consultation with local community and special interest groups, if possible, on the proposed mitigation measures is important;
- Landscape mitigation measures should be designed to suit the existing landscape character and needs of the locality, respecting and building on local landscape distinctiveness and helping to address any relevant existing issues in the landscape;

Many mitigation measures, especially planting, are not immediately effective. Where planting is intended to provide a visual screen for the development, it may also be appropriate to assess residual effects for different periods of time, such as day of opening at Year 1.

- The proposed mitigation measures should identify and address specific landscape issues, objectives and performance standards for the establishment, management maintenance and monitoring of new landscape features.
- A programme of appropriate monitoring may be agreed with the regulatory authority, so that compliance and effectiveness can be readily monitored and evaluated.

Report presented by

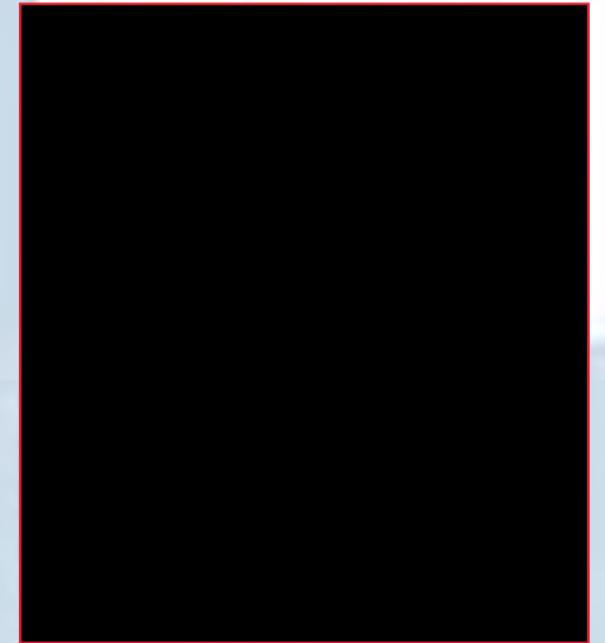
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Report presented by

Rummey environmental



**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:



**Policies:
H1, DS2, DS3 and HP4**

and

**Omission of Land south of Hope Lodge,
Fareham Park Road, Fareham as an
Allocation in Policy H1 (SHELAA Site Ref
3159).**

WBP REF: 8249

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 16th December 2020 (LPA Ref: P/18/0363/OA)
11. Decision Notice for P/18/0363/OA (18th December 2020)
12. Landscape Statement for an Appeal in relation to P/18/0363/OA) (terrafirma)
13. Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients [REDACTED] own land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 1263).
- 1.2. The Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our clients' land south of Hope Lodge, Fareham Park Road, Fareham.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Officer Report on application for up to 28 dwellings on land south of Hope Lodge (84 Fareham Park Road), Fareham (**Appendix 10**)
- Decision Notice for P/18/0363/OA (18th December 2020) (**Appendix 11**)
- Landscape Statement for an Appeal in relation to P/18/0363/OA (terrafirma) (**Appendix 12**)
- Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**)

2.2. Our clients’ representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy DS2 – Development in Strategic Gaps	Objection
Policy DS3 – Landscape	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Ref 3159) – failure to include as an allocation in policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients south of Hope Lodge, Fareham Park Road, Fareham (SHELAA site ref 3159). This site can accommodate 28 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the town.

- 3.5. The representations also highlight a failure of the plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land south of Hope Lodge, Fareham Park Road, Fareham can also supply homes to contribute towards resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, Fareham Borough Council has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne garden village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council’s continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

- 5.27. Whilst the Council has resolved to grant permission, this has yet to be issued and therefore the expectation that homes can be delivered on the site in 2023/24 still remains unrealistic and overly optimistic.
- 5.28. Consequently, the Council's justification for a stepped housing requirement on the expectation that Welborne will deliver in order to demonstrate a five year supply is not supported by evidence. Instead, the authority should allocate further sites to boost supply and contribute towards unmet housing needs in the City of Portsmouth at the earliest opportunity. To achieve this, the housing requirement should be set at the same consistent rate for the entire plan period (2021-2039). To achieve the minimum of 10,738 dwellings we advocate, the minimum annual requirement should be 596dpa (rounded)

Robustness of Housing Land Supply

- 5.29. Although the Council has provided a housing trajectory detailing the expected delivery each year, it has not provided a breakdown by the various sources relied upon by the authority as indicated in Table 4.2.
- 5.30. Furthermore, given the importance of Welborne to the Borough's supply, it is important that this is identified separately to the other sources.
- 5.31. In the absence of detailed annual breakdown of expected supply by source, it is not considered that the Council has adequately demonstrated its approach is robust. This is especially noticeable given the evolving trajectory for Welborne has resulted in delays to its delivery from that originally envisaged in the Core Strategy to that now expected.
- 5.32. With the uncertainty over the delivery of the various sources, it is not known whether the authority can achieve its forecasts and consequently it is essential that further flexibility is included in the plan to allow delivery of additional homes.

Conclusions

5.33. The approach to the housing requirement and envisaged delivery as set out in Policy H1 cannot be said to be sound. This is because it fails to provide for at least 15 years post adoption together with planning for a requirement which reflects the Government's objectives of significantly boosting the supply of housing. Additionally, an increased contribution should be required as a measure of seeking to address the acknowledged deficit within the City of Portsmouth. Fareham Borough's contribution should be at least 1,000 dwellings.

Changes sought to the Local Plan with respect of the Borough's development requirements in policy H1.

5.34. The Plan therefore as currently prepared does not comply with the Duty to Co-operate through a failure to effectively consider how unmet housing needs of neighbouring authorities, especially the minimum of 1,000 dwellings sought by the City of Portsmouth is to be addressed.

5.35. The Council has not actively engaged with the City and like the approaches of Sevenoaks and like Tonbridge & Malling (whose plans were found to fail the Duty) it is clear that the approach of Fareham Borough is insufficient to accord with their legal obligation. As such, there is a case to be made that the plan should be withdrawn, and the Council tasked with demonstrating compliance with the duty.

5.36. Irrespective of the failure to comply with the Duty to Co-operate, Policy H1 cannot be said to satisfy the tests of soundness on account of the following:

- a) It is not positively prepared as it does not seek to address the borough's housing needs for at least 15 years post adoption (on a realistic plan preparation timeframe), therefore further sites should be allocated;
- b) It is not positively prepared as it fails to boost the supply of housing by seeking to address the borough's housing need, alongside those of neighbouring authorities at the earliest opportunity. This is through the unjustified inclusion of a stepped requirement;

- c) It is not justified with regard to the timeframe that the examination of the Local Plan will take resulting in a delayed adoption of the document;
- d) It is also inconsistent with national policy in the failure to both boost housing supply and make an appropriate contribution towards addressing the housing needs of neighbouring authorities as required by paragraph 60 of the NPPF.

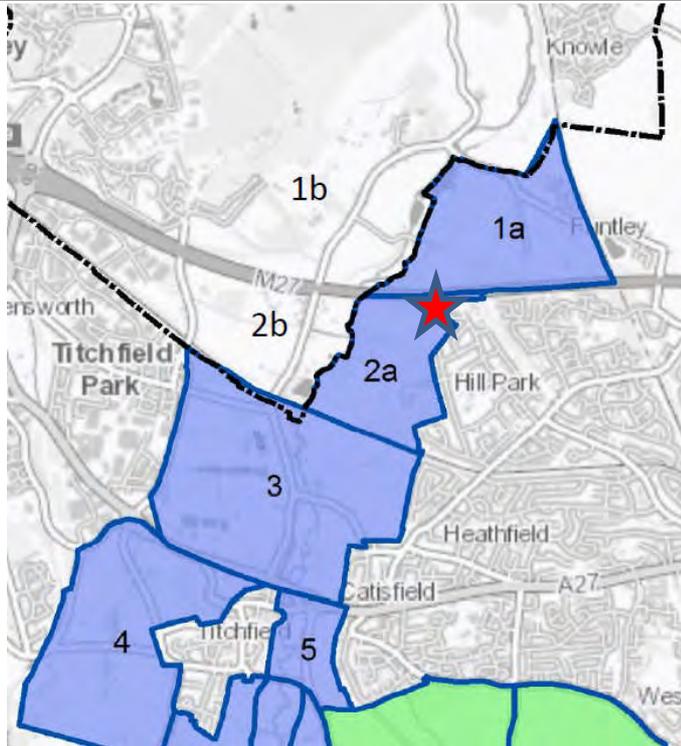
5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

1. That policy H1 is amended to:
 - A) ensure that the plan period is 2021 to 2039;
 - B) That the housing requirement is increased to 10,738 dwellings;
 - C) That the stepped housing requirement is omitted and replaced with a single level need;
 - D) That additional sites are included in the Plan to address this higher need (including our clients land south of Hope Lodge, Fareham Park Road, Fareham); and
 - E) That further detail of the annual delivery by specific site within each source is included in the plan.
2. That consequential amendments are made to the document to reflect these revisions.

6. POLICY DS2: DEVELOPMENT IN STRATEGIC GAPS

General

- 6.1. Policy DS2 defines extents of Strategic Gaps within Fareham Borough. Our particular relevance is the Meon Strategic Gap defined on the policies map pursuant to the policy.
- 6.2. Within the terms of the policy it indicates that **“development will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.”**
- 6.3. The extent of the areas defined by the policy are supported by the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” prepared by the County Council for the Borough Council in September 2020. The Detailed Analysis was provided in appendix 5 of the document. This however has not been made available with the summary document on the website. Consequently this raises concerns over the soundness of the Council’s approach and whether it is adequately supported by the necessary evidence.
- 6.4. As indicated above, our clients are especially concerned with respect of the proposed extent of the Meon Strategic Gap and how it is proposed to include their land. Although the detailed appraisals within Appendix 5 of the Technical Assessment are not available, the summary document released indicates that their land lies within assessed parcel 2a (as indicated in figure 4.1 of the Technical Review document). The annotated extract shows the location of our clients’ site (south of Hope Lodge) as an asterisk.



Clients' site – land south of Hope Lodge, Fareham Park Road, Fareham indicated by an asterisk.

- 6.5. As indicated on the annotated extract of Figure 4.1 of the Technical Review, our client's land lies on the eastern edge of the proposed Strategic Meon Gap. Whilst the Technical Review includes summaries of the assessments of most parcels within the proposed Meon Gap indicated on figure 4.1, there is none for parcel 2a which includes our clients' land¹⁰. This therefore indicates that the approach of the authority is not supported by the necessary evidence as required to demonstrate soundness of the Plan.
- 6.6. Whilst the Technical Review does not appraise our clients site, an assessment was included in the officers report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council's planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.25 of the officer's report, it states:

In this case at the land at 84 Fareham Park Road, Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site

¹⁰ Whilst there is a review of the land around Henry Cort Community College (lies south of our clients land), this is assessed under reference 2b (page 90 of Technical Review).

being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap either. The spatial function of the gap and the settlement pattern of both Fareham and the Western Wards/Whiteley on either side of that gap would not be adversely affected.

- 6.7. Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS2. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 6.8. The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current Strategic Gap, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 6.9. The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS2

- 6.10. The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Strategic Gap.
- 6.11. To address this matter of soundness, the following amendment is proposed.
- 1. That our clients' land is omitted from the Meon Valley strategic gap defined on the policies map under policy DS2.

7. POLICY DS3: LANDSCAPE

General

- 7.1 Policy DS3 defines extents of Areas of Special Landscape Quality within Fareham Borough. Our particular relevance is the Meon Valley defined area as shown on the policies map pursuant to the policy.
- 7.2 The extent of the areas defined by the policy are supported by the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” prepared by the County Council for the Borough Council in September 2020. With respect of the Meon Valley, this is within assessed parcel reference ASLQ4.
- 7.3 Although the Technical Review includes an assessment, with respect of our client’s site there is a more recent appraisal, which is focused on the specific characteristics of the location. This was within the officers’ report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council’s planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.47 of the officer’s report, it states:

In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site’s well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to

provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements.

- 7.4 Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS3. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 7.5 The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current landscape quality of the Meon Valley, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 7.6 The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS3

- 7.7 The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Area of Special Landscape Quality.
- 7.8 To address this matter of soundness, the following amendment is proposed.
1. That our clients' land is omitted from the Meon Valley Area of Special Landscape Quality defined on the policies map under policy DS3.

8. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

8.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

8.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹¹
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹²;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹³
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹⁴
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁵
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁶

8.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of

¹¹ Paragraph 62

¹² Paragraph 27

¹³ Paragraph 55

¹⁴ Paragraphs 17, 51 & 52

¹⁵ Paragraph 90

¹⁶ Paragraph 91

delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.

- 8.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 8.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 8.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 8.7. The deficit in the Council's five year housing land supply position has continued to persist.
- 8.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021

to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

8.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:

- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
- b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
- c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
- d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
- e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
- f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

8.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.

8.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57

years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**):

8.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.

8.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 13** is that the shortfall is much greater than purported to be the case by the Council.

8.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 13**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

8.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.

8.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

8.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will 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 is proposed:

1. That clause c is omitted from policy HP4.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND SOUTH OF HOPE LODGE, FAREHAM PARK ROAD, FAREHAM AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY H1 (SHELAA Ref 3159)

General

- 9.1. Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the land south of Hope Lodge, Fareham Park Road for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.
- 9.2. Our client's site comprising land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 3159) is submitted as an additional housing allocation. The Site extends to approximately 1.4ha.
- 9.3. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 28 dwellings.
- 9.4. The site is well related to the urban area. Whilst the Council's SHELAA assessment of the site indicates that it is a "valued landscape", as indicated in the representation to policy DS3, this is not supported by the necessary evidence, included the Council's own appraisal as indicated in the Committee Report on the earlier application (**appendix 10**).
- 9.5. Development of the site for approximately 28 dwellings would enable a high-quality housing scheme to be located within walking distance from local services and facilities, as acknowledged in the assessment of the land in the SHELAA (page 201).
- 9.6. Access can be readily achieved from Fareham Park Road, and there is a pedestrian footway which enables safe and convenient access to local services and facilities by foot.

- 9.7. The site is also within a short 400m walk to a bus stop which provides regular services to Fareham.
- 9.8. The Site is currently subject to an appeal made against the decision of Fareham Borough Council to refuse an outline planning application for residential development of up to 28 dwellings, including the provision of affordable homes, along with landscaping, amenity space, parking and means of access from Fareham Park Road (LPA Ref: P/18/0363/OA).
- 9.9. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. The application was refused in relation to its purported landscape impact, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 9.10. Paragraph 8.20 of the Report to Committee states in relation to the acceptability of developing the site as follows:

“There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.”

- 9.11. Paragraphs 8.47 and 8.48 set out the acceptability of the landscape impact stating as follows:

“In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale

and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site's well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements. Such matters of layout and landscaping are also however of course reserved matters.

The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.”

- 9.12. Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 9.13. We therefore consider that part of the solution to addressing the identified shortfall is to allocate land south of Hope Lodge, Fareham Park Road, Fareham for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 9.14. To ensure that the plan is therefore sound as detailed in the representations, **land south of Hope Lodge, Fareham Park Road, Fareham should be included as a residential allocation for circa 28 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

10. OVERALL CONCLUSIONS

- 10.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 10.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1 together with the extent of some spatial policies (DS2 and DS3).
- 10.3. These matters can be addressed through Main Modifications.

11. FINAL REMARKS

- 11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our clients' site south of Hope Lodge, Fareham Park Road, Fareham.
- 11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

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: 18th 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.



Notes to Accompany Planning Decision Notice

Planning Application Ref: P/18/0363OA

Decision Date: 18th 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.
- 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 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 18th 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

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 18th 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.’

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- 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.

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- 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

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*

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.

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.
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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.’

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- 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:*

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- 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.

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- 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:
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 - Historic village of Titchfield
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 - 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

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*

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.

-
- 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.

The contradiction in the policy/plan needs to be addressed.
HA55 needs to be removed to retain the critical strategic gap between Fareham and Stubbington described in the Policy D2 text.

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

- Remove HA55 and take more time to consider if/how the boundary of the strategic gap can be adjusted while still meeting the important strategic gap policy objectives, along with its other functions.
- The late changes to the plan to include 1250 dwellings and effectively remove the gap east of Peak Lane has not been appropriately consulted on as it did not appear as now shown on the original plan. Consultation on this major land use change has not been adequate.

B4c Your suggested revised wording of any policy or text:

- Text relating to the strategic boundary being re-drawn should be removed, or amended to refer to protecting & retaining all the gaps important functions for habitat & wildlife (including connectivity) including health, recreation and preventing settlement coalescence.
- The importance of protecting and preventing further denuding of the countryside at the pinch point junction of the Meon & Stubbington Strategic Gaps needs to be emphasised in the policy text. See attached document for further details.

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.

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

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1.0 INTRODUCTION

- 1.1 This representation is prepared by Tetra Tech Planning on behalf of Vistry Group in response to the Fareham Revised Publication Local Plan 2037 consultation (July 2021) (“the plan”).
- 1.2 This representation follows various previous representations made during the preparation of the Fareham Borough Council (FBC) Local Plan¹. Our previous representations can be seen at Appendix 1. In addition, the site has previously been promoted through FBC’s Call for Sites and draft Local Plan Regulation 18 consultation and these previous representations remain valid.
- 1.3 Vistry Group was formed in January 2020 following the successful acquisition by Bovis Homes Group PLC from Galliford Try PLC of Linden Homes and their Partnership & Regeneration businesses. Vistry Partnerships is the Group’s affordable homes and regeneration specialist. Working in close partnership with housing associations, local authorities and government agencies, it is one of the UK’s leading providers of affordable housing and sustainable communities.
- 1.4 Vistry Group has a legal interest in the land to the east of Pinks Hill and south of Military Road, Wallington (“the site”), which is in single ownership and extends to approximately 5.3 hectares. In previous draft iterations of the plan, the site has been proposed by FBC for allocation for residential development, with an indicative capacity of 80 dwellings².
- 1.5 We thank FBC for providing the opportunity to comment on this latest version of the plan, which has been updated to meet the latest national housing delivery test. This representation considers the revised plan and evidence base, with particular focus on the proposed housing strategy over the plan period and the soundness of the plan.

¹ Representations made in December 2020, January 2020 and December 2017

² Policy HA8 of the FBC Draft Local Plan (2017)

2.0 LOCAL PLAN HOUSING STRATEGY

- 2.1 FBC approved on 10th June 2021 the Revised Publication Local Plan for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The publication of the plan followed various previous iterations, including major changes to the plan between 2018 – 2020 to accommodate changing housing requirements as a result of the Government’s shifting stance on the proposed method of calculating housing need.
- 2.2 In August 2020, the Government published a ‘Changes to the Current Planning System’ consultation paper. One of the proposals within this included changes to the standard method for assessing housing need (“the standard method”). The proposed change would have meant a decrease in Fareham’s identified housing need from that identified previously.
- 2.3 However, in December 2020, the Government confirmed that it did not propose to proceed with the changes to the standard method that were consulted on and instead will proceed with a reformed standard method which reflects the Government’s commitment to levelling up and enables regeneration and renewal of urban areas. As a result, this meant Fareham’s identified housing need increased once again. An ‘Indicative Local Housing Need (December 2020)’ table was also published by the Government which confirmed that the indicative local housing need for Fareham would be 514 (excluding any buffer that would need to be applied), albeit caveated to state that figures presented are based on data available at the date of publication.
- 2.4 FBC’s 5 Year Housing Land Supply (5YHLS) Position report to Planning Committee dated 17th February 2021 is FBC’s most recent position statement. This confirms that the housing need figure for Fareham using the standard method at that time was 508 dwellings per annum (dpa). In addition, the results of the latest Housing Delivery Test (January 2021) require FBC to apply a 20% buffer to its annual requirement as delivery has fallen to 79% of the requirement. Calculation of FBC’s 5YHLS position based on an annual housing requirement of 508 and a 20% buffer gives a projected position of 4.2 years. However, since the position report was published, the Government released new affordability ratios on 25th March 2021. For Fareham, this meant an increase from 508 to 540 dpa.
- 2.5 The plan states that the annual housing need is 541 per annum over the plan period (a total need of 8,656 over the 16-year plan period) Table 4.2 of the plan states that there is sufficient land to deliver 10,594 new dwellings over the plan period.
- 2.6 We are pleased to see, and support, FBC’s use of the adopted Standard Method for calculating housing need as the starting point for assessing the housing requirements of the Borough and are pleased that FBC is committed to meeting their objectively assessed need. However, there are a number of concerns in relation to the amount of housing planned for the Borough being insufficient and the strategy by which the housing is distributed.

Appropriate Buffer

- 2.7 Firstly, we suggest a larger buffer between the identified housing need and supply (at present, the plan demonstrates an 11% buffer) is needed to make sure the plan is flexible and robust enough to deliver the required amount of housing. FBC is reliant upon strategic sites to supply much of its housing requirement. Delays in the delivery of such sites are not uncommon, for example due to infrastructure delivery delays. The NPPF notes that *“small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly”*³. Therefore, a greater buffer, should be applied to provide increased robustness and flexibility to the plan so that delays in delivery of strategic sites do not compromise the deliverability of the plan. A buffer of circa 20% would seem more appropriate given the risks to housing delivery in the borough and the particular reliance on a single very large strategic site.

Affordable Housing

- 2.8 The Planning Practice Guidance (PPG) confirms that the standard method *“identifies a **minimum** annual housing need figure⁴.”* The plan notes that the PPG makes clear one of the reasons a higher figure could be adopted is if the need for affordable housing is greater than that likely to be delivered. The plan goes on to state that the Council’s affordable housing need will be met and so there is no further requirement for an adjustment of the need figures⁵.
- 2.9 However, Welborne Garden Village, which is proposed to provide a minimum of 30% affordable housing, has come to a standstill in terms of securing funding for proposed improvements to junction 10 of the M27. As a result of this funding issue, affordable housing provision may drop to 10% if junction improvements need increased funding from the Welborne development.
- 2.10 The plan notes that *“there is an acknowledged housing need, and affordability is an issue for first time buyers and household on low incomes who cannot access home ownership⁶”*. According to FBC’s Affordable Housing Strategy (2019), the need for affordable homes in the Borough is in the region of 3,000 households and the waiting list currently stands at around 1,000 households. It also estimates that at least a further 1,000 households are privately renting or sharing parental homes because young families are priced out of home ownership.
- 2.11 The plan should therefore take this into account when devising its housing need and consider adopting a higher figure and allocating more sites to allow for greater affordable housing provision across the Borough, particularly given the disproportionate affect even a slight reduction in affordable provision on Welborne would have on overall affordable housing delivery.

³ NPPF paragraph 69

⁴ Paragraph 002, reference ID: 2a-002-20190220

⁵ Paragraph 4.3

⁶ Paragraph 1.42

Trajectory

- 2.12 The housing trajectory at Appendix B of the plan shows a minus figure and under-delivery of 56 dwellings below the cumulative housing requirement in 2021/2022, with the loss forecast to be made up in the latter years of the plan period.
- 2.13 The trajectory of Welborne Garden Village, which is anticipated to account for approximately 40% of the supply for the plan period, also remains uncertain, not only due to the funding issue discussed above but also apparent delays in moving through the planning system. The Lichfields 'Start to Finish' Second Edition (February 2020) report looks at the evidence on the speed and rate of delivery housing sites across England and Wales (outside London). It states that for sites of 2000 or more dwellings, the average planning approval period is 6.1 years, with the planning to delivery period taking on average 2.3 years⁷.
- 2.14 Further amendments to the Outline permission are currently awaiting determination. If approved, further approval of reserved matters will need to be sought for most of the development. The latest 5YHLS Position report also predicts that 30 units will be delivered in 2022, with a further 180 predicted for delivery in 2023. This timescale is considered overly ambitious and highly unlikely, given the scheme's delayed position in the planning system and in the absence of any evidence to suggest a faster delivery than the 'average' identified in the 'Start to Finish' report.

New Housing Allocations

- 2.15 In terms of new housing allocations in this latest version of the plan, two proposed sites - HA54 (Land East of Crofton Cemetery and West of Peak Lane) and HA55 (Land South of Longfield Avenue) are within the proposed Strategic Gap. Policy DS2 relates to development in Strategic Gaps and states that "*development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinct nature of settlement characters*".
- 2.16 Supporting text to the policy explains that the reason for Strategic Gaps is to prevent coalescence of settlements and help maintain distinct community identity. The plan also states that "*retaining the open farmland gap between Fareham and Stubbington is critical in preventing the physical coalescence of these two settlements together with maintaining the sense of separation*⁸".
- 2.17 Allocating sites within the Strategic Gap therefore appears to be a contradictory approach to the purpose and designation of a Gap. If the proposed gap is justified, then before proposing new development within the gap, available and more suitable sites within the Borough, such as the land

⁷ Page 4, Figure 4

⁸ Paragraph 3.46

at Pinks Hill, should be allocated for development to avoid eroding, from the outset, the purported purposes of the gap.

Wider Unmet Housing Need

- 2.18 There is a significant unmet housing need across the South Hampshire region, particularly Portsmouth, which the plan states has written to FBC requesting a contribution of 1,000 dwellings to their unmet need. Havant Borough Council has confirmed it does not propose to meet any of Portsmouth's unmet need and the Push Spatial Position Statement (June 2016) states that *"there is a very constrained supply of land in Gosport, Havant and the Totton/Waterside area of New Forest and on the Isle of Wight, which limits the ability of these areas to meet their identified housing needs in full"*⁹
- 2.19 According to the Statement of Common Ground published by the Partnership for South Hampshire (PfSH) in September 2020, there is a housing shortfall of 10,750 between 2020 – 2036¹⁰.
- 2.20 The Fareham plan confirms that it is making provision for 900 homes to contribute towards the wider unmet need issue. PfSH has agreed that there is a need for its constituent authorities to work together and the NPPF makes clear that *"effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help determine...whether development needs that cannot be wholly met within a particular plan area can be met elsewhere"*¹¹.
- 2.21 Given there are suitable, available and achievable development sites in the borough being promoted by housebuilders, it is considered that FBC should be contributing further to this wider unmet need.

Summary

- 2.22 We are supportive of FBC's use of the adopted Standard Method for calculating housing need as the starting point for assessing the housing requirements of the Borough. It is however our contention that the housing strategy in its current form does not meet the needs of the borough or wider area and therefore the plan is not sound in its current form. To make it sound, it is evident that FBC need to allocate more sites for development to increase the housing buffer, better improve affordability in the borough and help meet the growing housing shortfall in the wider south Hampshire region.

⁹ Paragraph 5.28

¹⁰ Page 16, Table 4

¹¹ NPPF paragraph 26

3.0 DEVELOPMENT AT PINKS HILL

- 3.1 Over the years, various promotion documents have been submitted in respect of the site, demonstrating that it is sustainably located close to the urban area boundary and an existing employment area and is deliverable, achievable and suitable for development.
- 3.2 The site was also proposed for allocation in previous draft iterations of the plan under draft policy HA8, with its final appearance being in the draft iteration supplement published in January 2020. This demonstrates that FBC considered it a suitable site for development.

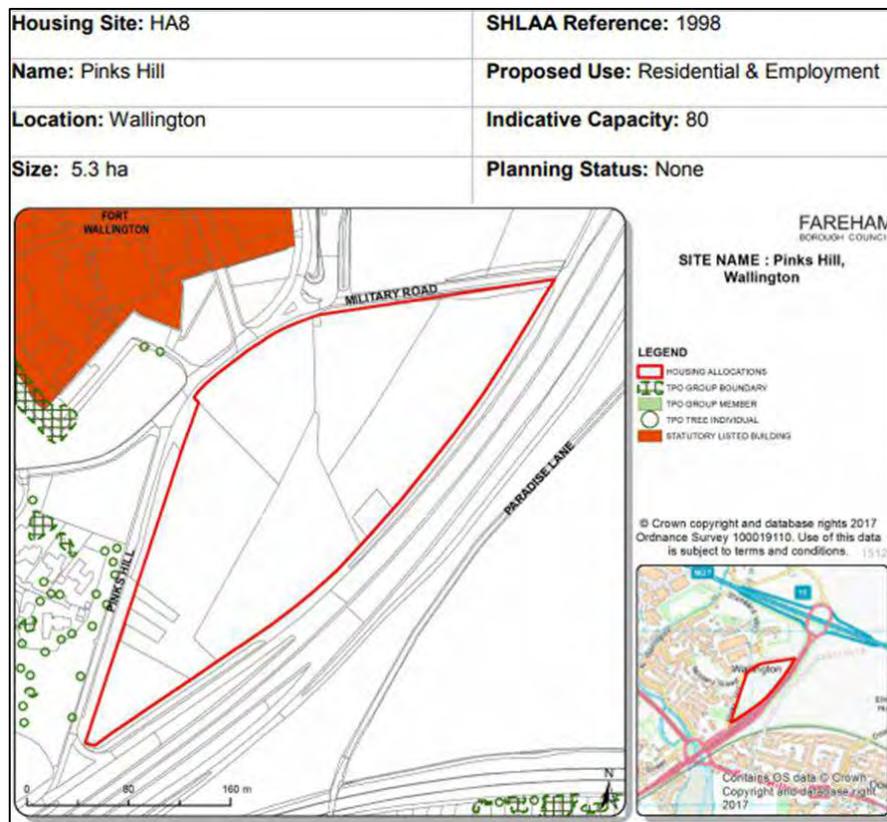


Figure 1 - Extract from Fareham Draft Local Plan (2017)

- 3.3 The revised Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) Sustainability Report (May 2021) still states that the site is selected as it is a suitable site with low landscape sensitivity.

Fareham Publication and Revised Publication Local Plans		
Rationale for Site Selection/Rejection		
ID	Name	Reasons for selection or rejection
1996	Land R/O 123 Bridge Road, Park Gate	Selected - site has planning permission
1998	Pinks Hill, Wallington	Selected - suitable site, low landscape sensitivity

- 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 pursued¹².
- 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

¹² 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 plan¹³ 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.

¹³ Appendix 2

4.0 OTHER POLICIES

- 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

- 5.1 In conclusion, the plan is not considered justified or sound for various reasons set out in this representation¹⁴.
- 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

¹⁴ 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)



30th July 2021

FAO: planningpolicy@fareham.gov.uk

Fareham Local Plan 2037 Publication
Revised Version Consultation

Dear Sirs,

Please find attached comments from CPRE Hampshire regarding the Revised Version of the submission Fareham Local Plan 2037. We have only commented on those changes highlighted in red in the Revised Version and assume that our comments remain extant as per our submission on 15th December 2020. Our submission is attached as Appendix A.

It is important to state that it seems extremely strange to be filling in these arduous forms yet again. For those of us who are volunteers this is an onerous and time-consuming process, all done in our own free time.

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG for its housing numbers. CPRE Hampshire fundamentally rejects the use of out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG. We expect that the 2021 Census will confirm that the 2018-based projections have more validity and combined with the likely changes in demographics following Brexit and Covid, that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan. The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PfSH Spatial Strategy.

Furthermore, there has been challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation has asked ONS to make some more checks on this aspect of their projections. This is particularly relevant as the Fareham Local Plan seeks to take some housing for Portsmouth, which may not be required. Documents are attached as Appendices which relate to this matter.

We reiterate that CPRE Hampshire is extremely pleased to see that Fareham BC have approached their new Local Plan from a landscape-based perspective, a process which we wholly support. Furthermore, we fully endorse Fareham BC's inclusion of a Climate Change policy, which must underpin all other policies and spatial planning, but believe it could be more front and centre, as has been recommended by the most recent NPPF July 2021.

And we remain disappointed that there still seems to be no mention of a potential new South Hampshire **Green Belt** in this Revised Submission Version. In an earlier consultation by Fareham BC in July 2019, there were a number of mentions of this option, notably in Section 10c regarding the Meon Valley, where it said: "The Council will also be working with PUSH to consider the potential for greenbelt land across local authority

areas, and there could be scope for this area to become part of a South Hampshire greenbelt.” As CPRE Hampshire has long campaigned for a sub-regional area of restraint in order to encourage urban regeneration and prevent sprawl, this was very much welcomed. Sadly, this does not seem to have been included in either the December 2020 Reg 19 document or this Revised Version, and we consider its exclusion to be a significant wasted opportunity, as the NPPF allows local authorities to designate Green Belt as part of the Local Plan process. It has been agreed that the PFSH authorities are to consider a new Green Belt as part of their forthcoming Statement of Common Ground, and we would have hoped to see Fareham BC leading the way.

CPRE Hampshire has completed Response forms for individual policies which have been changed since December 2020 and these are attached below this letter. We reiterate that our comments from December 2020 are still considered relevant for policies which are unchanged and assume they will also be passed to the Inspector. Our December 2020 submission is attached as Appendix A.

Yours faithfully,

Caroline Dibden



Attachments:

Appendix A – CPRE Hampshire Submission to Fareham Local Plan 2037, previous Reg 19 version, dated 15th December 2020

Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021

Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021

A1 Is an Agent appointed:

No, an agent is not appointed

A2 Please provide your details below:

Title:

Mrs

First Name:

Caroline

Last Name:

Dibden

Job Title:

Organisation:

Address:

Telephone:

Email Address:



POLICY H1: Housing Provision

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

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

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

Paragraphs 4.1 to 4.20

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

Strategic Policy H1: Housing Provision

B1c Which part of the Policies Map?

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

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

B2 Do you think the Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG to calculate its so-called housing need numbers. CPRE Hampshire fundamentally rejects the using out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG.

We expect that the 2021 Census will confirm that the 2018-based projections have more validity, and this will only be reinforced by likely changes in demographics following Brexit and Covid-19. We suggest that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan.

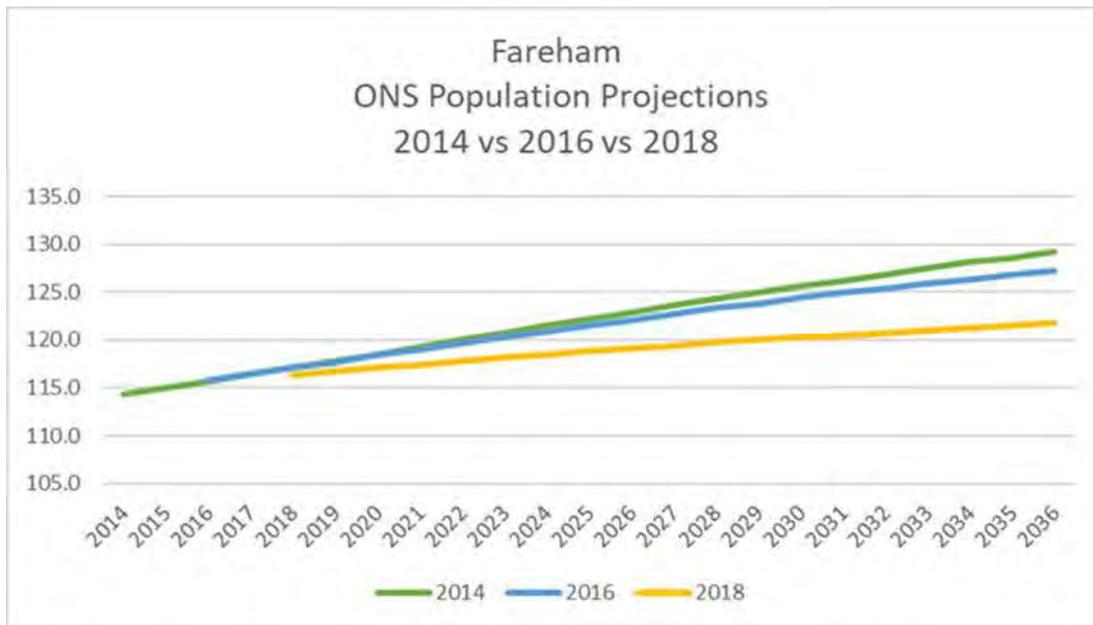
Graph H1_1 below shows the substantial differences in population by using the differing projections for Fareham. Using the most up-to-date data for Fareham would result in an annual housing need of 327, even lower than that expected in the abortive previous Regulation 19 Version Local Plan of December 2020. This difference is so significant, that several large sites in Strategic Gaps might not be required. Over the 16 years of the plan period the comparative numbers are 8,656 with the 2014 projections, and 5,232 with the 2018 ones, a difference of 3,424 dwellings.

CPRE Hampshire therefore believes that Fareham and PFSH should use the latest base data on household projections (the 2018-based projections from the ONS) as it conforms with Para 31 of the NPPF "The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

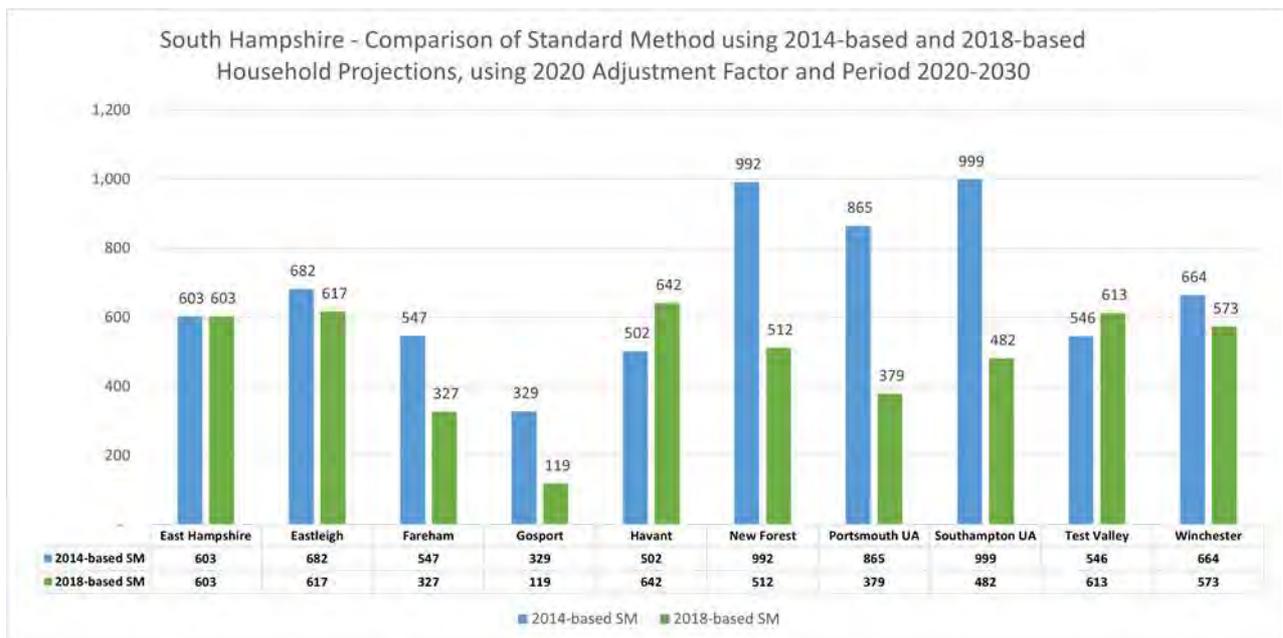
The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PFSH Spatial Strategy. As can be seen from the graph H1_2 below, the outcome of the Standard Method using 2014 and 2018-based projections for all the South Hampshire local authorities shows a substantially lower requirement. Across the six most urban of the PFSH authorities (Southampton, Portsmouth, Gosport, Eastleigh, Havant and Fareham) the difference is some 1,358 dwellings fewer annually. Using the 2014-based projections for those 6 urban authorities gives a housing requirement of 3,924 dwellings but using 2018-projections only 2,566 dpa, not including the metropolitan uplift for Southampton. With a 35% uplift for Southampton, the 2014-based figure would be 4,274, and the 2018-figure would be 2,735, with a difference of 1,539 dpa; an even more extreme difference between the 2 projection dates.

We believe that this must be factored into the next PFSH Spatial Strategy. Notably Portsmouth, who have requested help from Fareham in meeting their housing need, would see a fall in requirements from 865 dpa to 379 dpa. Should this be borne out by the Census results, it is a nonsense for Portsmouth to require any housing to be accommodated by Fareham.

The impact of Brexit, Covid-19, and corresponding economic fallout, on migration patterns will remain unclear for some time, and it is therefore sensible to use a cautious approach to planning and development.



Graph H1_1



Graph H1_2 (excludes 35% uplift for Southampton)

Furthermore, there has been recent challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation (10th May 2021) has asked ONS to make some more checks on this aspect of their projections. Relevant papers are attached as Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021, and Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021.

In essence the issue relates to how students are handled in university cities. It seems that students have been “counted in” at the start of their studies, but not “counted out” at the end. This is particularly the case for foreign students, whose presence after university does not tie up with home office visa data and HESA destinations surveys.

The bulge in the apparent resulting population is also not corroborated by other data, such as doctor registrations, A&E attendance, new car registrations, school admissions, benefit claims, voter numbers, gas and electricity use etc. In the 50 cities likely to be impacted by these discrepancies, Southampton comes in 9th place, Portsmouth at 23rd.

The inclusion of Portsmouth is particularly relevant to the Fareham Local Plan, as it includes 900 dwellings for Portsmouth, which may not be required. Documents are attached as Appendices B and C which relate to this matter. Checking Portsmouth’s data shows that in 2019, births were lower by 484 than predicted by the 2014-based projections, and deaths were 172 higher. Over 16 years of the plan period, this simple calculation indicates that population might be overestimated by some 10,496 or very approximately 4,400 households.

In 2019, around 644 foreign students were apparently not counted out of the city, based on data from Home Office exit checks. HESA surveys indicate that some students will return to the UK, but only 18% of those who return are likely to remain in Portsmouth.

Significantly, for Fareham to agree to take unmet need from Portsmouth is premature, predating as it does any response from ONS to the request for a review from the Office of Statistics Regulation.

It is also clear that there remains a significant reliance on delivery of housing at Welborne, which is subject to a separate plan. Delays to infrastructure finding at Welborne could have an impact on Fareham’s overall strategy for delivery of its housing needs in the plan period.

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

Use ONS 2018-based household projections, giving 5,232 dpa. With a buffer of 10% this gives a requirement of 5,755 dpa.

Remove the requirement to take 900 dwellings from Portsmouth CC.

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

Use of up-to-date data is in accordance with Para 31 of the NPPF.

B4c Your suggested revised wording of any policy or text:

Use 5,232 dpa as the annual housing need with a 10% buffer to give a requirement of **5,755 dpa**.

Simply remove the requirement to take housing from Portsmouth CC.

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire is a recognised authoritative voice on Hampshire's housing numbers, the standard methodology and has been involved in this aspect of Fareham's Local Plans since the time of the South-East Plan in 2005, and the formation of PfSH (Partnership for South Hampshire).

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers and would like to appear at the hearing sessions to SUPPORT the use of the most up-to-date household projections.

POLICY HA1: North and South of Greenaway Lane, Warsash

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

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

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

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

Housing Allocation Policy: HA1 North and South of Greenaway Lane, Warsash

B1c Which part of the Policies Map?

Figure 4.1

B2 Do you think the Publication Local Plan is:

Yes

No

Legally compliant

YES

Sound

NO

Complies with the duty to co-operate

YES

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about the piecemeal development already seen, and proposed, in the Warsash area. Population growth in the 10 years 2009-2019 has reached 9% in Warsash and the western wards, while Fareham itself has only grown by 4%. As Warsash has no access to the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.1, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA1 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Para 127 of the NPPF states “Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.” It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities.

It is clear that the settlement policy boundaries have been moved to accommodate the applications pending for Warsash. This is not consistent with a plan-led approach but is simply reactive to a developer-led situation, and takes no account of the area’s defining features.

Para 22 of the new NPPF may require proposals for Warsash to be looked at over a 30 year period.

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

More analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA1 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA1 framework meets NPPF prerequisites.

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

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire, the countryside charity, has worked for some years with local campaign group Save Warsash and the Western Wards, and a number of our members will be affected by the proposals for such a large allocation of housing to one small settlement. We would like to take part in the hearing sessions to represent their concerns for initial choice of an unsustainable site, loss of countryside and open space in Warsash, and poor design due to lack of a masterplan.

POLICY HA55: Land South of Longfield Avenue

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

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input checked="" type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input checked="" type="checkbox"/> | The evidence base | Go to B1e |

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

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

Housing Allocation Policy: HA55 Land South of Longfield Avenue

B1c Which part of the Policies Map?

Figure 4.4

B2 Do you think the Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about incursion of this proposed site into the Strategic Gap. It will significantly diminish the form and function of the Gap, and lead to an increasing perception of urbanisation in one of the few remaining open spaces between Gosport and Fareham. It is likely to have detrimental impacts upon the ecological network. We note that it has been moved from a green network opportunity to a non-statutory status in the Revised Version of Appendix C, Local Ecological Network Map.

The housing numbers include 900 homes from Portsmouth which CPRE Hampshire believes should be removed from Fareham's housing target. Were this to be done, it would weaken the justification for Fareham BC to allocate such a large site in the Gap. The need to allocate HA55 would be entirely unnecessary should the 2018-based household projections be used to calculate housing targets.

As the site is located some distance from the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.4, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA55 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Para 127 of the NPPF states "Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics." It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities, who have long opposed incursion into the Strategic Gap.

Para 22 of the new NPPF may require proposals for Longfield Road to be looked at over a 30-year period.

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

Remove HA55 from the list of allocations and remove the 900 houses which Fareham has agreed to take from Portsmouth.

In any event, more analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA55 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA55 framework meets NPPF prerequisites.

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

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire believes that site HA55 represents an unnecessary incursion into the Strategic Gap and we would like to appear at the Hearings to further explain our case.

POLICY HP4: Five-year housing land supply

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

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

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

Paragraphs 5.22 to 5.28

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

Policy HP4: Five-year housing land supply

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

The previous December 2020 version of **Policy HP4** stated “If the Council cannot demonstrate a five-year supply of land for housing against the housing requirement set out in Policy H1, additional housing sites, outside the Urban Area boundary, may be permitted where they meet all of the following criteria.....” The problem with this policy is that inadvertently it encourages the first choice of sites to be “outside the Urban Area”. CPRE Hampshire is sure that this is not what Fareham BC intends, and in any event it would not be in accordance with the councils own aspirations for a brownfield first approach, nor in accordance with the new NPPF Para 119, and is therefore unsound. NPPF July 2021 states “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

CPRE Hampshire suggests that to be in accordance with this aspiration, a sequential approach should be used, even in the event of a lack of a five-year housing land supply.

Our concerns regarding **Policy HP4** have been made much more critical as the word 'may' has been replaced with 'will' in the Revised Submission Version, so all such sites will essentially benefit from permission in principle, with no opportunity for Fareham BC to make any decisions based on sustainability.

The problem is exacerbated by the linkage of **Policy HP4** with **Policy DS1**, particularly **DS1 Criterion (e)** as discussed in CPRE Hampshire's submission in December 2020.

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

Policy HP4 should be rewritten to include a sequential approach, which "makes as much use as possible of suitable brownfield sites and underutilised land" as per Para 137 (a) of the NPPF.

The linkage of **Policy DS1 (e)** and **Policy HP4** should be removed.

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

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

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

YES Yes, I want to take part in a hearing session

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

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers, and the five-year housing land supply, and would like to appear at the hearing sessions to discuss its impact on the Fareham Revised Submission Local Plan 2037.

POLICY E1: Employment Land Provision

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

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

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

Paragraphs 6.8 to 6.20

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

Policy E1: Employment Land Provision

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

Yes

No

Legally compliant

YES

Sound

NO

Complies with the duty to co-operate

YES

B3 Please provide details you have to support your answers above

The Revised Submission Plan has major changes to the Employment Provision section, referring to the Stantec Report of March 2021. Para 6.10 refers to the PPG for assessing floorspace needs, based on a labour demand model and past take-up. But it then goes on to say in Para 6.10.1 that past-take up would imply a negative need for office space and therefore this was not used in practice. However, this is perverse as not only were past take-up rates falling, but we now have the Class E permitted development rights and likely post-Covid changes in employment patterns, with more people working from home and having virtual meetings. It is to be expected that the lower requirement suggested by past take-up rates is likely to be accelerated rather than an under-estimate. To just say that the requirement within the Revised Local Plan is aspirational takes no account of current circumstances. This is then exacerbated by adding a so-called underdelivery over past years, despite falling take-up rates.

Para 6.20 states “The policies in this Local Plan secure an overprovision of approximately 121,000 sq.m. compared to the requirement identified by the Stantec assessment. Whilst this is a significant quantum, it is considered an acceptable approach to cater for flexibility and choice in supply both in terms of time and type of employment space as set out in the NPPF and PPG.”

CPRE Hampshire suggests that not only was the Stantec assessment likely to be an overestimate of needs, but that to then allocate an over provision of 121,000 sq.m. is entirely unnecessary. Any cursory look at employment sites around South Hampshire shows large sites available for rent, and these should be used in advance of any new provision. This can be demonstrated by looking at websites such as Rightmove (<https://www.rightmove.co.uk/commercial-property-to-let/Fareham.html>) or Property Link (<https://propertylink.estatesgazette.com/commercial-property-for-rent/fareham>).

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

Remove the over-provision of employment land.

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

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire would like to appear at the hearing sessions to clarify why we do not believe that the proposed excessive over-provision of employment land is necessary.

STRATEGIC POLICY CC1: Climate Change

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

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

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

Paragraphs 8.1 to 8.10, 8.60

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

Strategic Policy CC1: Climate change

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

CPRE Hampshire generally SUPPORTS the approach taken by Fareham BC to Climate Change. But we believe that **Policy CC1, Criterion (a)** does not go far enough to encourage/enforce a truly sustainable pattern of development and is unlikely to lead to a meaningful reduction of emissions from private car use. The Revised Submission Version simply adds a comment in Criterion (e) about Building Regulations, but this is merely tinkering around the edges of what could and should be achieved.

Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires that a local authority's development plan documents must: (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

The new NPPF Para 152 further includes the requirement that “the planning system should support the transition to a low carbon future in a changing climate”, should “shape places in ways that contribute to radical reductions in greenhouse gas emissions” and Footnote 53 “in line with the objectives and provisions of the Climate Change Act 2008.”

CPRE Hampshire believes that one of the most fundamental ways of combating the likelihood of adverse climate change, is to plan development where it can use better public transport and be less reliant on the car. The aspirations in **Policy CC1** are more about how development can respond to climate change, and rather less about how spatial planning of future development can help prevent it. We consider that this is a missed opportunity. According to Camilla Ween, Harvard Loeb Fellow, speaking on behalf of Transport for New Homes “Transport is responsible for about 26% of greenhouse gas emissions, much arising from personal car journeys. Our society will not be able to achieve the UN goals if we do not change the way we travel; that means we need to create new communities that are NOT car dependent. That means careful consideration of where new development is located, as well as how we design new communities, for example, places that are well connected with high quality public realm and movement infrastructure that encourage people to want to move to a car-free lifestyle.” It must be a fundamental tenet of the Fareham Local Plan that NO development should be permitted that relies on the car as its main means of access.

Nothing less than a drastic change to spatial strategy and a move away from South Hampshire’s historic pattern of sprawling suburbs will enable any meaningful contribution to the fight against adverse climate change. We owe it to future generations to do our utmost to shift patterns of behaviour that have become entrenched with the use of the private car. Even electric cars will not solve many of these issues as they still leave residues from tyres and fluids and are unsustainable in terms of battery manufacture.

We are aware that Client Earth wrote to the council in September 2019 to remind them of the legal obligations to address climate change and this objective clearly is in line with that requirement. We look forward to seeing the details of how the council will address climate change in the plan. In particular we would like to see clarity on detailed objectives and recognition of the need to measure progress against the objectives. Hampshire County Council have set out a very detailed plan with objectives on climate change and this may help Fareham BC when they are drawing up their own detailed plans. Ensuring new development is sustainable in terms of location and design will be central to achieving carbon neutrality. This is addressed above and below.

All policies, plans and decisions need to be measured against the objectives of the Climate Change Act 2008. The RTPi have studied this in their January 2021 report ‘NET ZERO TRANSPORT - The role of spatial planning and place-based solutions’. They say: “The planning system should also prioritise urban renewal that enables growth while achieving a substantial reduction in travel demand”.

It might also help to see the outcome of a study carried out by Cool Climate at the University of Berkeley to demonstrate the most substantive action local authorities can take to minimise greenhouse gases, Graph CC_1. Although it used US cities for the study, the principles would apply just as much to Fareham, and showed the single most effective measure is to increase urban infill in preference to car-based development.

Policy CC1 is therefore not legally compliant unless the large part of Fareham’s spatial strategy is geared to development around mass public transport hubs and avoiding sites which are car-dependant. It is clear that sites such as Policy HA1 would fail to meet this condition.

CPRE Hampshire recommends the checklist provided by Transport for New Homes, which sets out an objective approach to planning new housing areas without dependence on cars:

<https://www.transportfornewhomes.org.uk/wp-content/uploads/2019/10/checklist.pdf>

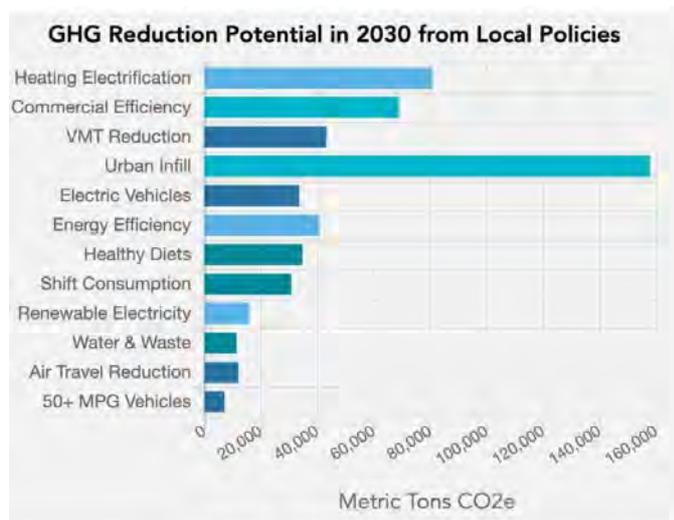


Figure 10: Cool Climate Network, 2018

Graph CC_1

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

CPRE Hampshire recommends strengthening **Policy CC1, Criterion (a)** to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

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

It would be in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF Para 152 in terms of shaping places that contribute to radical reductions in greenhouse emissions.

B4c Your suggested revised wording of any policy or text:

Policy CC1 (a) A development strategy that minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire is a keen proponent of a more ambitious spatial strategy for planning housing in Fareham borough, such that it is located and designed appropriately around public transport hubs to minimise emissions and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy CC1** in this regard.

POLICY NE2: Biodiversity net gain

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

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

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

Paragraphs 9.28 to 9.44

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

Policy NE2: Biodiversity net gain

B1c Which part of the Policies Map?

The Local Ecological Network map in Appendix C

B2 Do you think the Publication Local Plan is:

Yes No

Legally compliant **YES**

Sound **YES**

Complies with the duty to co-operate **YES**

B3 Please provide details you have to support your answers above

The approach taken by Fareham BC is sound, and CPRE Hampshire SUPPORTS the requirement for biodiversity net gain as per the forthcoming Environment Act. However, we have significant concerns about the revised text in Para 9.32 about Fareham's ability to assess habitat condition and type, and to enforce any failure to achieve promised improvements. We refer you to the paper by Sophus Zu Ermgassen - *Exploring the ecological outcomes of mandatory biodiversity net gain using evidence from early-adopter jurisdictions in England*, June 2021

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12820#>

And the Revised Plan needs to be updated in Para 9.35 and Footnote 85 to reflect the updated Defra Biodiversity Metric 3.0 which has recently been released.

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

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

B4c Your suggested revised wording of any policy or text:

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

YES Yes, I want to take part in a hearing session

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

CPRE Hampshire is a keen proponent of a spatial strategy for planning development, such that it is located and designed appropriately to see a net gain in biodiversity of the area and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy NE2** in this regard.

POLICY TIN1: Sustainable transport

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

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

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

Paragraphs 10.1 to 10.11, 10.13

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

Policy TIN1: Sustainable transport

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

CPRE Hampshire SUPPORTS the approach taken by Fareham BC and consider **Policy TIN1** to be a good starting point. CPRE Hampshire recognises that Fareham BC aspire to have ‘good growth’ with existing and proposed transport corridors influencing choice of development, however we feel **Policy TIN1** does not go far enough. The Council should feel empowered to reject development which is not already located around, or can provide, public mass transit hubs, in particular the rail network. The policy as it stands does not give Fareham BC a sufficiently robust mechanism for achieving this. It is therefore unlikely to comply with the aspirations to meet climate change objectives as set out in **Policy CC1** or for air quality in **Policy NE8**.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

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

CPRE Hampshire recommends strengthening **Policy TIN1**, with an additional Criterion to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

CPRE Hampshire does not believe that the additional words added in the Revised Version in Para 10.13 are sufficiently robust to have any appreciable impact on reducing emissions, and do not give Fareham BC the powers to reject development with unsuitable transport provision.

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

The policy would then comply with climate change and air quality objectives, and with **Policy CC1**.

B4c Your suggested revised wording of any policy or text:

Policy TIN1 Development will be permitted

(d) minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire is a keen proponent of a spatial strategy for planning housing, such that it is located and designed appropriately around public transport hubs to minimise emissions and impacts on climate change. We would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy TIN1** in this regard.

POLICY D1: High quality design and place making

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

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

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

Paragraphs 11.1 to 11.36

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

POLICY D1: High quality design and place making

B1c Which part of the Policies Map?

B2	Do you think the Publication Local Plan is:	Yes	No
		YES	
	Legally compliant		
	Sound		NO
	Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire welcomes the approach taken by Fareham BC towards high quality design in **Policy D1** but would like to see the inclusion of the words countryside and landscape into **Criterion (i)**. The omission of these words makes it inconsistent with **Strategic Policies DS1 and DS3** and therefore unsound.

The design quality of future developments starts with overall masterplanning and landscape context as well as specific building details. Fareham has seen a proliferation of poorly designed car dependant nondescript developments over recent years, and it is critical that major improvements are made for the future.

The Submission plan will need to be updated to take account of the National Model Design Codes and Para 132 of the NPPF which states that development that is not well designed should be refused permission, especially where it fails to reflect local design policies and government guidance on design.

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

Include the words countryside and landscape into **Criterion (i)**.

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

This would then be in accordance with **Strategic Policies DS1 and DS3**. And would concur with the new NPPF Para 132.

B4c Your suggested revised wording of any policy or text:

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

YES

Yes, I want to take part in a hearing session

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

CPRE Hampshire has many members in Fareham who are keenly interested in the design of future developments and would like to see major improvements over previous failures in design quality, which has historically resulted in large sprawling estates of car-dependant nondescript housing.

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

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

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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2.0 Completed Representations Form 2-20

APPENDICES:

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

1.0 Introduction

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

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



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

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

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

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

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

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

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

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

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

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

The RPLP Is Unsound

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

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

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

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

To be 'justified', the Local Plan must:

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

To be 'effective', the Local Plan must:

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

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

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

The RPLP has not been positively prepared because it:

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

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

The RPLP is not justified because it:

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

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

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

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

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

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

The RPLP is not effective because it:

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

The RPLP is not consistent with national policy because it:

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

The RPLP does not meet the Duty to Cooperate

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

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

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

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

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

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

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

Paragraph 3.9 of the RPLP states:

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

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

Policy DS1: Development in the Countryside

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

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

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

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

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

Policy DS3: Landscape

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BL1: Broad Location for Housing Growth

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

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

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

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

Policy HP1 New Residential Development

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

For clarity, amend to add:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

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

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

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

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

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

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 6th October 2020, both of which are currently under consideration:

- Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 self or custom build plots, community building or local shop (use class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings. (Ref: P/20/1168/OA)
- Change of use of land from equestrian/paddock to community park following demolition of existing buildings. (Ref: P/20/1166/CU)

Reside welcomes the continued allocation of this site for housing. However, the thrust of our representation is that the Revised Publication Version Local Plan continues to under-allocate housing on land south of Funtley Road by persisting to limit the allocation to 55 dwellings, when it has been clearly evidenced consistently by Reside that the site can sustainably deliver a higher quantum of housing and therefore assist in meeting Fareham's housing needs within the first five years of the plan period and provide flexibility in the plan.

A higher number of dwellings can be delivered on-site, by appropriately increasing the density of the proposal within the proposed HA10 allocation boundary (still not exceeding 32dph), while still providing significant benefits, including a large community park. This proposal is detailed in the two live planning applications - P/20/1168/OA and P/20/1166/CU.

Conversely, no evidence has been produced or has been forthcoming following multiple requests to support the council's view that this site is sensitive in landscape. This goes to the heart of the council's allocation of this site for 55 homes, whereby without evidence supporting the supposed sensitivity, a higher number of dwellings can be achieved.

Reside has undertaken a site-specific LVIA, which has demonstrated that the site is not overly sensitive in landscape terms and can accommodate a higher number of dwellings. This work has been used to support the current planning application for 125 homes and has not been shown to be incorrect.

We have previously submitted representations on behalf of Reside to the Publication Local Plan in December 2020, the Local Plan Supplement in February 2020, the Local Plan Issues and Options consultation in the summer of 2019, as well as earlier consultation on the Draft Local Plan in 2017. The continual identification of this site has been supported, however evidence provided by Reside in response to these consultations, as well as ongoing discussions in relation to our live planning applications, clearly demonstrates that the Funtley South site is capable of accommodating additional dwellings to meet the housing need without any adverse impacts to character or landscape. It remains disappointing that the Revised Publication Version has not acknowledged or reflected these previous submissions it is unclear if they have even informed the emerging Local Plan and this most recent Revised Publication Version.

REPRESENTATIONS

Strategic Policy H1: Housing Provision

We welcome the changes to Strategic Policy H1 so that it now makes provision for sufficient housing to meet local needs, based on the standard methodology figure of 541 dpa for Fareham Borough.

The Revised Publication Version sets out that this higher housing requirement will be principally met through:

- Allocation of three new edge of settlement sites totalling nearly 2,000 dwellings; and
- Approximately 650 new homes in the town centre.

When you also take into account that Welborne is expected to deliver 3,610 of the plan's housing provision, it is clear that there is a heavy reliance on these large and complicated sites. It has been well-evidenced that these sites have long lead-in times and can take a number of years to come forward through the planning process. While these large and complicated sites may make a significant contribution over the plan period, there are unlikely to be significant completions in the short term. The Lichfields report 'Start to Finish' (Feb 2020) highlights factors which influence delivery timescales and build-out rates, concluding that maintaining housing land supply throughout the plan period *"is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver."* Policy H1 is unsound because it will not be effective in delivering housing to meet the council's needs over the early years of the plan period.

The council is well aware of the risks associated with reliance on large sites, particularly those that are at an early stage in the planning process. For example, Welborne has been in the planning system for over a decade, yet no housing has yet been delivered. Furthermore, the recently amended NPPF states at paragraph 22 that where large scale developments such as new settlements form part of the strategy, policies should be set within a vision that looks ahead at least 30 years to take into account the timescale for delivery. The Revised Publication Plan will need to be amended to reflect this update to national policy.

Fareham Borough Council cannot demonstrate a five year supply of deliverable housing land and the February 2021 Housing Delivery Test results confirm that the council only delivered 79% of the homes that were needed during the period. We would therefore urge the council to consider alternative sites which could deliver in the short to medium term and particularly within the first five years of the plan period. Our client's site, Land south of Funtley Road, provides the opportunity to deliver a higher quantum of housing than that proposed in emerging allocation policy HA10, and this could be delivered within the first five years of the plan. We set out our justification for this below. Such a proposal would make clear best-use of the site and one that already has a planning permission and is a proposed allocation negating the need to use other greenfield sites.

Housing Allocation Policy HA10: Funtley Road South

This policy proposes to allocate 5.74ha of land at Funtley Road South for 55 dwellings, clearly indicating that the council considers the site to be a sustainable location for residential development, and this is supported by the Sustainability Appraisal. The granting of planning permission for 55 dwellings on site further demonstrates this. However, we have consistently put forward, to both the Planning Policy and Development Management Teams, the view that the site has potential to deliver a higher quantum of housing than policy HA10 allows for. This view is supported by a wide range of evidence which we have submitted to the council through the current live planning application (P/20/1168/OA) and previous representations. It would appear that no account of this evidence during the preparation of the latest

Revised Publication Local Plan as the policy remains unchanged from the previous version and no justification is given by the council. We note that there still remains no specific evidence base to underpin the low number proposed in the draft allocation, nor to support the council's opinion that this site is sensitive in landscape terms, despite our repeated requests.

Landscape

During discussions on the planning application, it has become apparent that the landscape impact of the proposal is a key concern for the council. The application is supported by a Landscape and Visual Appraisal (Appendix 5), which concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits. The council appointed an external Landscape Consultant to review the proposal and supporting evidence, who initially provided advice, which was later accepted to have been prepared without the benefit of a site visit and contain errors. Nonetheless, my client took account of the concerns that were raised and submitted a revised Parameter Plan which illustrates a reduced extent of the developable area, so that it is fully contained within the proposed site allocation boundary of policy HA10. A Supplementary Landscape Consultation response has been provided whereby the Landscape Consultant concludes on the potential for increase development capacity:

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

It is notable that this consultation response has not yet been published on the council's online planning application register alongside other consultee responses, despite being dated 4th May. We have therefore appended it to this representation at Appendix 2, to ensure that the Planning Policy Team have the most up to date landscape evidence available to them. This evidence provides a clear mandate that the Funtley South site could be allocated for a higher quantum of development without unacceptable landscape and visual harm.

Efficient Use of Land

Paragraph 117 of the NPPF requires planning policies to encourage the effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraphs 122 and 123 set out policy on achieving appropriate densities. They state that "*Planning policies and decisions should support development that makes efficient use of land,*" and "*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*"

Policy HA10 is not consistent with national policy in this regard as it does not make most efficient use of land. As stated in our representations to previous Local Plan consultations, we consider the council is not acting correctly as well as missing an opportunity by not making additional use of proposed allocation at Funtley Road South to address the Borough's housing need. In addition, it is missing an opportunity to protect actual sensitive areas of the borough from potential development.

Summary on Site Capacity

We contend that the indicative yield should be amended to 125 dwellings. The live planning application P/20/1168/OA provides the evidence to justify this, as summarised below:

- The Illustrative Masterplan demonstrates how the development of up to 125 dwellings, community building or local shop with associated infrastructure, new community park, landscaping and access, could be accommodated within the proposed allocation site in a sustainable way (Appendix 4).
- The Landscape and Visual Appraisal (Appendix 5) concludes that an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits, and the council’s Landscape Consultant has agreed that that it may be possible to accommodate a greater number than the current consent (i.e. 55 dwellings) without unacceptable landscape and visual harm.
- The Ecological Assessment demonstrates that there are no adverse effects on any designated sites or protected species resulting from a development of 125 dwellings and also sets out appropriate mitigation and enhancement measures. The concerns of the council’s Ecologist have been fully addressed through the application and Natural England have welcomed the proposed measures to protect and enhance the woodland.
- The scheme is supported by appropriate nitrate mitigation measures to ensure there are no adverse effects on the integrity of European Protected Sites as a result of increased nitrates discharged into the Solent.
- The Transport Assessment concludes that the proposed development is considered to be acceptable in transport policy terms and meets with national and local policy criteria. The assessment work undertaken has indicated that there would be no demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. The Travel Plan includes a range of measures to maximise sustainable transport opportunities. Off-site contributions are being negotiated.
- All other reports and supporting documentation, including in relation to trees, flood risk, contamination, noise, sustainability, utilities, and archaeology demonstrate that the site can accommodate 125 dwellings.

HA10 Policy Requirements

Policy HA10 sets out 11 site-specific requirements (a-k). It is frustrating to see that no amendments have been made to these criteria, despite the fact we identified a number of them are not sound in our previous representations to the Publication Local Plan (December 2020). For the avoidance of doubt, we repeat these concerns here, thereby providing the council with a further opportunity to address the soundness of this policy.

<p>a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and</p>	<p>Unsound, for the reasons set out above.</p>
<p>c) Building heights are limited to a maximum of 2 storeys; and</p>	<p>Unsound as this is not justified by evidence. This is better determined at the detailed planning application (reserved matters) stage. Policy D1 will provide an adequate framework to ensure</p>

	building heights are acceptable. This criterion should be deleted.
e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and	Unsound as this is not justified or effective. It is not clear what is meant by a vehicular loop road. Specifically, the Highway Authority only want a single point of access and egress. The requirement for pedestrian and cycle permeability across and through the site is supported.
j) The site is identified as a mineral safeguarded site (brick clay is likely to underlay site). A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan (2013); and	The site benefits from an extant outline permission. No such conditions are required under that consent, or were requested during the determination. This requirement is therefore not considered necessary or reasonable, and should be deleted.

We would very much welcome the opportunity to work with the council to address these concerns and amend the criteria where possible, and therefore would wish to attend the Examination hearings.

Strategic Policy DS2: Development in Strategic Gaps

Policy DS2 seeks to introduce a new strategic gap in the vicinity of our clients' interests, without justification. We have previously made representations on the proposed Strategic Gap designation which is illustrated on the Policies Map, which have not been addressed.

Policy DS2 describes the 'Meon Gap' as between Fareham / Stubbington and the Western Wards, however the area in question does not form part of the Meon Gap and is actually located between Fareham and Funtley. There is no real opportunity for the merging of the two locations, as there is a natural split already provided by the M27, which is not capable of being breached.

The Policies Map illustrates that the proposed allocation HA10 lies outside of the strategic gap, however this does not fully reflect the boundary of Reside's proposal as per the live planning application P/20/1168/OA, where the application site's southern edge falls within the area proposed as Strategic Gap under policy DS2. Since our previous representations, the proposal has been revised to ensure the extent of the developable area falls within the proposed allocation boundary of HA10, nonetheless, we remain concerned about the soundness of the proposed 'Meon Gap.'

The Council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for this boundary and merely states that *"Wrapping the gap boundary tightly around the settlement (and future approved development), would allow Funtley to expand moderately, but still retain its separate identity and not become contiguous with North Fareham."* The evidence base appears to entirely ignore the detailed submission made in our previous representations. We therefore resubmit these with this submission at Appendix 3.

We submit that there is no need for the identification of a new strategic gap in this locality. The evidence base does not support it, and having considered the site against the adopted Landscape Character Assessment and policy context, there is no reason to conclude that the site has any elevated landscape status or importance above the rest of the surrounding landscape within the proposed Strategic Gap. Moreover, there is no extant designation such as public open space that would elevate the status in terms of local community association.

The site's intrinsic character in a landscape sense does not preclude development, the nature of which could incorporate elements of the landscape into a sensitively designed scheme.

Were the Council to continue to seek to impose a new Strategic Gap in this location, and not withstanding our strong submissions against this approach, we would request amending the Strategic Gap boundary to reflect the site boundary of the live application P/20/1168/OA. In addition, a community park is proposed and would provide any security the council would need. This would ensure that the aims of policy DS2 are achieved as it would allow Funtley to expand moderately, but also retain its own identity and it would not coalesce with North Fareham. This would be guaranteed by the provision of the community park proposed through application P/20/1166/CU. This will be transferred to the council, so there is no need to designate that area as Strategic Gap.

We note that additional allocations are proposed within the Strategic Gap between Fareham and Stubbington (HA54 and HA55 together propose over 1,400 dwellings) and would therefore urge the council to carefully consider the contribution that site HA10 could make to delivering housing without compromising the Meon Gap.

Strategic Policy DS3: Landscape

DS3 allows for development in areas of special landscape quality only where the landscape will be protected and enhanced. The Policies Map shows the proposed area of special landscape quality as following the boundary of the proposed allocation, and in the same way as the strategic gap designation, this does not correspond with the boundary of our client's site as per the live planning application P/20/1168/OA. The site's southern edge falls within the proposed Area of Special Landscape Quality 4 (ASLQ 4) Meon Valley under policy DS3.

We submitted a Technical Note in relation to the proposed Meon Valley ASLQ alongside our representations to the Fareham Local Plan Supplement in February 2020 and again to the Publication Version in December 2020. This is reattached at Appendix 3. It supports our objection to the boundary of ASLQ 4 Meon Valley taking in land to the east of the disused railway known as the Deviation Line.

The council's Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not provide justification for inclusion of this land in ASLQ 4. In describing the special landscape qualities of the Meon Valley, the report emphasises the southern part of the proposed designation; *"The area has high scenic quality and topographic and visual unity, particularly in the lower reaches."* The report notes that the *"Major road and rail corridors pass through the upper section, but much of the area retains a sense of seclusion."* This area has its tranquillity impacted by the M27 to the south and the active Eastleigh to Fareham Railway line to the east.

It is important the ASLQ boundaries do not incorporate areas that could form allocations, as it could unduly restrict developable areas and affect housing supply numbers. ASLQ 4 around Funtley does not seem to relate to those in the LDA 2017 report, nor the current Local Plan. Given the complete lack of evidence supporting the boundary currently drawn, the boundary for the Meon Valley ASLQ should be delineated by the Deviation Line to the west of Funtley, rather than cross over it.

The area affected is largely proposed for a community park under application P/20/1166/CU and therefore can make a significant contribution to the landscape throughout the plan period; however, there is no justification for it being included within the ASLQ boundary as it stands. Any such designation must be robust, clearly defined and supported by evidence. As currently drafted, it is not, and therefore it is unsound as it is not justified.

HP5: Provision of Affordable Housing

In addition to the comments we made previously, we would draw the council's attention to the recent Written Ministerial Statement (24th May 2021) and associated changes to the Planning Practice Guidance with regard to First Homes. While the Local Plan can benefit from the transitional arrangements, it would be helpful for the council to provide clarity through policy HP5.

Other Policies

In December 2020, we submitted representations on a number of other policies within the Publication Local Plan, which have not been addressed in this version, and therefore our representations on these policies still stand:

- HP1: New Residential Development
- HP4: Five Year Housing Land Supply
- HP5: Provision of Affordable Housing
- HP9: Self and Custom Build Homes
- NE2: Biodiversity Net Gain
- NE8: Air Quality

CONCLUSION

As currently drafted we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, for the following reasons:

- The boundaries of the proposed Strategic Gap and Area of Special Landscape Quality are not justified;
- The proposed allocation policy HA10 is not fully justified because it does not take into account the reasonable alternative of a delivering a higher number of dwellings; and
- A number of the specific policy requirements are not justified or effective

Funtley South is a sustainable and deliverable site in its own right, but also has synergy with the key strategic site at Welborne, were this to come forward. The Funtley South site was previously identified in the Draft Local Plan as having an indicative capacity of 55 dwellings. The allocation of the site and its recent planning permission clearly demonstrates the residential proposals for the site represents sustainable development, there are no constraints that would preclude this development at the higher number of dwellings and the site is deliverable in the short term.

Evidence provided by Reside demonstrates the site is capable of comfortably accommodating more dwellings without any adverse impacts to character or landscape. This can be achieved through a combination of a minor 0.4ha increase in the developable area and an increase in density (to match that surrounding the area). Funtley South can therefore do even more to help the Council meet its increased housing requirements and we would of course be pleased to provide any further information to the Council, if so required, with regards to this matter.

We would like to participate in the Examination hearings so that a full discussion can be held on these matters.

We hope these representations are of assistance in taking the plan forward to the next stage of plan preparation and Examination.

Yours faithfully



Appendix 1: Planning Applications on Land South of Funtley Road

Application Reference	Description	Status
P/20/1168/OA	Outline Application To Provide Up To 125 One, Two, Three And Four-Bedroom Dwellings Including 6 Self Or Custom Build Plots, Community Building Or Local Shop (Use Class E & F.2) With Associated Infrastructure, New Community Park, Landscaping And Access, Following Demolition Of Existing Buildings.	Submitted 6 th October 2020 Under consideration
P/20/1166/CU	Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings	Submitted 6 th October 2020. Under consideration
P/20/0809/FP	Installation Of Haul Road (Retrospective)	Approved 9 th November 2020
P/19/0290/FP	Provision of a Permissive Footpath Link and New Surfacing from Funtley Road over the M27 Motorway Connecting to Footpath Public Right Of Way 91A and associated Bridge Improvement Works.	Approved 20/06/2019
P/18/0066/CU	Change of Use of Land from Equestrian/Paddock to Community Park Following Demolition of Existing Buildings.	Approved 12/10/2018.
P/18/0067/OA	Outline application for residential Development of up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works.	Approved 02/09/20.
P/17/1539/EA	Request For Screening Opinion Under The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 For Proposed Residential Development Of Up To 55 Dwellings, Community Building, New Country Park And Associated Landscaping & Infrastructure on Land To The South Of Funtley Road, Funtley.	January 2018. No Environmental Statement Required.

Appendix 2: Supplementary Landscape Consultation Response for Application P/20/1168/OA Land South of Funtley Road

**FAREHAM BOROUGH COUNCIL: LAND SOUTH OF FUNTLEY ROAD, FUNTLEY
APPLICATION REF: P/20/1168/OA**

SUPPLEMENTARY LANDSCAPE CONSULTATION RESPONSE

Introduction

This is a supplementary note to my original Landscape Consultation Response prepared on 3rd March 2021. It has been prepared in response to the Further Landscape Response prepared by Turley Associates on behalf of the Applicant, dated 26th March 2021.

In the Further Landscape Response, concern was raised that I had not visited the site in the preparation of my original report, and one factual issue was highlighted.

I have subsequently visited the site and its wider landscape setting prior to the preparation of this supplementary document, and photographs of my visit are presented throughout this note at key points.

Since the preparation of my original Landscape Consultation Response, the Applicant has also submitted a revised Parameter Plan, which adjusts the extent of built development to fit within the boundary of the emerging HA10 housing allocation within the draft Local Plan.

This supplementary note therefore seeks to respond to these points.

Errata

The Further Landscape Response correctly points out an error within my original Landscape Consultation Response, that the southern boundary of the proposed development was in fact located 40m to the south of the consented scheme as opposed to the 100m suggested in my report.

The following section of the Further Landscape Response goes on to state in the next paragraph, however, that the gradient of the slope becomes more pronounced at the 30m contour. I would question with this point, as an inspection of the Ordnance Survey mapping for the area, reproduced as Figure 1 below, shows the gradient to uniformly rise above the 25m contour (shown more darkly on the map), and this was confirmed by my site observations.

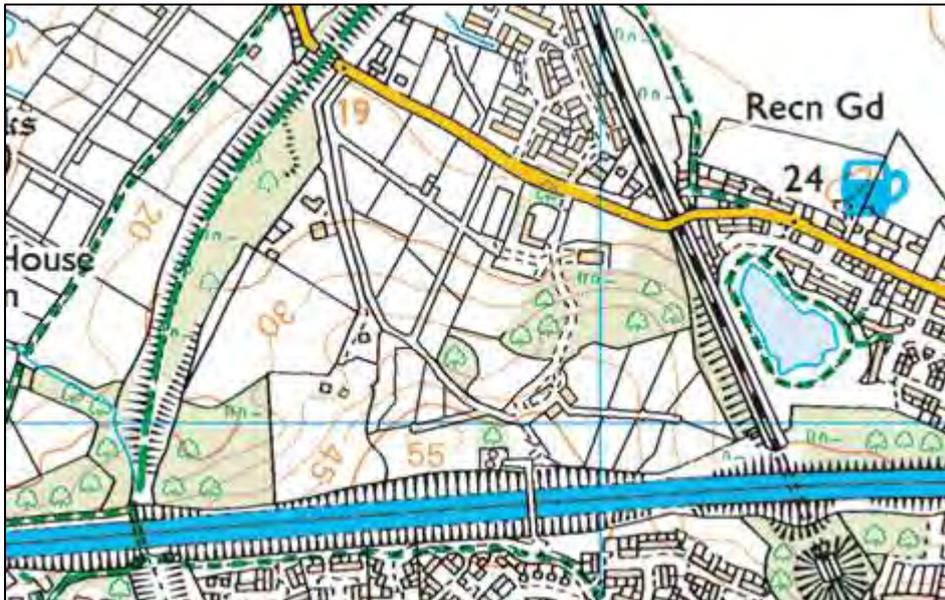


Figure 1: Extract of Ordnance Survey Explorer Map showing contour alignment

Site Observations

My survey of the site itself reinforced my opinion of its character and composition as set out in my original Landscape Consultation Response.

In particular, I examined the topography of the site and determined that it is relatively level between Funtley Road and the 25m contour, which is mostly located a short distance to the south of the access track that runs through the site between paddocks in a north-west to south-east direction, although the contour begins to bear southwards at the western end of the site, as shown on Figure 1 above and Plates 1 and 2 below. It therefore remains my opinion that any development should generally only extend as far as the 25m contour to avoid unacceptable landscape impacts.



Plate 1: View across the site from Funtley Road showing the land rising beyond the track in the centre of the Site

In terms of the site's visual environment, my survey confirmed that panoramic views are available from the upper (southern) parts of the site, where public open space is proposed. These views extend across the tributary valley form in which the site is located, towards the forested western slopes of the Meon Valley and the rising arable land to the east of Knowle, as illustrated by Plate 2 below.



Plate 2: View across the site close to the permissive path entrance in the south, illustrating views across the Meon Valley. The site can also be seen to rise to the left of the track that bisects it.

Filtered views of the site from the Deviation Line and its associated public bridleway are intermittently available from the bridge over Funtley Road, and the stretch that extends northwards to the former junction with the current main line railway as illustrated by Plate 3 below. The length of the Deviation Line that runs directly to the west of the site is separated by woodland, to the extent that views of the site are largely unavailable.



Plate 3: Filtered view across the site from Deviation Line (Public Bridleway 084/515/1) at bridge over Funtley Road.

To the north of the site, views of the rising land are available from Funtley Meadow, an area of open amenity grassland owned by the Council and subject to permissive public access. From this location, framed views along the axis of the 'Funtley Triangle' are available, terminating at a wooded horizon provided by the combination of Great Beamond Coppice and the southern site boundary as illustrated by Plate 4 below. These views have not been recognised within the Applicant's submissions to date.



Plate 4: Framed view of the site looking south across Funtley Meadow. The site is located to the right of the pylon, with Great Beamond Coppice to the left.

My survey of the landscape surrounding the site also revealed views of the site from Public Footpaths 084/86/2 (Fareham Parish) and 251/15/1 (Wickham Parish), which are located on the rising agricultural land to the north of Funtley. These long-distance views further emphasise the importance of restricting development to the lower slopes, as shown on Plate 5 below. These views have not been considered within the Applicant's submissions to date.



Plate 5: Filtered view towards the site from Public Footpath 251/15/1 on facing valley slopes

Revised Parameter Plan

Since the preparation of my original Landscape Consultation Response, the Applicant has submitted a revised Parameter Plan, which addresses some of the concerns set out in my original document.

Most notably, the extent of the developable area within the scheme has been reduced, by adjusting the southern boundary to fall within the area of the proposed HA10 housing allocation within the emerging Local Plan. In comparison to the Parameter Plan submitted by the Applicant for the existing planning permission, this still extends an estimated 30m further to the south and west (upslope) in the western part of the scheme, however.

In addition, a small amount of the 'landscape buffer' on the western part of the scheme has been altered to developable land.

Potential for Increased Development Capacity

Whilst I remain of the opinion that the proposed capacity of up to 125 dwellings is excessive for this site and would generate inappropriate densities for this village edge location, having visited the site I consider it possible to increase upon the currently approved 55 dwelling capacity of the Site if the Applicant is willing to supply additional information and commit to several positive design measures. This is taking account of the modified built development boundary as presented in the revised Parameter Plan, which goes some way to addressing my concerns regarding the wider visibility of the proposed dwellings and impacts upon the landscape character.

In terms of additional information, it would be helpful to understand the implications of the Applicant's revised development boundary upon the site's landscape setting and visual envelope, since this still differs from the original application. To this end, I would recommend that the Applicant supplies the following wireframe visualisations, produced in line with the latest Landscape Institute guidance:

- From the permissive path as it enters the southern part of the proposed public open space;
- From the northern end of Funtley Meadow;
- From Funtley Road looking east from the junction with Honey Lane, illustrating the proposed set-back from the public highway; and
- From Public Footpath 251/15/1 illustrating the likely effect upon the facing valley slopes.

In terms of positive design measures to reduce the anticipated development impact, it may be possible to build at a higher density in the northern part of the scheme, reflective of the existing and emerging development on the northern side of Funtley Road, but it will be essential that the southern built edge is of low density. I recommend a 'feathered edge' of single storey dwellings on this boundary, separated to allow some visual permeability between structures, with individual properties aligned towards the park to present a positive and active frontage. This will reduce the interception of views by the most elevated dwellings and will encourage a positive relationship between the village edge and peri-urban open space.

With regard to the north-south aligned open space corridors that have been retained through the scheme, the former and revised Parameter Plans for the development both show these to be approximately parallel. Whilst the eastern corridor would experience views of the open upper valley slopes, the western corridor is aligned towards an existing property and is unlikely to serve the original landscape-led purpose of these corridors, which is to preserve a relationship between Funtley Road and the elevated land to the south. I therefore recommend that the western corridor be realigned to a similar alignment to that within the original masterplan, to maintain the connection between Funtley Road and the point at which users of the permissive path enter the site.

Conclusion

Since visiting the site, my interpretation of its character has not changed, although I now have a greater appreciation of its topographic character. I have also identified two publicly accessible viewpoints within the wider landscape to the north that I consider to be important, but which have not been considered within the Applicant's submissions, either for the previous 55-unit scheme or the current 125-unit scheme.

The Applicant has adjusted their Parameter Plan to retain built development within the boundary of the proposed HA10 housing allocation, which is a positive measure, although this still exceeds the extent of development within the currently consented scheme.

I remain of the opinion that a scheme of up to 125 dwellings is not appropriate in this village edge location, although having visited the site, I consider that it may be possible for the revised site boundary to accommodate a greater number than the current consent without unacceptable landscape and visual harm. This would be dependent upon the submission of a set of wireframe views to demonstrate the extent of visibility within the wider landscape, and also the commitment to a small number of positive design measures to seek to minimise landscape harm, as current policy requires.

Ian Dudley BSc(Hons) MICFor CEnv CMLI
4th May 2021

Appendix 3: Technical Note re Proposed Meon Valley Area of Special Landscape Significance



REPRESENTATIONS TO FAREHAM
LOCAL PLAN 2036 SUPPLEMENT
CONSULTATION

Technical Note re proposed Meon
Valley Area of Special Landscape
Quality (ASLQ)

February 2020

Rummey *design*





Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

Introduction

This Technical Note is prepared in support of representations to the Fareham Local Plan 2036 Supplement consultation and is made on behalf of Reside Developments Ltd (Reside) in relation to the land they control at Funtley. This includes the site to the south of Funtley Road (Funtley South) which is the focus of these representations and is identified as a proposed allocation.

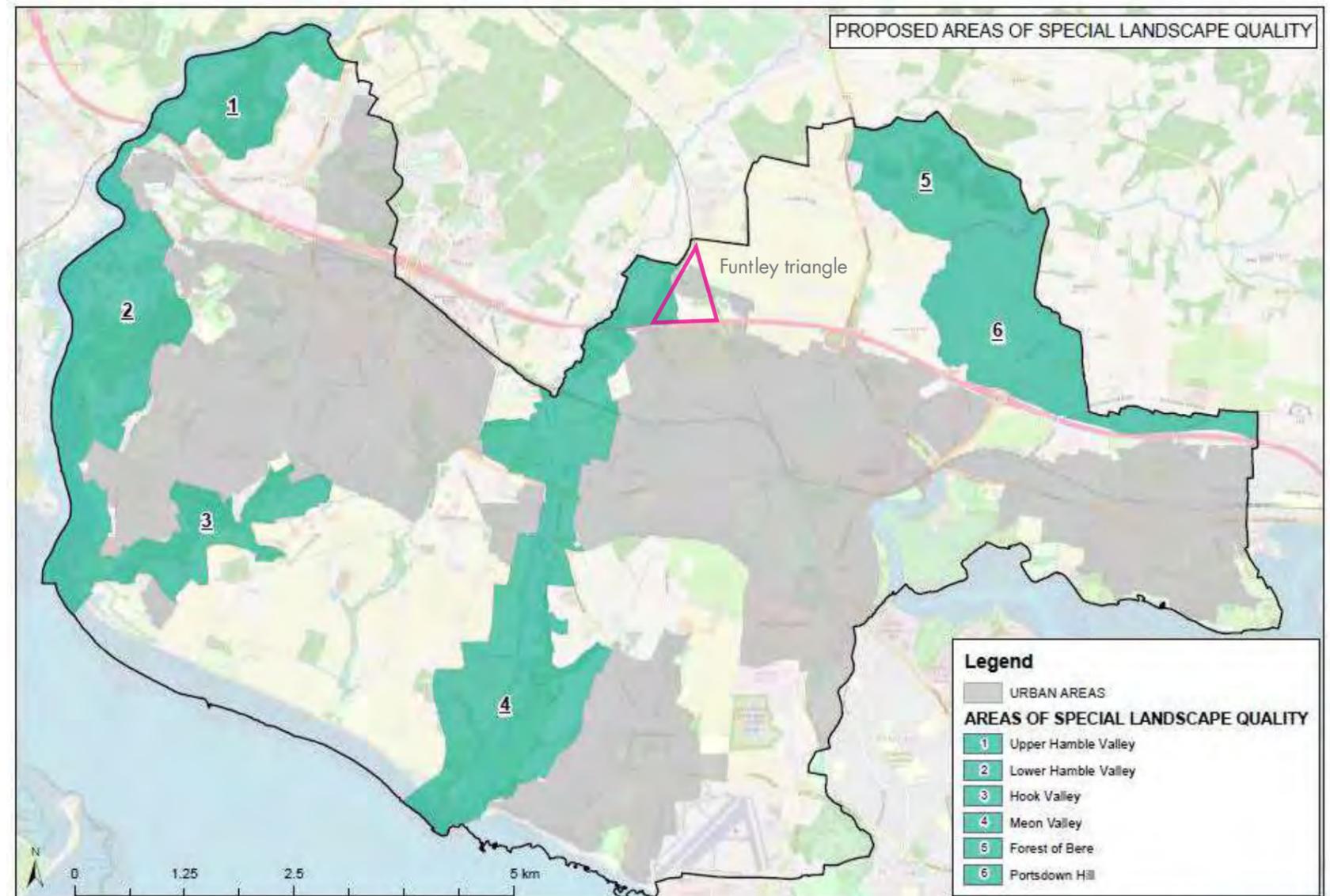
Fareham Borough Local Plan to 2036 proposes an Area of Special Landscape Quality (ASLQ) in the Meon Valley, along with other river valleys and Portsdown Hill. The policy states that there will be a presumption against major development in such areas unless it can be demonstrated that the quality and distinctiveness of the landscape will be conserved. The Meon Valley is also a Strategic Gap and the ASLQ will offer an additional level of protection, although the policies would now differentiate between the need to retain settlement identity and conserve landscape character.

Figure 4.2 in the FBC consultation document identifies indicative proposed Areas of Special Landscape Quality to be protected through Policy NEXX: Landscape. However, whilst this proposed policy is intended to guide development in such areas, there is no definition on what merits an area being included in an ASLQ, other than that it has been identified as a 'valued landscape' in consultation. It would be reasonable to assume that the ASLQ would be underpinned by Landscape Character Assessment evidence, the latest version of which is LDA Design's Fareham Landscape Assessment, 2017.

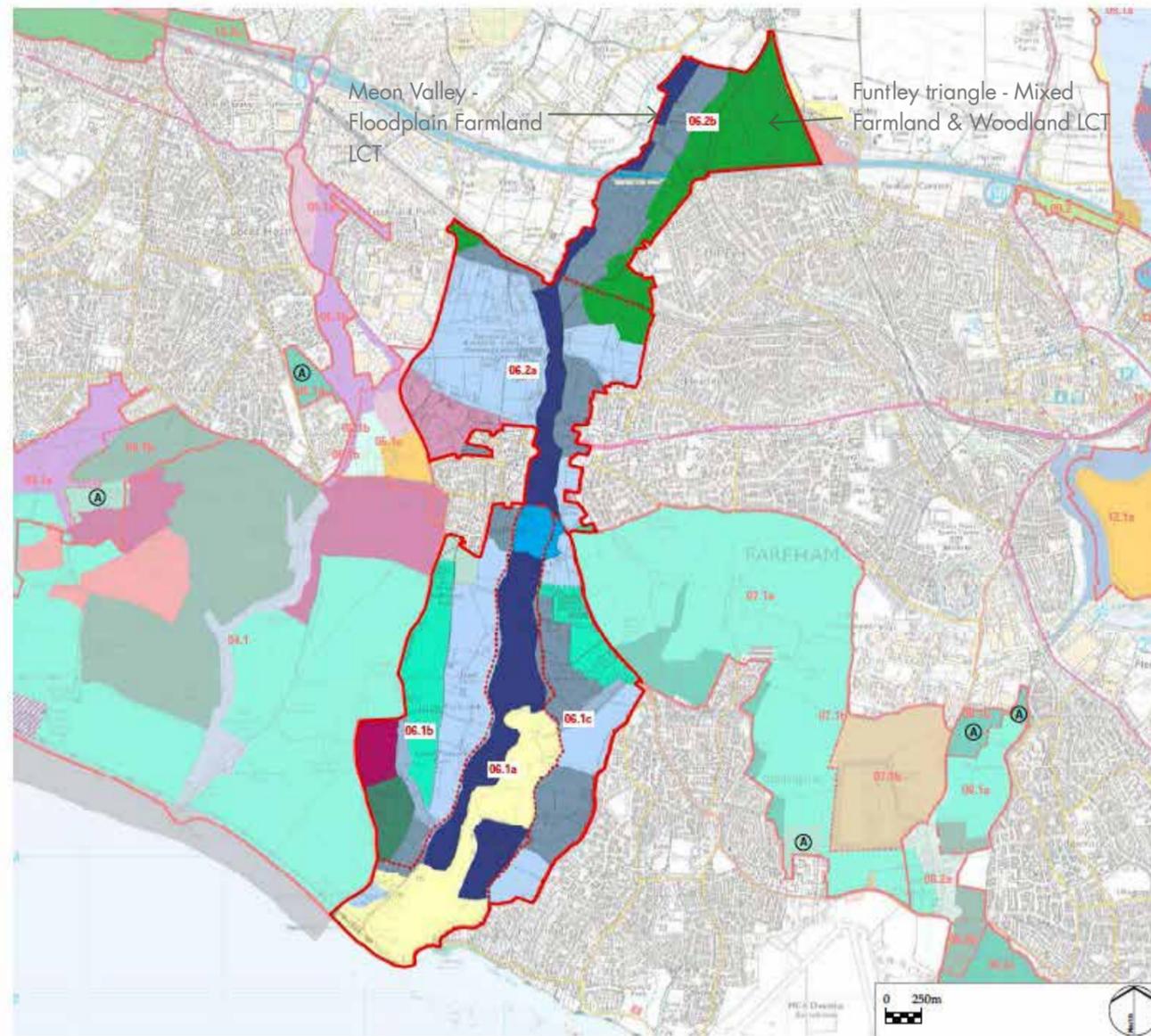
The assessment notes that in Fareham Borough it is the chalklands, coastal plains, river valleys and coast that provide the broad framework for the complex and distinctive landscape character within the Borough. We would agree that these broad 'framework' landscapes shape the character of the Borough and that, where they have special qualities and high sensitivity, these should be conserved. However it is important to define the extent of these areas in a robust manner.

The mapping of the Upper Meon Valley ASLQ in relation to the Funtley triangle, which lies at the northern end of the Borough is however unclear, due to the low resolution of the indicative map. The ASLQ appears to include some land to the east of the disused railway (known as the Deviation Line) in the area south of Funtley Road, an area already proposed for housing allocation. We propose that the ASLQ should extend only to the Deviation Line for the reasons set out below.

Figure 4.2. Proposed Areas of Special Landscape Quality



Area 4 represents the indicative proposed Meon valley ASLQ (reproduced from FBC Local plan 2036 supplement). The proposed Meon Valley ASLQ appears to extend into the Funtley 'triangle' which is a fringe landscape and does not share the special landscape qualities or character of the Meon Valley to the west



LEGEND

- Landscape Character Area
- Local Landscape Character Area
- Local Landscape Character Area Subdivision

Landscape Types

- | | | | |
|--|---|--|------------------------------------|
| | Mixed Farmland & Woodland: Small Scale | | Small Scale Enclosed Valley |
| | Horticulture & Smallholdings: Small Scale | | Open Floodplain Farmland |
| | Horticulture & Smallholdings: Large Scale | | Enclosed Floodplain Farmland |
| | Open Coastal Plain: Weak Structure | | Marsh, Reedswamp & Brackish Lagoon |
| | Open Coastal Plain: Strong Structure | | Enclosed Valley Side |
| | Open Coastal Plain: Fringe Character | | Open Valley Side |

LCA6 Meon Valley Landscape Character Area (LCA) and detailed Landscape Character Types (reproduced from LDA Landscape Assessment report). This map clearly distinguishes between the Meon Valley Floodplain Farmland LCTs and the Mixed Farmland and Woodland LCT that includes the Funtley triangle, to the east. The character transition appears to be to the west of the railway line and includes the woodland associated with the railway within the Mixed Farmland & Woodland LCT. The railway also physically and visually separates the valley from the fringe land to the east.

Fareham Borough Council's evidence

The Borough of Fareham has a complex landscape consisting of mixed rural valleys, coastal plain, farmland and woodland and extensive built-up areas, as well as the M27 motorway and railway lines which cross the Borough. The most recent Landscape Assessment undertaken by LDA Design, and published in 2017, recognises the intrinsic character and distinctiveness of the relatively undeveloped areas of the Borough. It would be expected that this would be the evidence base for the proposed ASLQs, since these are based on landscape character and its key qualities and sensitivity. It is stated that the ASLQs will not include any development allocations.

The proposed extent of the Meon Valley ASLQ, the upper reaches of which lie to the west of the Funtley Road triangle, is stated to be based on the landscape types (LCT) defined within the original county-wide landscape assessment produced by Hampshire County Council in 1993. The assessment identified ten detailed, rural landscape types within Fareham Borough and this formed the basis for the initial landscape characterisation and the subsequent update in the LDA Design 2017 Fareham Landscape Assessment.

This assessment clearly differentiates between the *'Mixed Farmland and Woodland: small scale'* LCT, which includes the Funtley 'triangle' up to and including the wooded Deviation Line to the west, and the landscape types in the Meon valley which include both *'Open and Enclosed Floodplain Farmland'* LCTs. The Borough Landscape Assessment notes that the Mixed Farmland and Woodland LCTs vary in scale from large to small scale and describes the 'fringe' character of the Mixed Farmland and Woodland along the M27 corridor (p40). The M27 corridor defines the southern edge of the Funtley triangle.

The Fareham Landscape Assessment further defines a number of Landscape Character Areas (LCAs), which consist of several landscape types to produce identifiable areas of landscape of consistent character. The Meon Valley (LCA6) is further subdivided into Lower and Upper Meon Valley since its characteristics, influences and function vary significantly between the upper, more tightly contained, inland reaches and the wider, lower, river valley which traverses the coastal plain.

The proposed Meon Valley ASLQ boundary appears to include only selected areas of LCA6 consisting of all or parts of a number of different landscape character types. This is presumably based on a recognition that the landscape quality varies significantly within the LCA, although how the ASLQ boundary has been defined is not explained.

The character variance is highlighted in the Fareham Landscape Assessment. Whilst including the area around Funtley within the Meon Valley LCA6 it specifically notes that part of the Upper Meon valley (LCA 06.2b) on the eastern valley sides are *'typically subdivided into paddocks for horse grazing, bounded by open fences and containing various shelters and small-scale structures. In themselves these have a somewhat scruffy, fringe character'*. The assessment also recognises the role that extensive woodland plays in integrating these fringe uses.

The assessment also specifically refers to the existing housing along Funtley Road as a *'rather anomalous area of recent residential development off the Funtley Road in the northern tip of Area 06.2b. Lying on the opposite side of the railway this has little visual connection to the settlement of Funtley and is out of character with the surrounding landscape'*.

In summarising the development opportunities in the LCA it also notes that there is an opportunity to develop pockets of residential development, such as off Funtley Road, as long as these can be sensitively integrated into the landscape.

FBCs own evidence base clearly implies that the Funtley triangle is suitable for sensitive development and does not exhibit the landscape qualities or visual connection to the Meon Valley that might warrant its inclusion in the ASLQ.

The proposed indicative boundary, on this basis appears to be arbitrary and does not reflect Fareham's Landscape Character and sensitivity assessment.

Landscape of the Meon Valley

In considering the special qualities of the Meon Valley its northern extents within the Borough consists of a tightly enclosed valley landscape of open and enclosed floodplain farmland, contained by well-wooded margins and topography, as detailed in the Fareham Landscape Assessment, 2017.

The photos below show the qualities of the Meon Valley floodplain landscape in its upper reaches in Fareham. It is clear that these riverine landscapes which help to shape the Borough are of high sensitivity and have the qualities that would support their inclusion in an 'Area of Special Landscape Quality' as well as providing an important separating element between settlements.

The enclosure and separation of the Meon Valley, to the west of Funtley, is reinforced by the man-made, embanked Deviation Line, which visually and physically separates the two distinctly different character types.

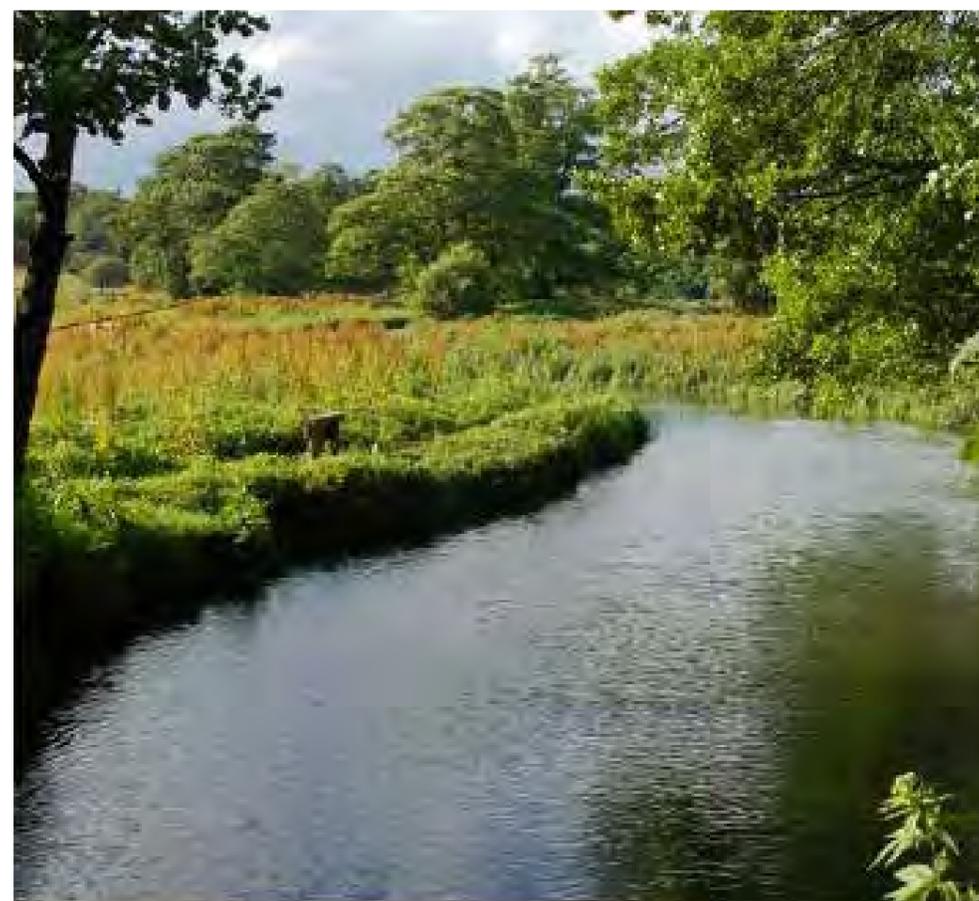


photo reproduced from Fareham Landscape Assessment, 2017 (LDA Design)

Landscape of the Funtley Triangle

In contrast to the Meon Valley, the Funtley Triangle, as confirmed in the Fareham Landscape Assessment, is strongly influenced by the loss of landscape features, with hedgerows being replaced by horse paddock fencing, the presence of stables, sheds, hardstanding and catteries etc. In addition the housing development along Funtley Road and in the west of the area, as well as the railway and M27 corridor have given this landscape an 'urban fringe' character with lower sensitivity to further change. These are not the qualities that would merit inclusion in an 'Area of Special Landscape Quality'.

The Funtley triangle is entirely separate from the Meon Valley to the west of the Deviation Line as illustrated by the bottom photograph.



Paddock fencing, stables, sheds, hardstanding, housing development, noise, street lighting etc. all contribute to the urban fringe character of the Funtley triangle

Supporting evidence

The Landscape and Visual Appraisal (LVA) prepared by Fabrik in 2018 and submitted with Reside's Funtley South planning application (which has a resolution to approve, subject to completion of a S106 agreement) also supports the view that the landscape character sensitivity of the area in the Funtley triangle has been influenced by a number of detractors including adjacent urban development, road and railway noise and its land use for paddocks, resulting in loss of landscape features. The LVA assessed the local landscape character as having low to medium sensitivity for this reason.

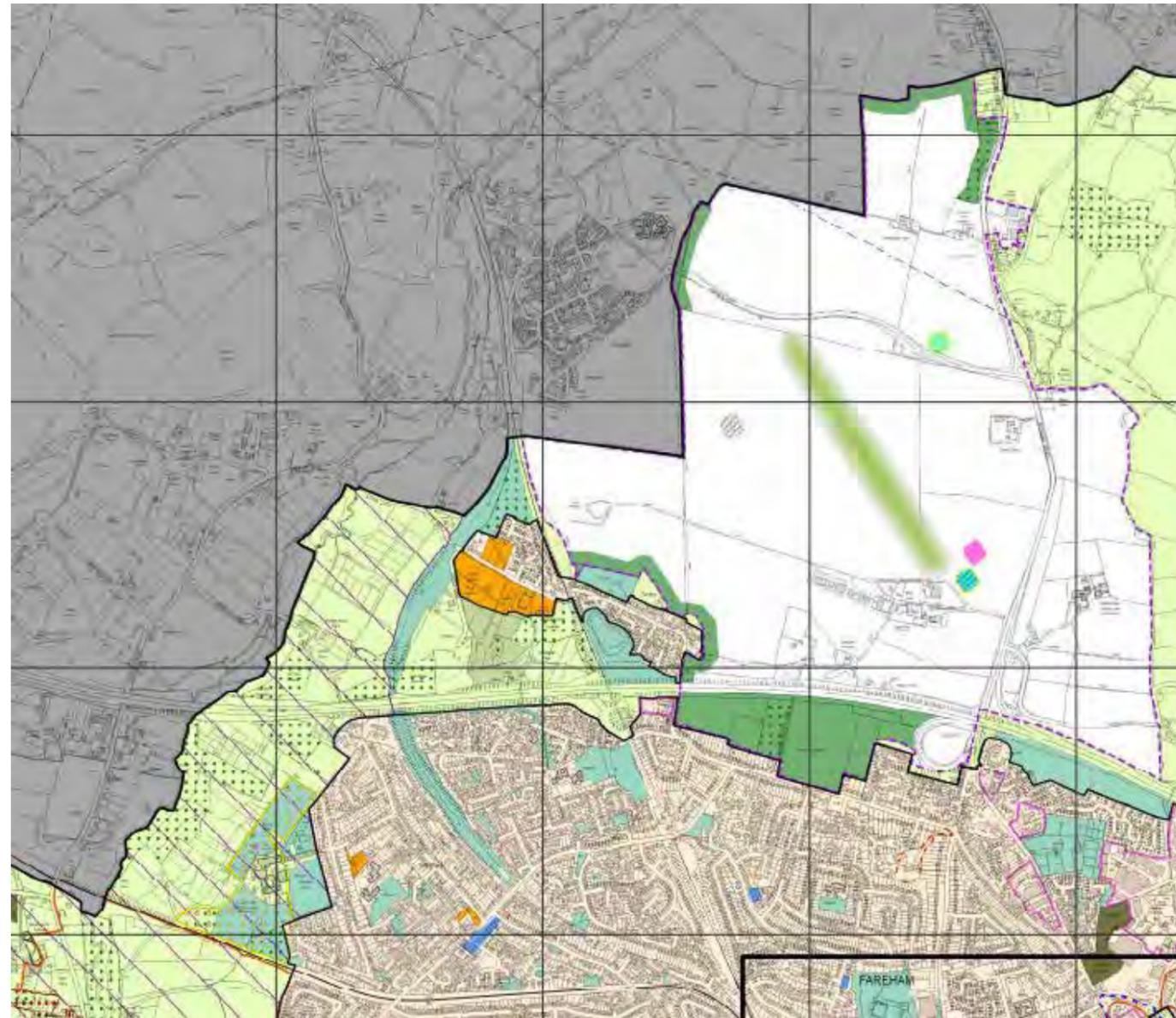
The LVA visual assessment also assessed a range of public viewpoints, both short and long distance, including several within the Meon Valley to the west. The LVA concluded that there is no visual connection between the site and the Meon Valley, due to the Deviation Line and its wooded margins, which provide significant physical and visual screening and separation.

Conclusion

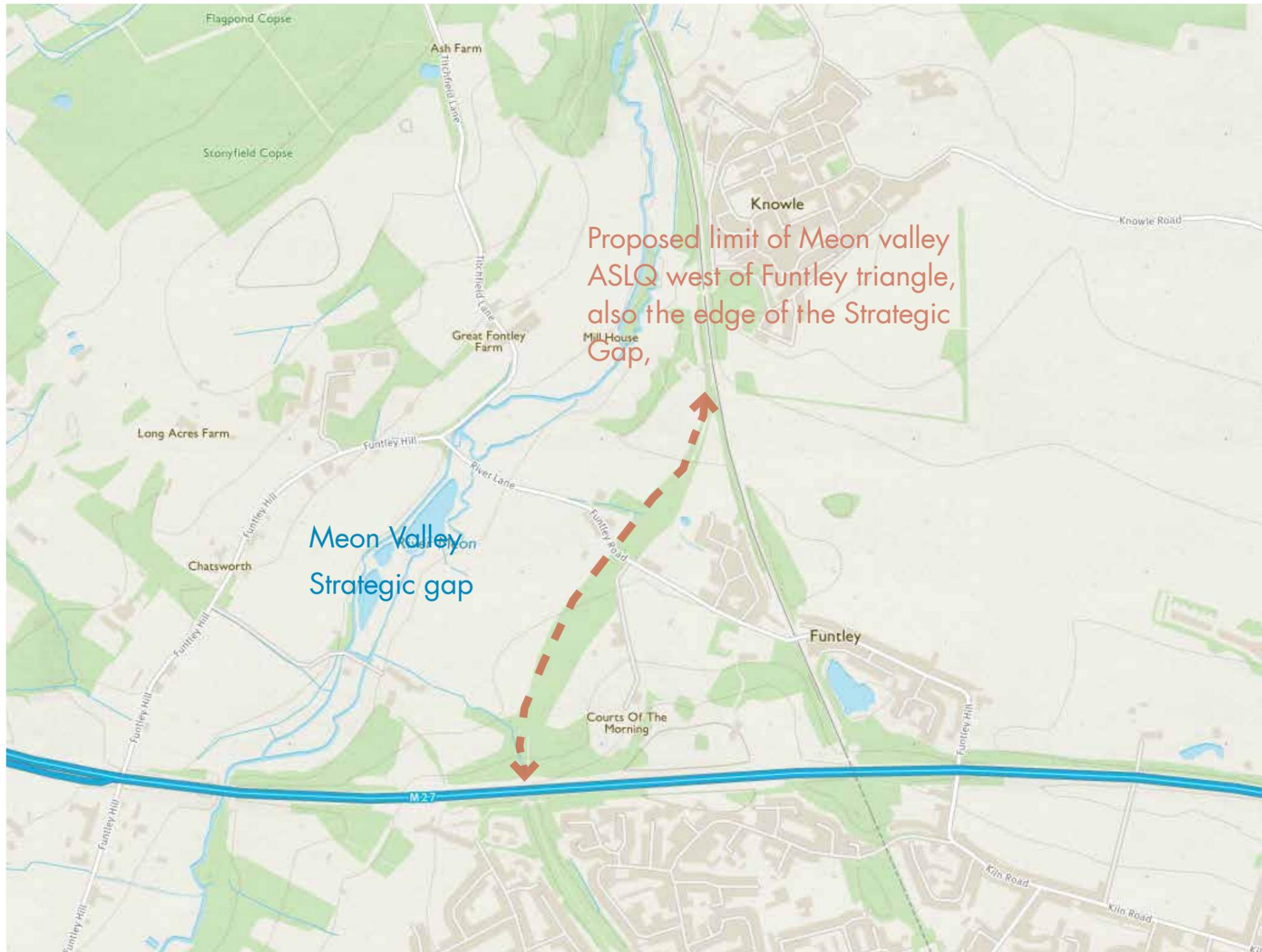
In defining the Meon Valley ASLQ it is important for unambiguous policy that there is a defensible boundary, based on robust evidence. Hampshire County Council and FBC's more recent detailed assessment of landscape character types shows that the embanked Deviation Line encloses the Meon Valley and marks the landscape character transition from the low lying river valley farmland associated with the course of the Meon river, to the small scale wooded farmland to the east, with its 'urban fringe' influences. In the Funtley triangle, character is particularly compromised by a number of suburban, horsiculture and perceptual influences (primarily noise arising from the railway and M27). Visually the embanked railway and the associated woodland, which separates the character types, also forms the edge of the Meon Valley to the west preventing intervisibility and so reinforcing the Meon valley's function as a Strategic Gap. The Deviation Line and associated woodland is covered by an open space designation on the draft policies map protecting its recreational and landscape value.

FBC's own evidence base, together with other studies carried out in relation to the Funtley South planning application by Reside's landscape consultants, show that the eastern boundary of the Meon valley ASLQ should be defined by the Deviation Line and that there is no logical reason, based on landscape and visual evidence, that this should be breached and include land within the Funtley triangle.

Therefore we propose that the boundary of the Meon Valley ASLQ should be defined by the Deviation line, as shown on the plan opposite, coinciding with the Strategic Gap, rather extending to an arbitrary location within the Funtley triangle to the east. This is readily defensible with respect to its landscape character and qualities and the visual enclosure that the man-made Deviation line affords to the Meon Valley.



FBC Local Plan draft policies map in the northern extent of the Borough showing allocations at Funtley North and South and the Deviation Line included as an open space designation. The Meon Valley Strategic Gap lies to the west of the Deviation Line



The proposed limit of the Meon Valley ASLQ lies at the character transition between character types and open space designation along the disused Deviation Line (now a bridleway), west of the Funtley triangle



Rummey design

South Park Studios, South Park
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www.rummey.co.uk

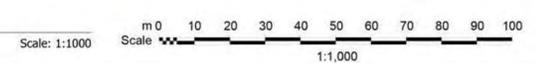
Appendix 4: Illustrative Masterplan (2021)

GENERAL NOTE:
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1 Plan View



P2	17.03.21	DO/RR	Planning Issue
P1	25.09.20	DO/RR	Planning Issue
REV	DATE	DRAWN/CHECKED	DESCRIPTION
STATUS			
PLANNING ISSUE			
PROJECT			
RD173 Funtley Road, Fareham			
DRAWING			
Illustrative masterplan			
DATE	DRAWN/CHECKED	SCALE	PROJECT NO.
02.09/20	DO/RR	1:1000	RD1731-F3-1100
			REVISION NO.
			P2

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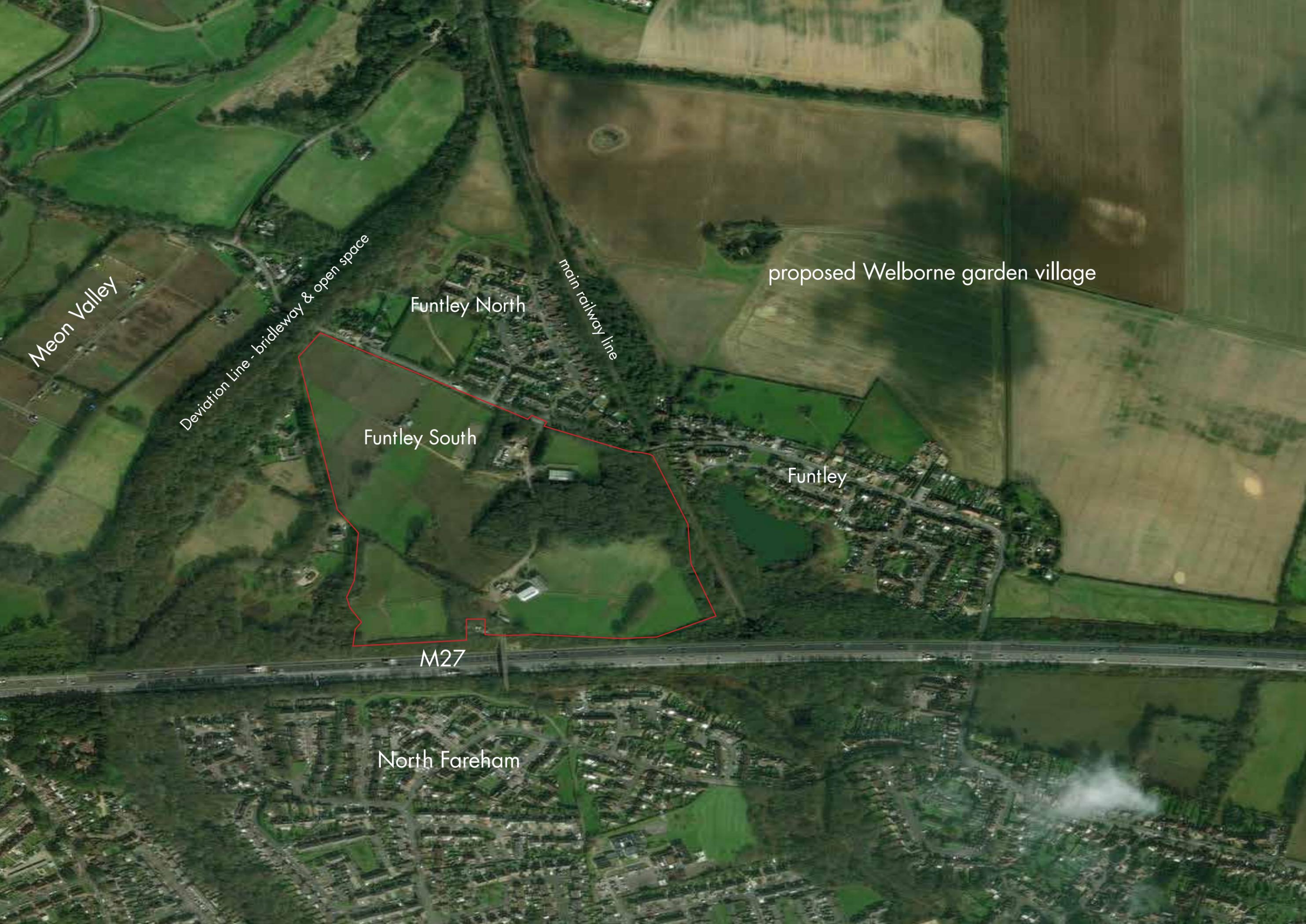
Appendix 5: Landscape and Visual Appraisal Addendum (2020)

reside.

Land South of Funtley Road, Funtley

LVA Addendum

r.



Meon Valley

Deviation Line - bridleway & open space

Funtley North

main railway line

proposed Welborne garden village

Funtley South

Funtley

M27

North Fareham

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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.

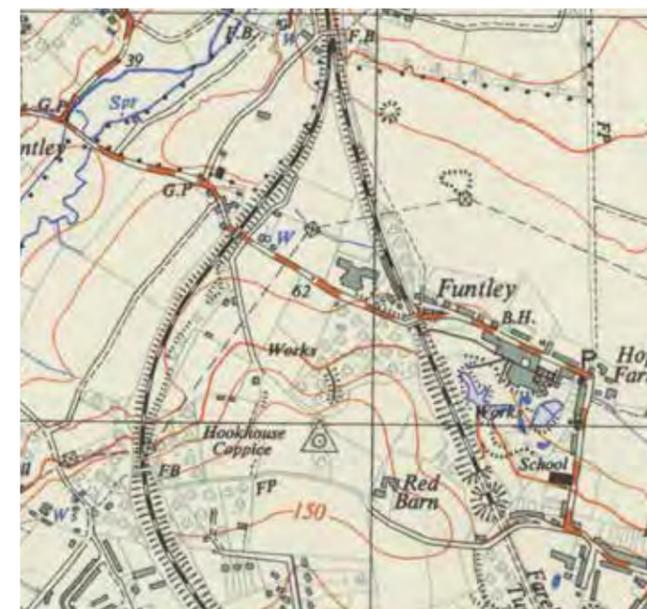
Restoring the historic pattern in green fingers to integrate development and reconnect the valley landscape with the wooded horizons has been one of the key landscape drivers for the revised layout reflected, on the illustrative masterplan by green links and rural edge treatments, which structure the 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



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1 Plan View

P1	30.09.20	00/00	Planning Issue
PLANNING ISSUE			
RD173 Funtley Road, Fareham			
Illustrative masterplan			
DATE	DATE/DESCRIPTION	SCALE	PROJECT NO.
02/09/20		1:1000	RD1731-F31100
			P1

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development proposal

The development is to provide for up to 125 dwellings, community building incorporating a local shop with associated infrastructure, new Community Park, landscaping and access as shown on the Illustrative Masterplan opposite.

The site is set within an undulating landscape where the dominant feature is the topography and its wooded horizons which are characteristic. This mature landscape effectively unifies the landscape and helps contain development, where it has occurred. The site itself contributes to the wooded horizons with remnant coppice woodland on the higher ground in the south.

Other significant landscape features on the site include areas of ancient replanted woodland in Great Beamond Coppice, treebelts and mature trees. The proposed development ensures that these key landscape features are retained and enhanced. The smaller scale field pattern that once compartmentalised the site (now only indicated by a few remnant trees) once linked the wooded horizons to the valley floor.

This pattern will be reinstated through the proposed north-south green links which will incorporate the remaining trees and provide access routes, SuDS, biodiversity corridors and new native tree and shrub planting, as well as species-diverse grasslands.

An interconnected network of footpath and cycle routes will link the site to Fareham North to the south and the Meon valley trail and wider countryside to the north, also allowing existing and new communities to access the Community Park located on the higher slopes south of the residential development. This area benefits from panoramic views northwards towards the South Downs and Meon Valley, which will now become accessible to the community.

The Community Park will provide significant areas of open space for informal recreation, with habitats enhanced through management and planting.

The landscape will be managed as part of the development adding to its amenity, biodiversity, recreational, educational and landscape value. Management regimes that might be considered could include traditional methods such as coppicing of woodland and diversification of meadows through green haying or grazing.

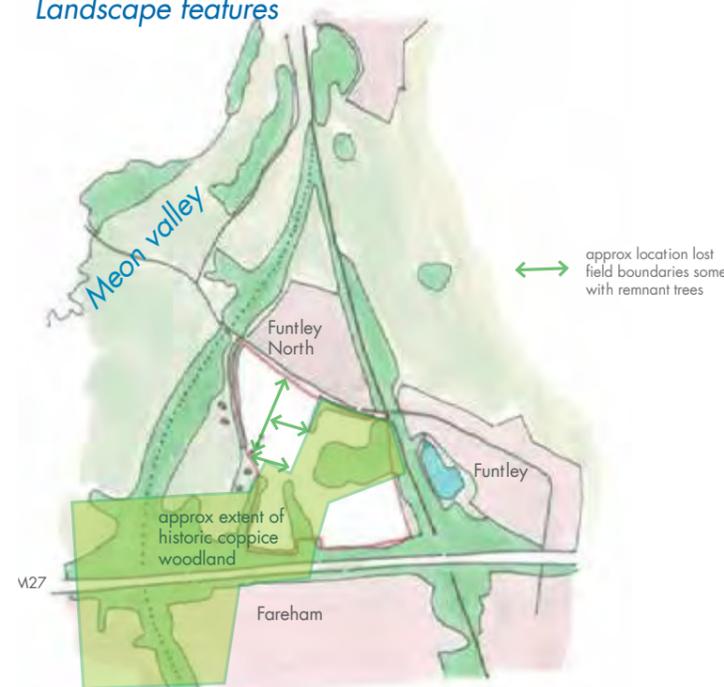
The character of Funtley Road frontage will be designed to reflect the essence of other Meon valley village frontages helping to connect the existing and new communities but also providing a locally distinctive setting within which to integrate development.

Visibility & Views



concentrate development in less visible areas on lower slopes, in valley and areas contained by vegetation. Community open space in areas with wider views maintaining and celebrating key panoramas to wooded horizons ...

Landscape features



historic features such as the north-south hedgerows and interconnected coppice woodland were present into the 20th century but have now been significantly reduced in area or lost. These connected the upper slopes to the valley floor. The repaired landscape structure can bring back some of these features and provide context and sense of place for development, integrating it into its setting ...

Landscape character



reconnect the site with the wider landscape and Meon valley reinforcing the wooded horizons; soften character transition of built development through density gradients within a repaired landscape pattern ...

landscape & visual implications of development proposal



preliminary aerial view from the north looking towards Fareham

— — — — —> wooded horizon reinforced

• • • —> multifunctional green links reinstate smaller scale historic field pattern

landscape & visual implications of development proposal

The landscape character of Funtley South, which has been affected by adjacent residential development and uses such as a cattery, equestrian activities, stables, vehicle parking, noise from the M27, etc is best described as urban fringe. The urban influences will increase when Welborne Garden village is constructed, to the north-east.

The landscape led approach to the scheme is based on the retention of key landscape features including the replanted Ancient Woodland, the habitats of value within the site and the need to effect landscape restoration to restore the landscape pattern and character which has been eroded. The enhanced landscape will also provide the setting for the proposed development so that it integrates into the site. The enhanced setting will also help mitigate any impacts on visual amenity for local residents that face the site at present from the residential area to the north. Additional benefits are likely to include enhanced recreational opportunities including those provided by the proposed Community Park as well as better connectivity both with Fareham North and the footpath network, including the Meon Trail within the wider countryside.

Landscape impacts

The potential landscape effects have been assessed at site level, at Borough level LCA and also at County and National character area level. Landscape effects are also assessed on landscape features.

The arboricultural impact assessment confirms that all significant trees are to be retained and protected. The proposal allows for replanting within the greenlinks, reinstating smaller scale landscape compartments for development, based on historic pattern. These also physically and visually connect the wooded slopes and horizons with the valley floor. Additional planting around the rural edge of the site will enhance the existing landscape structure. New and existing vegetation will be managed as part of the development. The effect on landscape features is assessed as beneficial.

The landscape character of the site has been eroded through past uses. The proposed development, although over a slightly increased area compared to the previous proposal, is still located on the lower, less visible slopes and its edges have been carefully defined to relate to the topography and slopes for reasons of visibility and landscape character. The form of development also responds more closely to the landscape pattern, based on studies of its historic evolution.

The effect on landscape character of the proposed development at site level was previously assessed as a Moderate-Major negative effect on the landscape character at site level, where development is proposed due to the change of use from equestrian fields to residential development.

Whilst we would agree that this is a significant change we reiterate that the character of the site and indeed the entire Funtley triangle has been affected by changing uses over a long period with the effect that coppice woodland and field boundaries have been lost and replaced with fencing, sheds, and other buildings. Non-native planting has also been introduced, especially around the existing buildings near the entrance and the general visual amenity that the site provides has declined. In addition there has been little management of the key landscape features such as the woodlands and remaining field trees, which can be expected to decline further without intervention.

The site has been deemed suitable for limited residential development in both published landscape characterisation studies and by the Council, in granting planning permission for 55 houses. A well-designed, landscape-led residential development which respects the character and restores lost features is not necessarily negative, and in this case is positive, particularly in the longer term. Whilst the short term effects on landscape character may be Moderate adverse, the long term effect on landscape character is likely to be Minor adverse at worst with the potential to be beneficial. This could stop the century long decline in landscape structure and produce an appropriate and enhanced setting leading to a stronger landscape framework maturing into the 21st and 22nd centuries.

Visual impacts

We agree with the previous LVA assessment that the site is well enclosed so that the visual effects are likely to be restricted to receptors within the residential areas in Funtley North and road users along Funtley Road.

The proposed development, whilst over a slightly increased area, is still located on the lower, less visible parts of the site and the landscape structure throughout the site is to be enhanced. In addition, rather than cutting the site off from Funtley Road the proposals seek to create a positive, locally distinctive Meon valley village ambience where built form, water and vegetation provide the frontage along Funtley Road. This will enhance the character on both sides of Funtley Road.

Whilst there will be a discernible change in views for residents to the north of Funtley Road, it is assessed that the impacts are likely to be minor to moderate adverse in the short term (mainly related to construction impacts) with the potential for long term benefits as the landscape matures and development is integrated.

Landscape improvements in the Community Park, including the removal of buildings on the upper slopes, new tree planting and enhanced management of both the existing and new vegetation and grasslands are assessed as beneficial to views and visual amenity. This change of use will also give public access so that the panoramic views from the upper parts of the site, which are currently not available to the general public, will be available to all users.

The effects of this renewed landscape structure, combined with the enhanced public footpath access, will produce an enhanced landscape for the public and wildlife alike well into the 21st and even 22nd centuries. This will arrest the continuing decline and fragmentation of the landscape and produce the opportunity for improved landscape management; this new landscape structure will be 're-purposed' as part of the shift from agricultural to residential and leisure landscapes with changing social, economic and environmental circumstances.

Appendix i

Landscape and Visual Appraisal
prepared by Fabrik, January 2018

reside.

Land south of Funtley Road, Funtley

Landscape and Visual Appraisal

r.

Project Title: Land South of Funtley Road, Funtley, Hampshire

Client: Reside Developments Ltd

Revision	Date	Revision Details	Prepared By	Checked By	Approved By
DRAFT	19/06/17	Internal review	CLB	SG/AS	SG/AS
00	12/07/17	Internal review	CLB	AS	AS
00	18/07/17	Issued to the client	CLB	AS	AS
01	27/07/17	Revised to suit client's comments and re-issue.	CLB	AS	AS
02	28/07/17	Minor amendments to suit client's comments and re-issue.	CLB	SG	SG
03	16/01/2018	Winter views included and amendments to reflect current scheme proposals - Internal review	LS/DL	AS	AS
04	17/01/2018	Client Review	DL	AS	AS
05	19/01/2018	Client / planner comments integrated	DL	AS	AS

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1. Introduction

1.1 Introduction

fabrik Chartered Landscape Architects have been appointed by Reside Developments Ltd to carry out a Landscape and Visual Appraisal (LVA) of the land to the south of Funtley Road, Funtley, Hampshire (the Application Site, refer to **Figure 1.1**) and its environs, in order to consider the likely physical and visual impacts arising as a result of the proposed development.

This LVA forms one of the suite of documents provided with the outline application. It sets out landscape policy and then goes on to describe the existing topography, land cover, vegetation, landscape features, landscape character and visual receptors of the local area in order to assess the landscape and visual effects of the proposed development which together inform the landscape character. The LVA also describes the baseline character and amenity of the identified visual receptors (considering the visual envelope, the different groups of people, places affected, the nature of the view and the visual amenity). This document describes the development proposals and then sets out a statement of landscape and visual effects.

This LVA should be read in conjunction with the suite of documents submitted with the outline application (all matters reserved except for access).

The methodology for the LVA is based on the 'Guidelines for Landscape and Visual Impact Assessment' (third edition) by the Landscape Institute and Institute of Environmental Management and Assessment (Routledge, 2013) and is set out at Appendix 1.

Where the terms 'Site' and 'Application Site' are used in this LVIA, these both refer to the land defined by the red line boundary shown in Figure 1.1; which is the subject of two separate planning applications:

1) Outline Application

Following demolition of existing buildings residential development of up to 55 dwellings (including 3 self-build homes) (Use Class C3), community building incorporating a local shop 250 sqm (Use Classes A1, A3, D1 & D2), accesses and associated landscaping, infrastructure and development works.

2) Change of Use

Change of use of land from equestrian/grazing to community park following demolition of existing buildings

1.2 Overview of Proposed Development

The proposed development comprises of 55 dwellings, a community building incorporating a local shop, with associated infrastructure, new community park, landscape planting and access. The Site area is 16.18 hectares (ha) and the Site is a proposed development allocation (ref. HA10) in the emerging Fareham Local Plan 2036.

1.3 Desktop Research and Study Area

The desktop survey carried out as part of the LVA included the review of previous proposals, Ordnance Survey maps, interactive maps, aerial photography, published landscape character assessment documents and planning policy. This was further verified through field work, to determine the potential zone of landscape and visual influence of the site and proposed development, including views requested by the Principal Planner of Fareham Borough Council on 25/05/2017.

The study area was found to generally extend to around 2.0km from the centre of the Site. Beyond this the landscape is visually divorced from the area by the intervening topography, vegetation and in places, built form. The LVA nevertheless considers the wider landscape, planning and designations context to the land within the Site.

1.4 Field Work

The field work was initially carried out on 07/06/17 and recorded the existing landscape elements within the Site; the contextual landscape elements; and identified a series of key visual receptors. The visual assessment element includes a photographic survey of the land within the Site taken from a series of representative key views, chosen to represent a range of public views, distances and directions within the study area. The photographic survey was updated to reflect winter views on 05/01/2018.

Viewpoints 15-19 were omitted from the winter photographic survey, since the summer views demonstrated such an extent of screening of the views (by vegetation and/or landform in the intervening areas), that it was considered that no significant visual change would occur in winter.

However, additional winter views were taken from the bridleway following the disused railway line west of the Site, since the lack of leaf cover in winter revealed glimpsed views to parts of the Site and nearby existing dwellings. Summer viewpoint 4 is represented by a viewpoint taken from within the Site, but standing very close to the low hedge at the boundary with the adjacent property (containing a dwelling at the southern end of Honey Lane).

While the summer and winter views show slight differences in the position of the viewpoint and focal lengths of camera lens used, there are otherwise, no material differences in the view.

1. Introduction

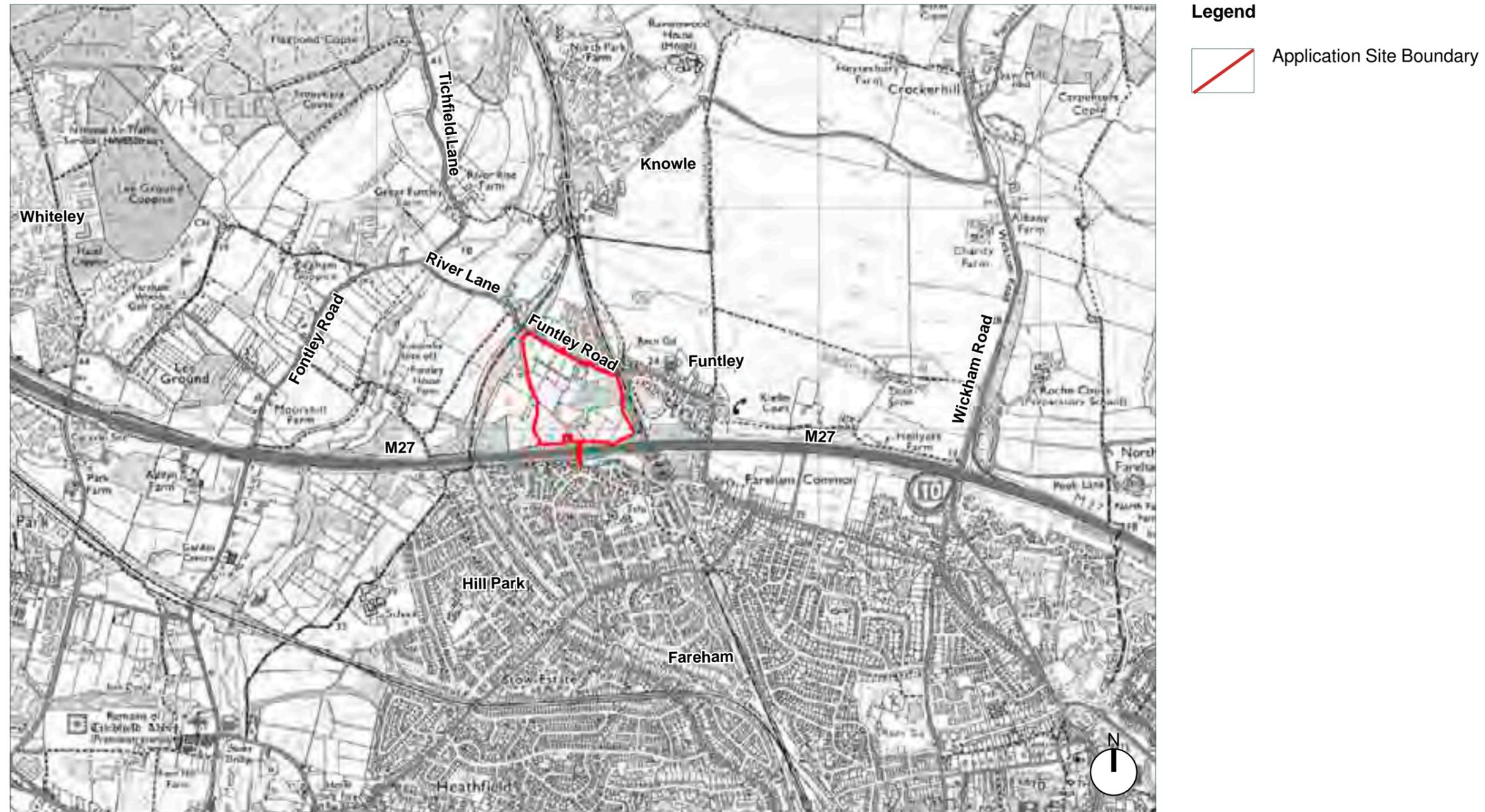


Figure 1.1 – Extract from Ordnance Survey Plan showing the Application Site location and boundary (fabrik, 2018)

2. Baseline Conditions

2.1 Landscape and Heritage Designation

The land within the Site lies wholly within the jurisdiction of Fareham Borough Council and is located within the landscape designation of Area Outside of Defined Urban Settlement Boundary. The area within the north-western part of the Site is designated as Existing Open Space in the Fareham Core Strategy (Adopted August 2011).

Within the Study Area, there are a number of Listed Buildings, Scheduled Ancient Monuments, Ancient Woodlands and Historic Parks and Gardens. The Scheduled Ancient Monument of Tichfield Abbey and Fishponds with a group of Grade II Listed Building of Abbey Cottage, Fisherman's Arms, Place House Cottage and Garden are situated along Mill Lane to the south west of the Application Site. There are no Listed Buildings which abut the Application Site or which have intervisibility with the Application Site.

The South Downs National Park (SDNP) is located approximately 3.7km to north east of the Application Site (and therefore outside of the 3km radius of the study area). This was further verified through field survey work to determine that views of the Application Site are truncated from the SDNP due to intervening topography, built form and vegetation (refer to the visual baseline on Pages 45 and 47).

The Grade II Listed buildings of Church of St Francis is located approximately 510m along Funtley Road to the east of the Application Site. A Scheduled Ancient Monument (the Site of Funtley Iron Works) together with a group of Grade II Listed buildings (including Ironmaster's House and Funtley House) are situated approximately 500m to the south west of Application Site along Ironmill Lane.

The Application Site contains Great Beamond Coppice, an Ancient Re-planted Woodland. This woodland, together with the tree blocks within central northern and south-western sections of the Application Site, are designated as a Site of Importance of Nature Conservation (SINC) and are also covered by a Tree preservation Order (TPO). Another Ancient Woodland of Hookhouse Coppice is also located approximately 200m to the south west of Application Site.

There are no other landscape or heritage designations within nor adjacent to the Application Site.

The above designations are shown on **Figures 2.1 and 2.2** on the following pages.

Land to the east of Funtley is designated for a new settlement known as Welborne. Settlement buffers are proposed in key locations, including along the eastern edge of Funtley.

2.2 National Landscape Policy

The National Planning Policy Framework (NPPF) (March 2012) seeks the presumption in favour of sustainable development. The following issues and policies are pertinent to this LVA.

Section 7 sets out the requirements of good design. Paragraph 56 states that: *"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."*

Paragraph 57 goes on to state that: *"It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces..."*

Paragraph 58 looks to ensure that developments:

- *"will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

- *create safe and accessible environments...; and*
- *are visually attractive as a result of good architecture and appropriate landscaping."*

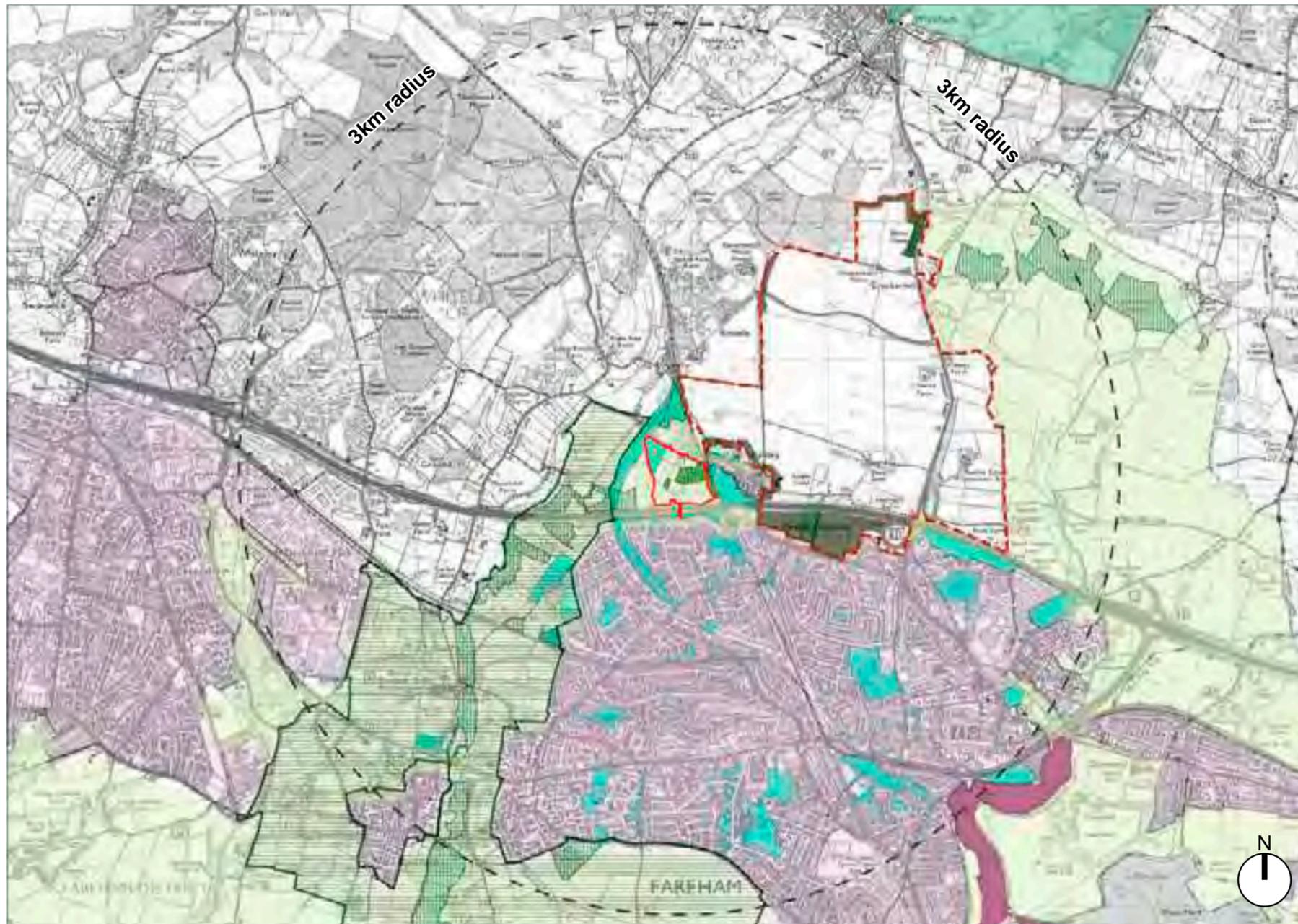
Furthermore, Paragraph 65 states that: *"Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)."*

Section 8 of the NPPF deals with 'Promoting healthy communities' and seeks to achieve:

- *"Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mix-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;*
- *Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."*

Section 10 deals with climate change. Paragraph 96 sets out that development should take into account the landform, layout, building orientation, massing and landscaping to minimise energy consumption. Furthermore, Paragraph 99 states that: *"... When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure."*

2. Baseline Conditions



Legend

-  Application Site Boundary
-  Local Authority Boundary
-  Study Area (3km radius)
-  South Downs National Park
-  Site of Importance of Natural Conservation (Ecological Policy: CS4 / DSP13)
-  Special Protection Area and Ramsar Sites (Policy: CS4 / DSP13)
-  Welborne Policy Boundary (Policy: CS13)
-  Welborne Settlement Buffers (Policy: WEL5)
-  Area Outside of Defined Urban Settlement Boundary (Policy: CS14 / DSP6)
-  Strategic Gap (Policy: CS22): The Meon Gap
-  Existing Open Space (Policy: CS21)
-  Tree Preservation Order (shown within the Application Site only)
-  Defined Urban Settlement (Policy: CS6 / CS14 / DSP6)

Figure 2.1 – Plan illustrating landscape and ecological designations as shown on the Fareham Borough Council 2015 Adopted Local Plan Proposals Map (fabrik, 2018)

2. Baseline Conditions

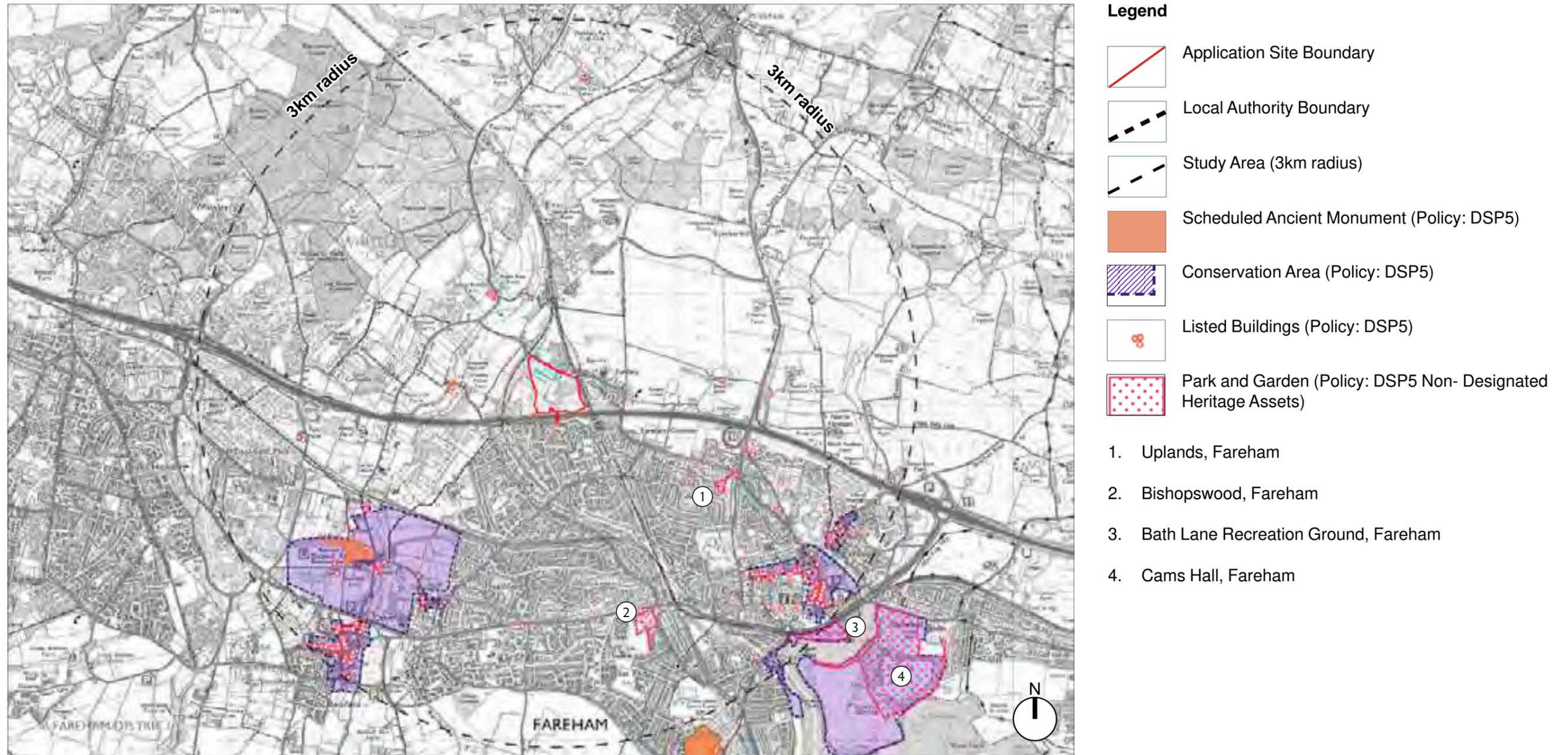


Figure 2.2 – Plan illustrating heritage assets within the 3km study area (fabrik, 2018)

2. Baseline Conditions

2.2 National Landscape Policy (continued)

Conserving and enhancing the natural environment is the topic of Section 11. Paragraph 109 states that: *“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity.”*

Paragraph 115 goes on to state that: *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”*

The Application Site does not lie within or form part of the setting to a valued landscape.

National Planning Practice Guidance - NPPG (March 14)

The NPPG is now supported by the on-line resource Planning Policy Guidance (PPG). There are a number of sections that relate to this LVA as set out below.

The PPG sets out guidance on Design at section ID 26 (updated on 6 March 2014) and the elements to be considered to achieve good design. Paragraph 001 under this section states that: *“The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.*

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use - over the long as well as the short term.”

Paragraph 002 states that: *“Good design should:*

- *ensure that development can deliver a wide range of planning objectives*
- *enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being address the need for different uses sympathetically.”*

Paragraph 004 goes on to state that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

Paragraph 007 states that planning should promote local character (including landscape setting) - states:

“Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

When thinking about new development the site’s land form should be taken into account. Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place. Views into and out of larger sites should also be carefully considered from the start of the design process.

Paragraph 009 relative to greenspaces and public places - includes the following:

“Development should promote public spaces and routes that are attractive, accessible, safe, uncluttered and work effectively for all users – including families, disabled people and elderly people. A system of open and green spaces that respect natural features and are easily accessible can be a valuable local resource and helps create successful places. A high quality landscape, including trees and semi-natural habitats where appropriate, makes an important contribution to the quality of an area.”

Landscape is a sub section under Section ID 8 on the Natural Environment (updated on 6 March 2014). Paragraph 001 on landscape character states that: *“One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes, but also the wider countryside.*

Where appropriate, landscape character assessments should be prepared to complement Natural England’s National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change and may be undertaken at a scale appropriate to local and neighbourhood plan-making.”

Under the biodiversity, ecosystems and green infrastructure section, paragraph 015 on green infrastructure defined this as: *“... a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, street trees, allotments and private gardens.”*

2. Baseline Conditions

2.3 Local Landscape Policy

Introduction

The Fareham Borough Council is undergoing the process of producing a new Local Plan to reflect new housing and employment needs within the borough up to 2036. Before the emerging local plan is adopted by the Council, the policies within the Fareham Local Development Framework, Core Strategy (Adopted August 2011) form the principal documents within the Local Plan.

Current Policy: Fareham Local Development Framework, Core Strategy (Adopted August 2011)

Within the Adopted Core Strategy, the Council has set out strategic objectives to reflect the national policies, as well as to monitor and deliver a sustainable community within the borough.

The following objectives are pertinent to this LVA.

Strategic Objective SO1 aims to: *“To deliver the South Hampshire Strategy in a sustainable way, focussing development in Fareham, the Strategic Development Area north of Fareham and the Western Wards.”*

Strategic Objective SO8 aims to: *“To deliver a new sustainable settlement to the north of Fareham, creating 6,500-7,500 homes, up to 90,750 sq.m employment floorspace, a new district centre and other supporting retail and community provision.”* This relates to the Welborne settlement proposed to the east of Funtley.

SO10 states that the Local Authority wishes to: *“...manage, maintain and improve the built and natural environment to deliver quality places, through high quality design sustainability and maintenance standards, taking into account the character and setting of existing settlements and neighbourhoods and seeking safe environments which help to reduce crime and the fear of crime.”*

Whilst SO11 is concerned with green infrastructure, aiming to: *“... protect and enhance access to green infrastructure, the countryside,*

coast and historic environment whilst protecting sensitive habitats or historic features from recreational pressure, and protect the separate identity of settlements, including through the designation of strategic gaps.”

In terms of development proposals and designations, the following policies are pertinent to this LVA.

Policy CS4 relates to the green infrastructure within the borough and states: *“Habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland, the coast and trees will be protected ...”* The policy goes on and states: *“Development Proposals will be permitted where Green Infrastructure provision in accordance with the Green Infrastructure Strategy has been integrated within the development where this is appropriate. Development proposals will provide for appropriate access to green space for informal recreation to avoid adverse impacts from recreation and other impacts on European 31 and Ramsar sites and on nationally and locally important sites.”*

Within the Core Strategy and the proposal map, the Welborne Policy Boundary is within the close distance to the Application Site to the north-east (refer to Figure 2.1). This future development allocates up to 6,000 dwellings with associated transportation links, green infrastructure and open spaces. The relevant Policy is CS13 North of Fareham Strategic Development Area and states that: *“Permission will be granted for the development of a Strategic Development Area to the north of Fareham following the adoption of an Area Action Plan and the preparation of a comprehensive masterplan for the development. The development will include provision for between 6,500- 7,500 dwellings, unless it is found that this level of housing cannot be delivered without adversely affecting the integrity of protected European conservation sites. If any potential adverse effects cannot be avoided or adequately mitigated, the level and scale of development would need to be reduced accordingly to ensure that there are no adverse effects on the integrity of any European sites. The development will also provide supporting environmental, social and physical infrastructure, retail and employment floorspace to both support the development and to contribute towards meeting*

the development objectives of the South Hampshire Sub-Region. The new community will aim to be as self-contained as possible, whilst complementing and supporting the established town centre of Fareham and adjoining settlements.”

Policy CS14 refers to Development outside the defined settlement boundary, stating: *“Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.”*

Policy CS17 is concerned with High Quality Design, with focus on landscape and stating: *“All development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed to:*

- *respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials;*
- *provide continuity of built form, a sense of enclosure with active frontages to the street and safety of the public realm;*
- *provide green infrastructure, including landscaping, open spaces, greenways and trees within the public realm...”*

The policy relating to the Protection and Provision of Open Spaces, CS21 states: *“The Borough Council will safeguard and enhance existing open spaces and establish networks of Green Infrastructure to add value to their wildlife and recreational functions. Development which would result in the loss of or reduce the recreational value of open space, including public and private playing fields, allotments and informal open space will not be permitted, unless it is of poor quality, under-used, or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size.”*

Policy CS22 deals with developments within Strategic Gaps and states: *“Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or*

2. Baseline Conditions

2.3 Local Landscape Policy (continued)

cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap)..."

Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

The Local Plan Part 2 reinforces the Core Strategy's policies relating to the natural environment. Paragraph 4.1 summarises: *"The Natural Environment is a key asset of the Borough, which provides a significant contribution to the quality of life of residents and visitors. It not only provides a natural, green setting for the Borough's settlement, but is also important for recreation and leisure uses as well as supporting the Borough's biodiversity including internationally important habitats for wildlife. The Plan is important in establishing the right balance between planning for growth and protecting the natural environment."*

Policy DSP40 Housing Allocations includes the following, which is of relevance to the proposed development site:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing and supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*

iv. It can be demonstrated that the proposal is deliverable in the short term; and

v. The proposal would not have any unacceptable environmental, amenity or traffic implications."

Policy DSP2 concerns with any environmental impact of new developments to the existing development and wider landscape, and go on stating: *"Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour)...."*

Policy DSP5 relates to any developments affecting the setting of historical assets and states: *"Designated and non-designated heritage assets are an irreplaceable resource that will be conserved in a manner appropriate to their significance, to be enjoyed for their contribution to the quality of life of this and future generations. The wider social, cultural, economic and environmental benefits of their conservation will also be taken into account in decision making...."* The policy goes on and state: *"...The Council will conserve Scheduled Monuments, and archaeological sites that are demonstrably of national significance, by supporting proposals that sustain and where appropriate enhance their heritage significance. Proposals that unacceptably harm their heritage significance, including their setting, will not be permitted."*

Non-designated heritage assets including locally listed buildings, historic parks and gardens, and sites of archaeological importance will be protected from development that would unacceptably harm their Architectural and historic interest, and/or setting taking account of their significance.

Policy DSP6 relates to the Core Strategy CS14 on Development Outside of the Defined Urban Settlement Boundaries and states: *"There will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map)....A change of use of land outside of the defined urban settlement boundary to residential garden will only be permitted where:*

i. It is in keeping with the character, scale and appearance of the surrounding area; and

ii. It will not detract from the existing landscape; and

iii. It respects views into and out of the site."

Policy DSP13 relates to the impact of new development on the nature conservation areas within the borough and states: *"Development may be permitted where it can be demonstrated that;*

i. designated sites and sites of nature conservation value are protected and where appropriate enhanced;

ii. protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;

iii. where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and

iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Proposals resulting in detrimental impacts to the above shall only be granted where the planning authority is satisfied that (this section of the policy should not be applied to impacts on SPA designated sites which are subject to stricter protection tests as set out in The Conservation of Species and Habitats Regulations (as amended) 2010);

i. Impacts are outweighed by the need for, and benefits of, the development; and

ii. Adverse impacts can be minimised and provision is made for mitigation and, where necessary, compensation for those impacts is provided.

Enhancements that contribute to local habitat restoration and creation initiatives as set out in the Hampshire Biodiversity Action Plan (or other similar relevant document) will be supported."

2. Baseline Conditions

Supplementary Planning Documents

Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016

In terms of public open space, outdoor sport and children's play equipment, Appendix B sets out that for developments of between 50-299 dwellings, 1.5ha per 1000 population is to be provided for parks and amenity open space. No sport provision is required for this scale of development. In terms of play provision, for developments between 50-199 dwellings, a LEAP is required.

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version)

Figure 2.3 on the following page illustrates the proposed amendments to the policies map. **Figure 2.4** shows the development allocation plan from Appendix G of the emerging local plan. The Application Site is proposed for residential development and new open space. Land to the north is also proposed as a residential allocation. Extracts of the policies relative to landscape matters are set out below:

Policy HA10 sets out the requirements of the proposed allocation, with a capacity for 55 dwellings and states that: "Planning permission will be granted provided that detailed proposals accord with the policies in the Local Plan and meet the following site specific requirements:

- a) The quantum of housing proposed shall be broadly consistent with the indicative site capacity; and
- b) Primary highway access shall be from Funtley Road; and
- c) Building heights are limited to a maximum of 2 storeys; and
- d) Safe pedestrian and cycle crossing points across Funtley Road and connectivity with the existing footpath/bridleway network in the vicinity of the site and eastwards towards the centre of Funtley village in order to maximise connectivity to nearby facilities and services; and

- e) The creation of a vehicular loop road on the site, allowing for pedestrians and cycle permeability across the site; and
- f) Proposals shall take account of the site's landscape context by incorporating view corridors from Funtley Road through to the public open space allocation to the south of the residential allocation (as illustratively shown in Appendix G). The view corridors should form part of the on-site open space and should incorporate pedestrian and cycle links, whilst vehicular crossing links should be limited; and
- g) A 15m buffer shall be incorporated between development and the Great Beamond Coppice SINC to the east of the site; and
- i) The provision of a building / buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents; and
- j) Proposals shall either provide directly, or provide financial contribution towards the delivery (and maintenance where deemed necessary) of the following infrastructure, in line with the Council's Planning Obligations SPD:
 - Public open space on and off-site (as illustratively shown in Appendix G) (in line with the Council's Planning Obligations SPD); and
 - a Local Area of Play (LEAP) on-site (in line with the Council's Planning Obligations SPD).

In light of the landscape setting, this development allocation is required to take a looser, less dense approach, applying a density of around 20 dwellings per hectare (dph). In light of the rural setting, significant natural landscaping should be incorporated, so that proposals are assimilated into the landscape. Part of this assimilation includes the incorporation of view corridors, between Funtley Road and the open space south of the site, which are required to maintain visual and physical connections through the site.

Additionally, the delivery of the community uses building and public open space are critical elements in making the development

acceptable, by providing additional assets for both the existing and new community. The community building envisaged is one that is multi-functional and flexible to allow for a range of small-scale community uses, whilst the proposed public open space should be more informal in nature, to take account of and strengthen the landscape setting.

Appendix F is a visual demonstration of the suggested approach to development in this location, taking account of the approach detailed above."

The other pertinent policies of the Local Plan, relative to landscape and visual matters are:

Policy CF6: Provision and Protection of Open Space, which states that: "Proposals for new residential development will be required to provide open space to meet the needs of new residents in accordance with the thresholds and requirements set out in the Council's Planning Obligations SPD.

Proposals seeking to develop on open space will not be permitted unless it can be clearly demonstrated that:

- a) The open space is surplus to local requirements and will not be needed in the long-term following a robust assessment; and
- b) Replacement provision will be at least equivalent or better in terms of quantity, quality and accessibility and there will be no overall negative impact on the provision of open space; or
- c) The development is for alternative recreational provision, which meets locally identified needs and clearly outweighs the loss of the original open space; or
- d) The loss of open space is replaced by a scheme which delivers high quality community, educational or health benefits and clearly outweighs the scale of the net loss of open space."

2. Baseline Conditions

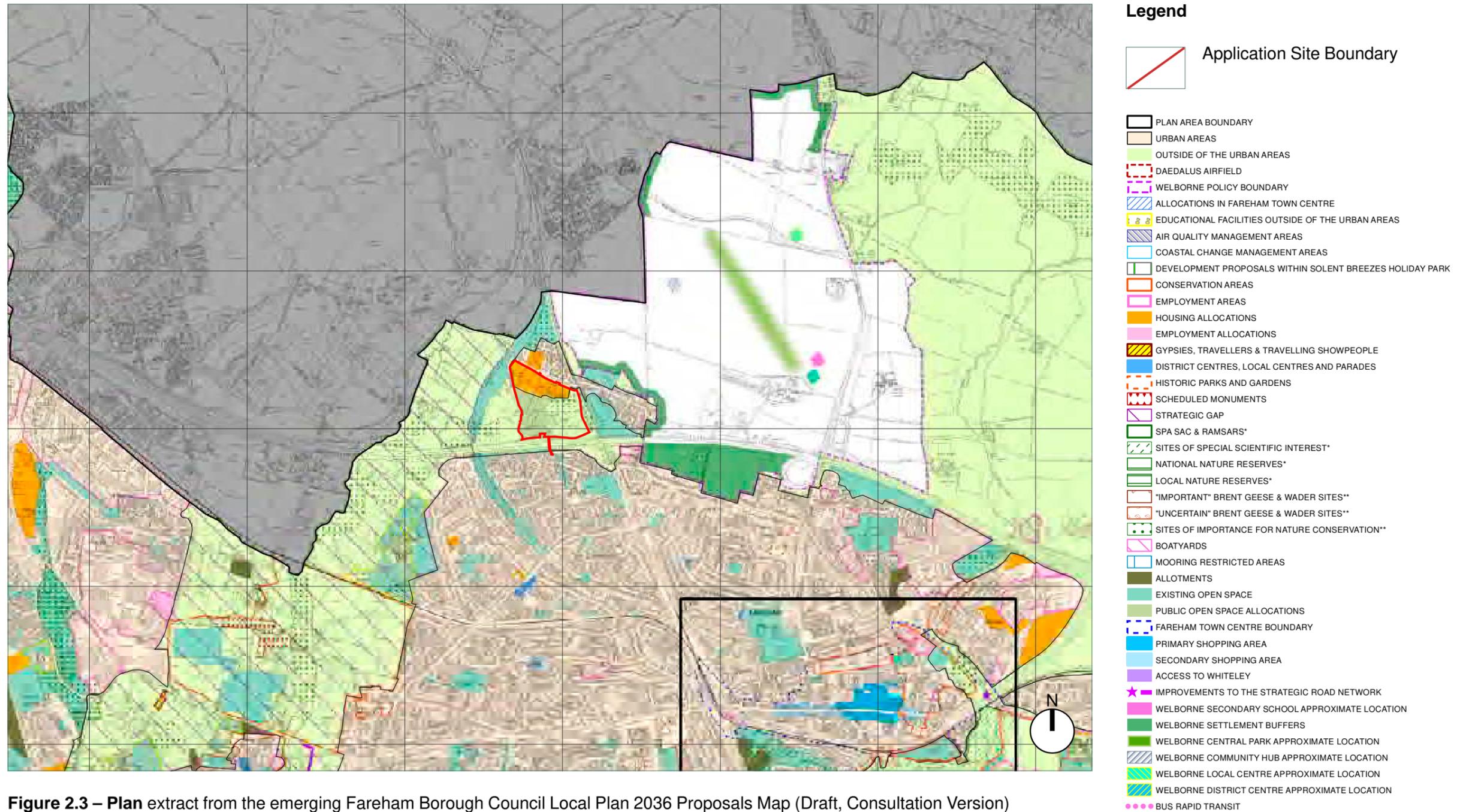


Figure 2.3 – Plan extract from the emerging Fareham Borough Council Local Plan 2036 Proposals Map (Draft, Consultation Version)

2. Baseline Conditions

Emerging Policy: Fareham Local Plan 2036 (Draft, Consultation Version) Continued

Policy NE1 deals with Landscape and states that: *“Development for all major applications will be permitted only where it can be demonstrated, through a robust landscape assessment that the proposals satisfy the specific development criteria contained within the Council’s Landscape Sensitivity Assessment for the character area in which the development is located.*

Development proposals must respect, enhance and not have severe adverse impacts on the character or function of the landscape that may be affected, with particular regard to:

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape’s role as part of the existing Green Infrastructure network;*
- e) The local character and setting of buildings and settlements;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough’s rivers and coastline, which should be safeguarded.*

Major development proposals shall include a comprehensive landscaping mitigation and enhancement scheme to ensure that the development is able to successfully integrate with the landscape and surroundings. The landscaping scheme shall be proportionate to the scale and nature of the development proposed and shall be in accordance with the enhancement opportunities specified in the

Council’s Landscape Sensitivity Assessment.”

Policy D1 is the topic for High Quality Design, setting out that all development proposals and spaces are to be of high quality, based on principles of urban design and sustainability to help create quality places. It includes the following:

“Development proposals will be permitted where they:

- a) Respond positively to and be respectful of key characteristics of the area, including heritage assets, landscape, trees and landscape features, scale, spaciousness, form and the use of external materials;...*

In all instances proposals shall have regard to the adopted Borough Design Guidance SPD.”

In addition to the allocation pertaining to the Site, land to the north of Funtley Road (Funtley Road North Site HA18) is subject to an allocation for around 23 dwellings on land around 0.96ha in size (see Figure 2.4).

2. Baseline Conditions



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

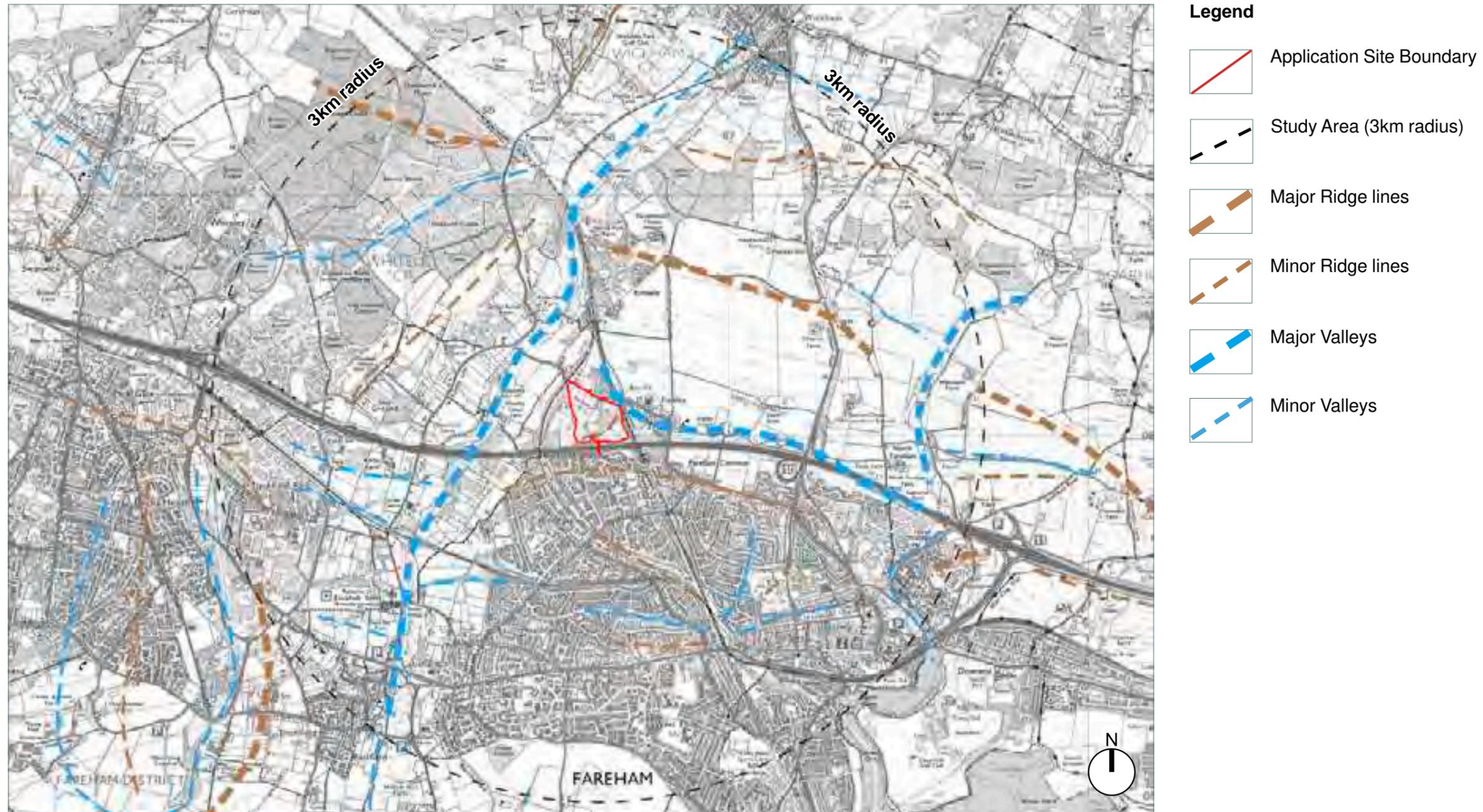


Figure 2.5 – Plan illustrating Topography and Drainage (fabrik, 2018)

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

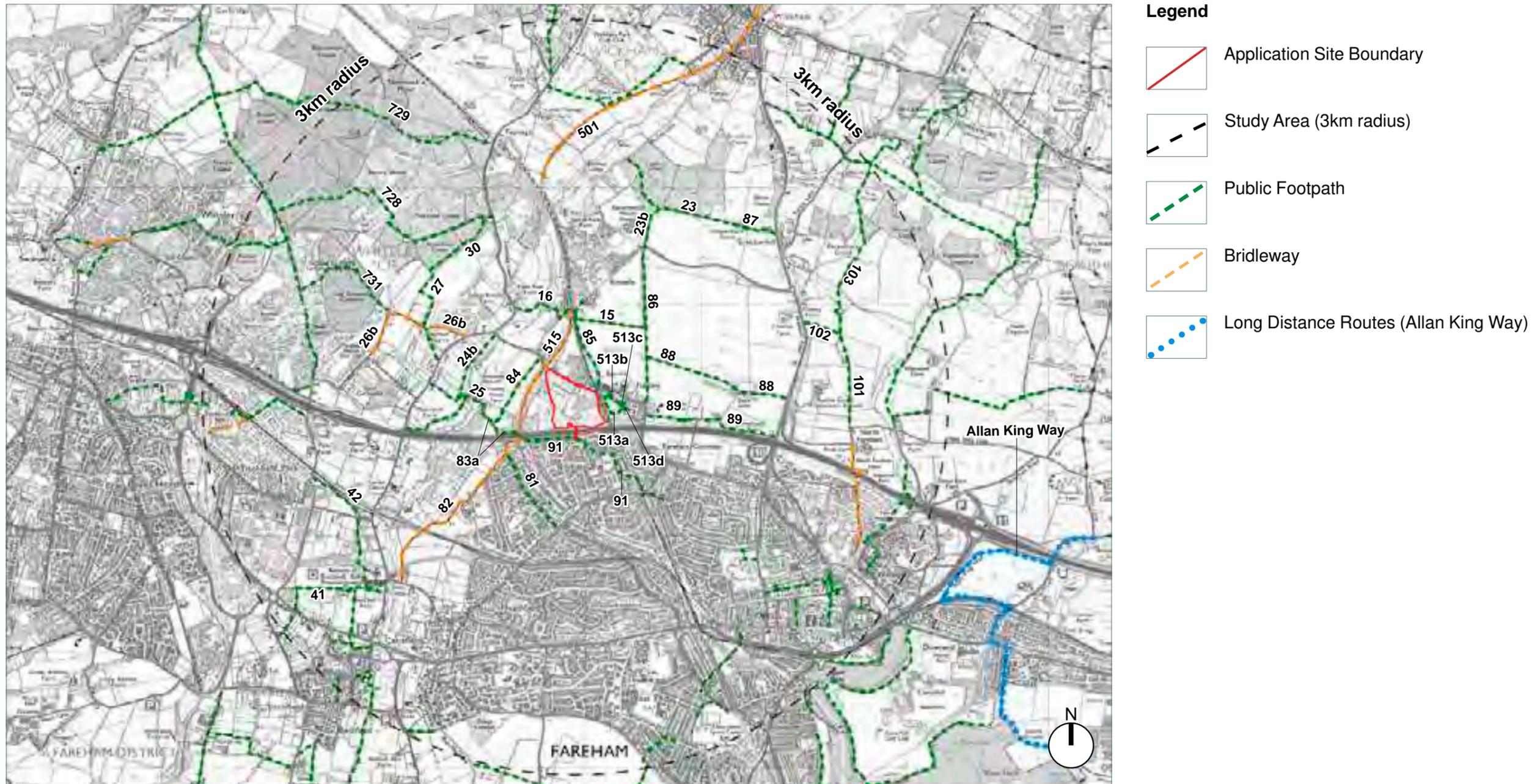


Figure 2.7 – Plan illustrating public rights of way and long distant routes within the study area (fabrik, 2018).

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

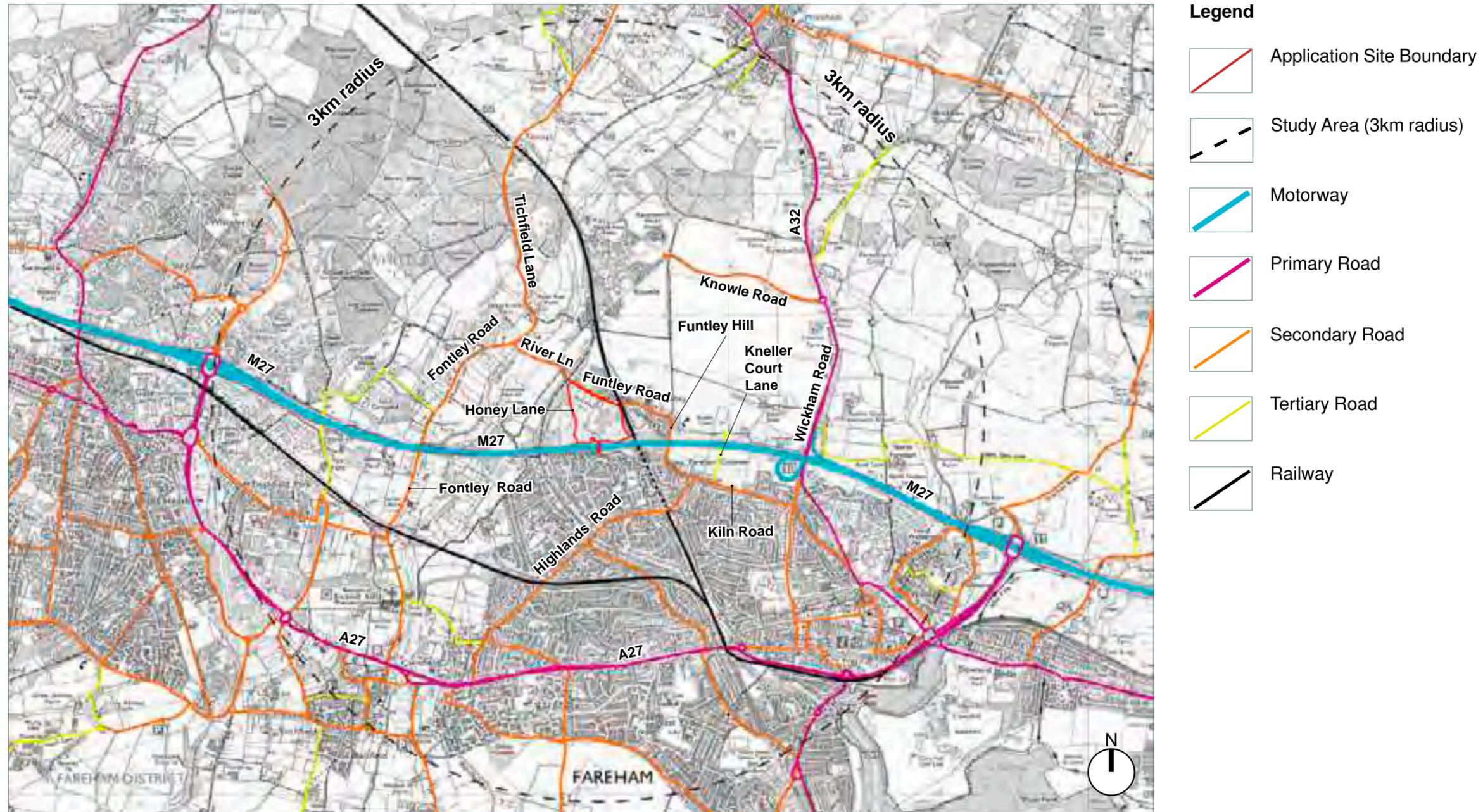


Figure 2.8 – Plan showing transportation links and road network within the study area (fabrik, 2018).

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*

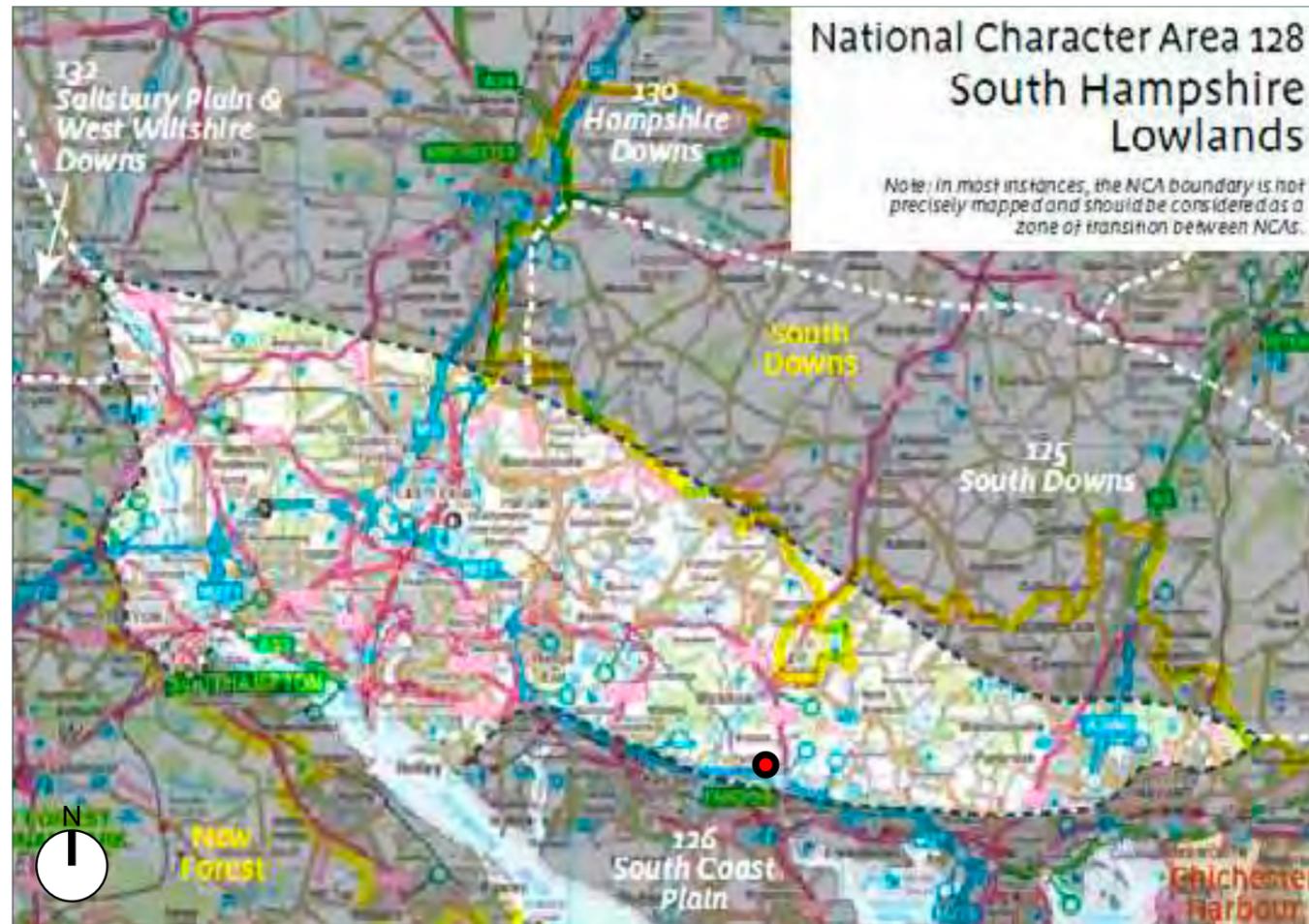
Havant. The more rural hinterland is characterised by small, loosely clustered or dispersed settlements, intermixed with isolated farmsteads.

- *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



Legend



Approximate Location of the Application Site

Figure 2.9 – Extract from National Landscape Character Area Map (Natural England, 2014)

2. Baseline Conditions

2.9 Landscape Character Context (continued)

County Landscape Character Assessment - 3E: Meon Valley

Within the Hampshire County Council Integrated Landscape Character Assessment (May 2012), the Application Site falls within LCA 3E: Meon Valley character area. Refer to **Figures 2.10 and 2.11**. The key characteristics pertinent to the study area as described as:

- *“A fairly narrow major river valley with a relatively narrow valley floor, which passes through downland, lowland mosaic and coastal plain landscapes.*
- *Southern valley sides are indented by dry valleys and scarp faces in the downland section.*
- *Increasing proportion of grazing and improved grassland land on the valley sides from the downland to the lowland landscapes.*
- *Woodland is common on the steeper slopes and is a particular feature where the Meon passes through the lowland mosaic and coastal plain landscapes.*
- *Major communication links follow close above the valley floor, eg A32, B3334 and the disused Meon Valley railway (now a recreational route).*
- *Extensive informal enclosure field patterns and significant water meadow (fairly simple layout) survive in the downs section while assarts and formal parliamentary enclosures dominate the lowland mosaic section.*
- *Strong pattern of nucleated settlements within the valley at strategic river crossing points with relatively little 20th century expansion.*

The physical character and land use related to the study area sets out that:

“... The Meon Valley can be divided into upper, middle and lower reaches associated with changing geology and landform of the downs, lowland clay and coastal plain respectively...”

The middle section (Soberton Heath to just north of Titchfield Abbey) is characterised by the presence of waterlogged soils associated with London clay. Sandier lighter soils do occur in association with the Wittering formation either side of the Meon around Wickham. The valley sides are generally a shallower gradient than in the downland setting and the valley width is narrower. Improved grassland and dairying predominate and there is a greater presence of semi and unimproved grassland on the valley bottom and woodland cover on the sides...”

The experience and perceptual character related to the study area is summarised as one where: *“The Meon Valley is full of contrasts and diversity. The downland section and lower reaches of the coastal section tend to be open landscapes whilst the opposite is true of the section in the lowland mosaic landscape. The course of the Meon valley is very distinct when viewed from the surrounding downland, appearing deceptively wooded in comparison to the surrounding chalk landscape. The river valley channel is rarely glimpsed amongst the heavily wooded landscapes in the lowland mosaic landscape.*

There are numerous opportunities for public access along and through the Meon Valley, including sections of several long distance routes such as the Wayfarer’s Walk, Monarch’s Way, South Downs Way and Solent Way. There is also a disused single rail track which linked Fareham, Wickham and Alton which today provides a popular, relatively flat multi user route.

The valley landscape has largely resisted expansion from adjoining urban areas and has remained relatively unchanged in recent times. As a result there is a strong sense of ruralness, seclusion, and

intimate landscape character and lack of development where the valley cuts through the south Hampshire clay lowlands. In the section where the A32 runs through the valley it is generally less tranquil than the surrounding downland landscape....”

The ‘Biodiversity Character’ is summarised as: *“... Beyond specific designations this landscape character area comprises improved grassland and arable land with patches of unimproved and semi-improved grassland (neutral or calcareous) and are often associated with the river, suggestive of water meadows. Woodlands form discrete patches within this landscape, ranging in size and type there are broadleaved woodlands, mixed plantations and parkland, some limited coniferous plantation and active coppice with standards. Ancient woodland is very limited in this landscape...”*

The Site is partly typical of the description for the county LCA, forming part of a valley that contains grazing land and woodland, with a nearby disused railway and public rights of way. The immediate Site context includes areas of relatively recent development and this and the Site is subject to some noise intrusion from the M27.

The value of this landscape receptor is assessed as ranging from **Low - High**.

2. Baseline Conditions

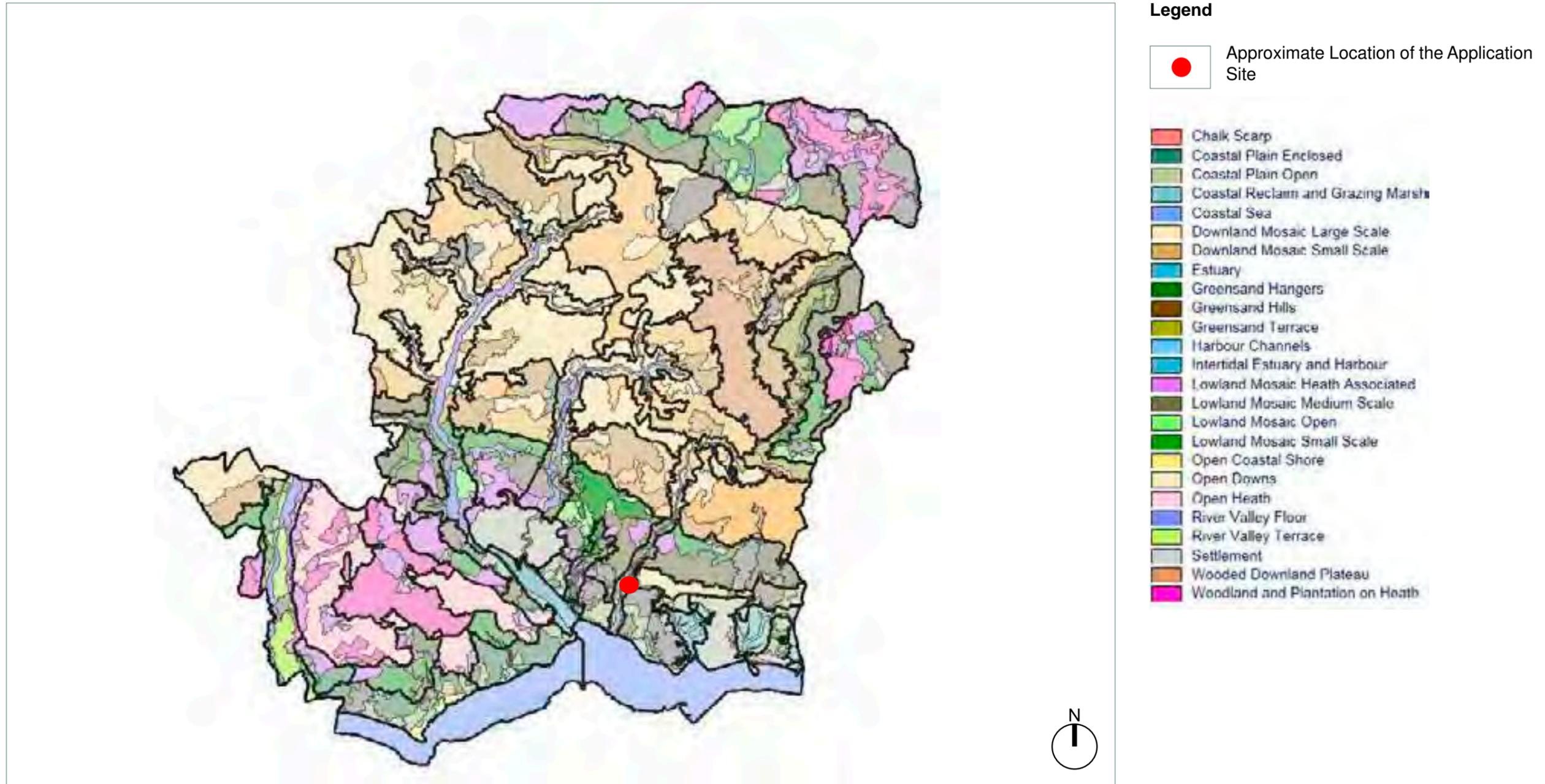


Figure 2.10 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape types

2. Baseline Conditions

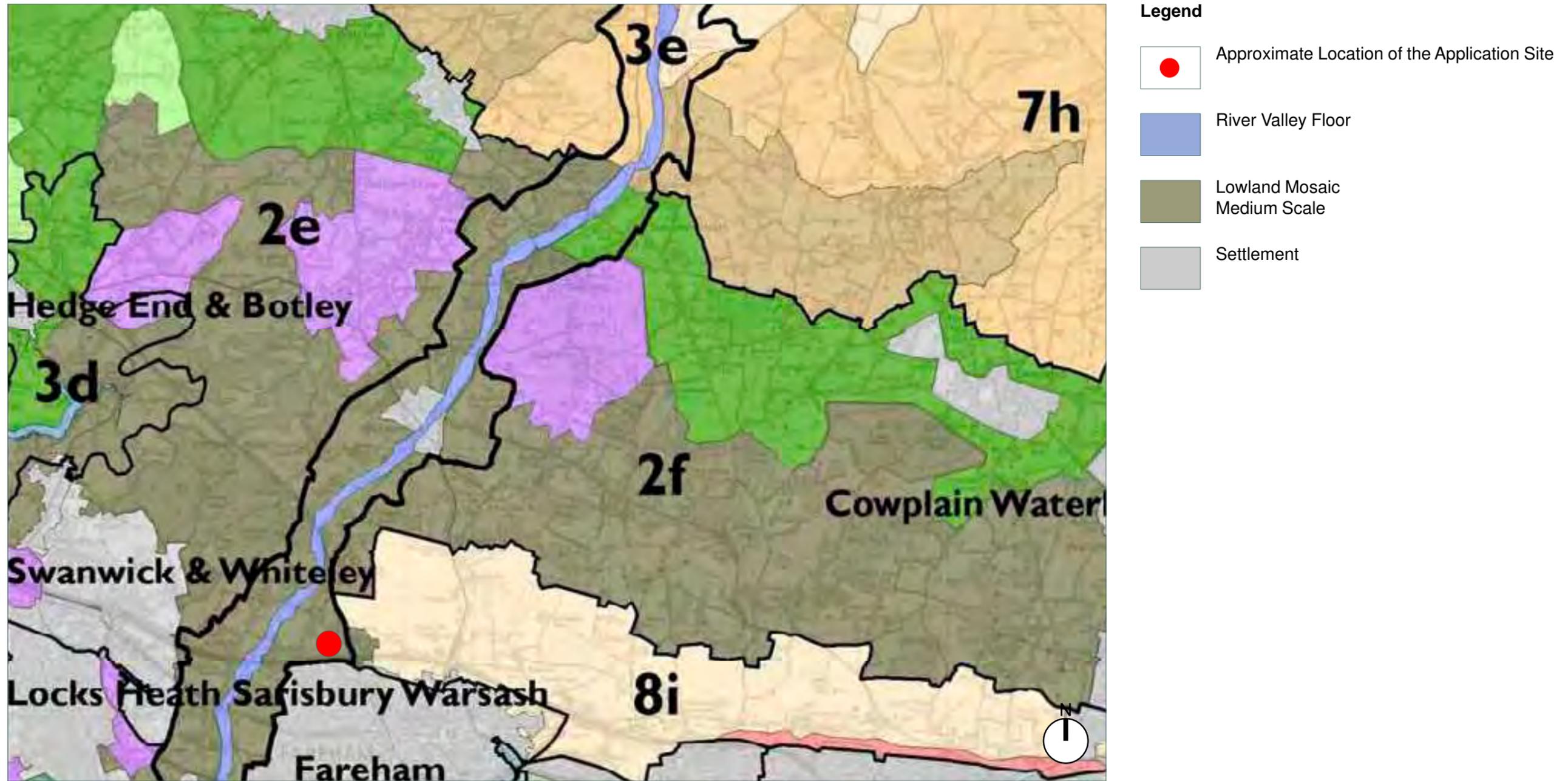


Figure 2.11 – Extract from Hampshire County Council Integrated Character Assessment Map (May 2012) showing the landscape character areas.

2. Baseline Conditions

2.9 Landscape Character Context (continued)

Local Level

Current Fareham Borough Landscape Assessment (May 1997)

This borough wide landscape character Assessment was carried out by Scott Wilson Resource Consultants for Fareham Borough Council in 1996 and covers both rural and urban areas.

Landscape Characters

Within Fareham Borough the assessment subdivides the landscape into 35 character areas (refer to **Figure 2.12**).

The Application Site is located entirely within the Landscape Character Area 6: Meon Valley. The character area is summarised as an area where:

“The Meon Valley character area embraces the whole length of the valley within the Borough, from Funtley in the north to the coast at Titchfield Haven. Although the immediate floor and valley sides are quite narrow in places, the character area embraces a wider swathe of landscape on either side of the valley that broadly defines the extent of open countryside within the corridor between the urban edges of Stubbington, Hill Head and Fareham to the east and Titchfield Village and Titchfield Park to the west.”

The following key characteristics are pertinent to the Application Site and its environs:

- *“ a relatively gentle but distinctive valley landform, running through the Borough from Funtley in the north to the coast at Hill Head; Frequent woodland blocks;*
- *distinct valley floor characterised by small-scale pasture and variable cover of trees (typically willow and alder) in the narrower, upper reaches and broadening into open floodplain pasture and*

complex of wetland communities to the south at Titchfield Haven, where the natural qualities of the valley and maritime influences are most strongly evident; Small copses add to wooded character;

- *restricted vehicular access to the valley floor resulting in a generally quiet and intimate character in the northern and southern sections of the valley, making it attractive for quiet recreation and for wildlife;*
- *a mosaic of open farmland (part of the wider coastal plain farmland), minor wooded valleys and smaller, enclosed pastures bordering the valley to the south of Titchfield, the latter helping to buffer the intrusion of adjacent urban development and fringe farmland to the east on the setting of Titchfield Haven;*
- *a more fragmented character and stronger influences of urban development and roads within the central section of the valley, resulting in some damage to the integrity of the valley form and a more suburban character;*
- *garden centre and horticultural activity around Titchfield Abbey which detract from the setting of the historic Abbey and associated buildings (a Conservation Area);*
- *dense mosaic of wooded farmland mainly to the north of the railway which provides an intimate, rural context for the river valley, but with localised intrusion of the M27 motorway bridge.”*

In terms of enhancement opportunities, the assessment at para 4.27 states that: “... the Meon Valley is comparatively unspoilt and of a high quality but it is affected by roads, commercial horticultural activities and urban intrusions, particularly the central section. The emphasis should be to protect the important landscape and ecological resources of the river corridor, mitigate the effects of intrusive activities and undertake measures to reinforce the river valley character and strengthen its overall integrity.”

The priorities for enhancement, relative to the Application Site include:

- *“to protect the important landscape, ecological and historical resources... the pastoral character and features of the valley floor, the complex of wooded farmland...”*
- *to protect the overall integrity of the valley system from further fragmentation;*
- *to resist changes that would have an adverse impact on the rural character of the valley;*
- *to reduce the impact of roads, urban edges and horticultural development, possibly through new planting.”*

2. Baseline Conditions

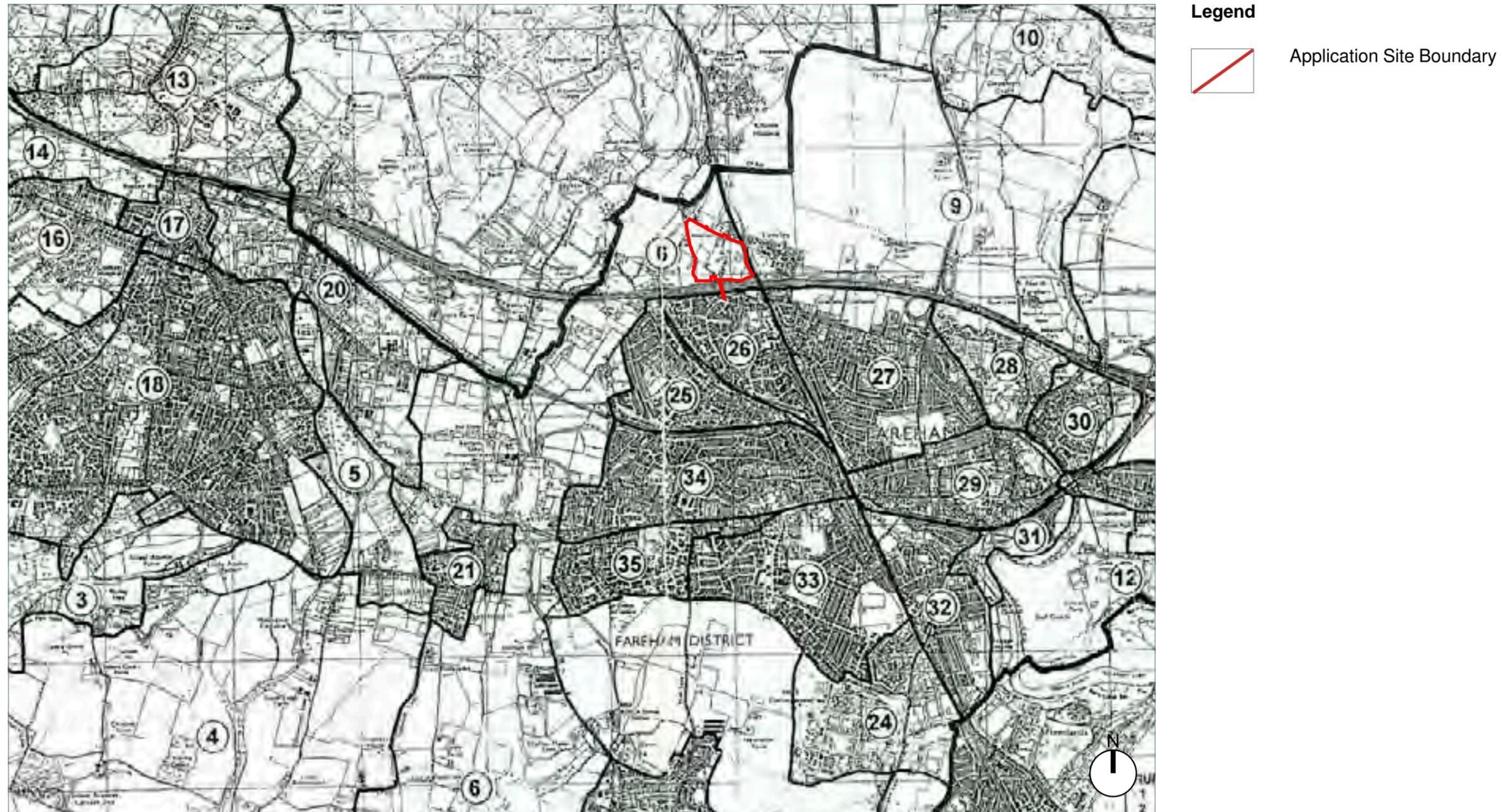


Figure 2.12 – Extract from Fareham Borough Landscape Character Assessment (May 1996) illustrating character areas.

2. Baseline Conditions

2.9 Landscape Character Context (continued)

Landscape Assessment (August 2017) Evidence Base to the Fareham Borough Council Local Plan 2036

As part of the evidence base to the emerging Local Plan, the Landscape Character Assessment has been updated. Part 1 includes the character assessment, with a landscape Sensitivity Assessment at Part 2.

In the updated assessment, the Application Site continues to be located in LCA 6: Meon Valley and within the Mixed Farmland and Woodland: Small Scale landscape type. The following extract is pertinent to the Application Site:

“The Meon Valley character area embraces the whole length of the valley within the Borough, from Funtley in the north to the coast at Titchfield Haven. Although the immediate floor and valley sides are quite narrow in places, the character area embraces a wider swathe of landscape on either side of the valley that broadly defines the extent of open countryside within the corridor between the urban edges of Stubbington, Hill Head and Fareham to the east and Titchfield Village and Titchfield Park to the west.

The Meon Valley is characterised by:

- *A relatively gentle but distinctive valley landform, running through the Borough from Funtley in the north to the coast at Hill Head;*
- *Distinct valley floor characterised by small-scale pasture and variable cover of trees (typically willow and alder) in the narrower, upper reaches and broadening into open floodplain pasture and complex of wetland communities to the south at Titchfield Haven...;*
- *A mosaic of open farmland (part of the wider coastal plain farmland), minor wooded valleys and smaller, enclosed pastures...;*

- *A more fragmented character and stronger influences of urban development and roads within the central section of the valley, resulting in some damage to the integrity of the valley form and a more suburban character;*
- *Dense mosaic of wooded farmland mainly to the north of the railway which provides an intimate, rural context for the river valley, but with localised intrusion of the M27 motorway bridge.”*

In Part 2 of the LCA, in the Sensitivity Assessment, the Application Site lies within Area 6.2 and sub section b, which is described as where: *“...built development also screens public views in from the edge of the Fareham urban boundary to the east.... The motorway cutting and railway corridors prevent views into the northern part of this area from the edge of Fareham and from the main village of Funtley. Wider views from the countryside areas to the north-west of this area are also screened by extensive vegetation cover and intervening landform, road and rail corridors etc...*

Within the area, there are no views from the motorway or rail corridors that cross the valley, and views from much of the road network within the area (including Southampton Road, Segensworth Road and Titchfield Road), are also substantially screened by roadside vegetation or buildings, with only very occasional glimpses. There are, however, some more open views through or over the roadside hedgerows into the river floodplain from Mill Lane, the lower part of Fishers Hill and from Bridge Street, which forms the southern boundary, and from Funtley Road and River Lane in the north.

The main views of the area are obtained from the extensive public rights of way network that runs through the valley landscape... Further routes run parallel to the railway embankment that divides areas 6.2a and 6.2b, and along the valley sides and disused railway line in the vicinity of Funtley to the north. These routes are generally well connected, and offer an appreciation of the various landscape, ecological and historic features within the valley and an opportunity to experience its unspoilt qualities and underlying sense of seclusion. Overall the quality and value of the available views and visual amenity is high, although affected in places by the influence of built

development or unsightly land uses....

The main people who could potentially be affected by changes in views would therefore be local residents, users of the PRow network within the valley... and users of the local road network within the area itself.”

In terms of Visual Sensitivity and Development Potential, the assessment identifies that: *“There are a few small pockets of land which are enclosed by strong hedgerows or vegetation an less visible, and/or lie within areas where views are already affected by built development or intrusive/ unsightly land uses (e.g. small pockets of undeveloped land within existing residential areas off the Funtley Road...) In all cases, any development would need to be small scale and sensitively integrated within the existing or new vegetation structure to avoid adverse visual impacts. Measures to improve the quality of views through the removal of intrusive or unsightly features... should be encouraged.”*

The assessment identifies the following relative to the Contribution to Green Infrastructure Network: *“This area makes a significant contribution to green infrastructure, particularly in respect of the riparian habitats and extensive areas of semi-natural woodland and tree cover within the river corridor (designated as SINC)s which are valuable ecological and landscape features. It also makes a significant contribution through the network of public rights of way that provide access for quiet recreation and appreciation of landscape, ecological and heritage assets... Crucially, this network provides both cross-valley links with the surrounding urban areas and links along the valley to the north and south. In addition to the PRow network, the area includes a few areas of publicly accessible open space, including a recreation ground to the north of the Southampton Road near Titchfield and playing fields, woodlands and the corridor of a disused railway line in the northern part of the area. The Meon Valley*

2.9 Landscape Character Context (continued)

Landscape Assessment (August 2017) Evidence Base to the

2. Baseline Conditions

Fareham Borough Council Local Plan 2036

is identified in the PUSH GI strategy as a 'sub-regional scale blue corridor' and project C6 of the strategy applies to the Upper Meon Valley and seeks "to conserve and enhance this area to ensure continued contribution to sense of place, climate change adaptation, providing open space close to urban areas for recreation and tourism".

The Fareham GI Strategy 2014 proposes a number of GI enhancement projects across the area, the majority of which form part of larger "borough wide" projects that will enhance the area's contribution to the wider GI network. These include:" (relevant to the local area and the Application Site)

"BW6 – General programme for the improvement/ repair of bridges within the rights of way network to ensure the continuation of high quality access to the countryside.

BW10 – Project to create a circular walking route encompassing the Meon Valley Trail, Shipwright's Way and South Down's Way, linking these existing routes together while enhancing their connectivity with the settlements of Fareham and Titchfield and the wider PRow network.

BW13 – Same as the PUSH Project C6 which applies to the whole of the Meon Valley LCA.

In terms of Sensitivity and Development Potential relative to GI the assessment states that: "Existing GI assets (e.g. the mosaic of riparian, grassland and woodland habitats as well as existing PRow and areas with public access) should be protected and, where possible, enhanced to maximise their ecological, landscape and amenity value, and development that would adversely affect them should be avoided. The emphasis in this area is more on making further improvements to the existing access and habitat links along the valley to the north and south, and the GI infrastructure within the urban areas to the east and west."

The conclusions of the study for the 6.2 area are set out under a sub-section, Development Criteria and Enhancement Opportunities. Those aspects pertinent to the Application Site state that: "This is an

area of high overall sensitivity, particularly in respect of the character and quality of the landscape resource, the abundance of valued landscape, ecological and heritage features across a large proportion of the area, its role in preventing the coalescence of settlements and maintaining their distinctive separate identities and landscape settings, and its significant contribution to green infrastructure, particularly in respect of ecological and landscape assets and the extensive network of public rights of way and access routes within the area.

This wide range of sensitivities mean that development potential is highly constrained across the entire valley landscape and any significant development is likely to have unacceptable impacts upon one or more of the area's important attributes. The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas, e.g. off the Funtley Road..., as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.

In order to protect and enhance the character and quality of landscape resources, views and visual amenity, urban character and green infrastructure, development proposals would need to:

- Protect and enhance features of recognised landscape, ecological, heritage or amenity value within the area as a whole, and the extensive network of public rights of way and other access routes within the valley...
- Protect and enhance the existing cover of woodland, trees, hedgerows and other mature vegetation along field boundaries, watercourses and roadsides, to maximise its screening, landscape and wildlife potential;
- Maintain the essentially secluded, rural and unspoilt countryside character of the valley landscape, and the local lanes and access routes within the area, avoiding intrusive or inappropriate urban styles of lighting, signage, paving etc. and other intrusive features;
- Be of a small-scale and located only in places where it can be carefully integrated within well-treed, strongly enclosed plots

of land in association with existing development, fits within the existing field pattern and is of a similar character and scale to similar built development within the locality;

- Maintain and enhance the function and quality of the existing GI network (in accordance with the PUSH and Fareham GI strategies) and take advantage of opportunities to strengthen and extend access and habitat links within the area, in particular with other parts of the Meon Valley and the urban areas on either side of the valley;
- Provide enhancement of the valley landscape... through removal or mitigation of intrusive or unsightly features, and restoration of field boundaries and other landscape features within 'denuded' or degraded landscapes (e.g. areas used for horse grazing or horticulture with a weak hedgerow structure and 'fringe' characteristics)."

The Site is largely typical of the description for the borough LCA, forming part of a valley with pasture, open farmland, urban development and areas of woodland. The M27 motorway results in some intrusion, and this, and the woodland and landform limit views. As described by the LCA, the Site forms a pocket of land that is enclosed by vegetation and is already somewhat affected by existing residential areas off Funtley Road. Vegetation within the Site is also important to the green infrastructure network of the character area. Significant development is inappropriate but small pockets of development such as off Funtley Road may be accommodated if of a similar scale or character to other dwellings.

The value of the landscape character area are assessed as being Low - **Medium**.

2. Baseline Conditions

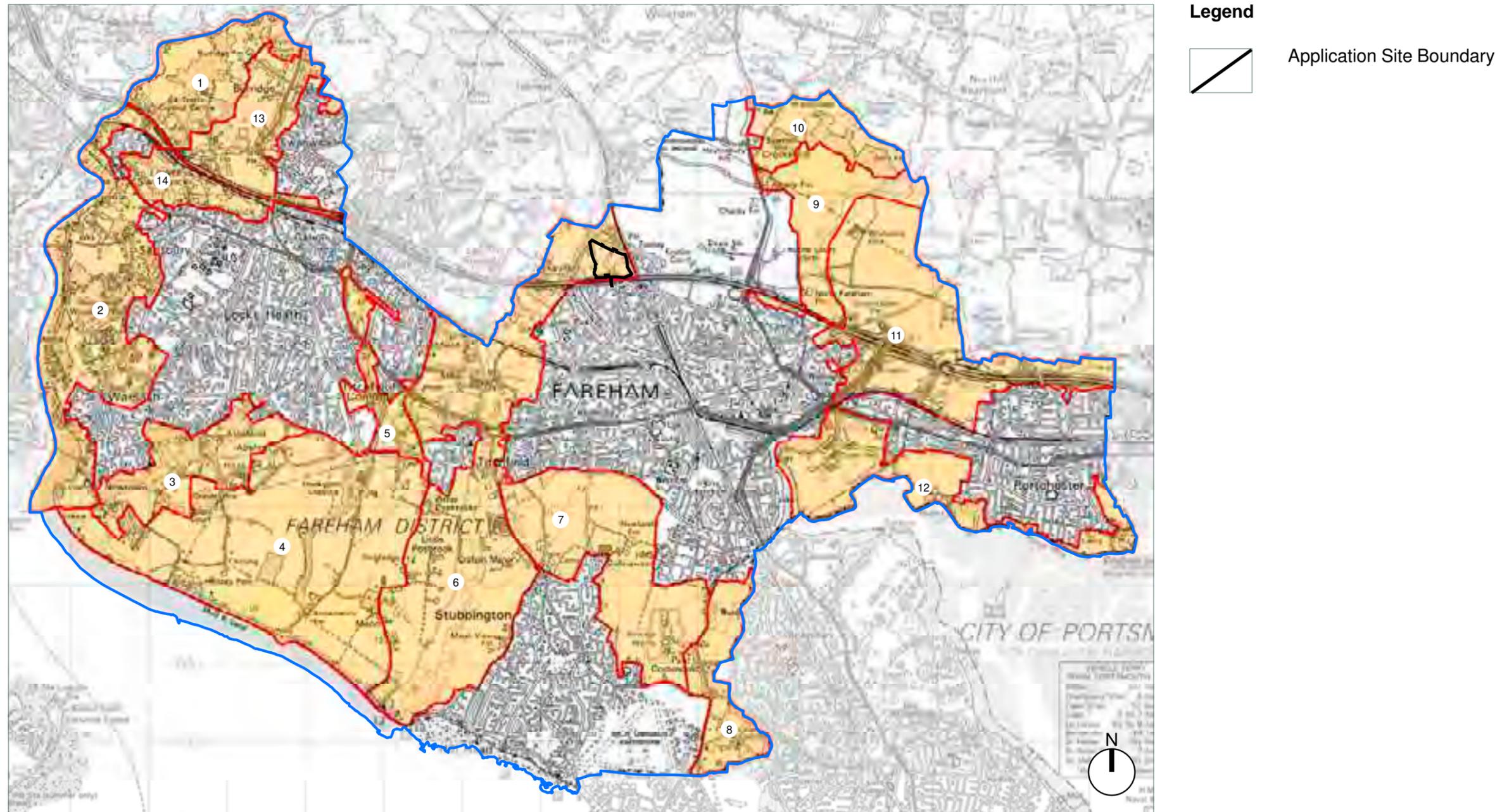


Figure 2.13 – Extract from Fareham Borough Landscape Character Assessment (2017) illustrating character areas.

2. Baseline Conditions

Table 2.1 Summary of Contextual Landscape Receptors and Value	
Landscape Receptors	Value
Heritage Assets	Medium
Topography	Low - Medium
Land Use	Low - Medium
Transport Links	Low - Medium
Public Rights of Way	Medium - High
Landscape Character	
National	Low - High
County	Low - High
Local	Low - Medium

2. Baseline Conditions

2.10 Existing Landscape Conditions at Site Level

Figure 2.14 illustrates the existing landscape elements within the Application Site.

Landscape Designations

The Application Site lies wholly in an Area Outside of the Defined Urban Settlement. The north-western section of the Application Site is designated as Existing Open Space. However, the emerging local plan proposes deletion of this existing open space and the incorporation of the site within the Funtley settlement boundary.

Great Beamond Coppice in the eastern part of the Application Site is an Ancient Re-planted Woodland, which together with the tree blocks within central northern and south-western sections of the Application Site are also designated as a SINC and are covered by a TPO.

Heritage Assets

There are no heritage designations on or adjacent to the Application Site, nor does it sit within or adjoin a Conversation Area.

Within the context to the Site is the Grade II Listed buildings of the Church of St Francis (to the east on Funtley Road). A Scheduled Ancient Monument, the site of Funtley Iron Works together with a group of Grade II Listed buildings including Ironmaster's House and Funtley House are situated approximately 500m to the south west of Application Site, along the Ironmill Lane.

As such, at the site level, the value of this receptor is **Low**.

Topography

The Application Site lies on a north east facing slope with the localised steep ridgeline forming the southern boundary. The landform reaches approximately 52.98m AOD in the south west corner and falls towards a low point of approximately 18.77m AOD to the north-western corner of the Site.

The landform around the existing stables and built form within the north-eastern and southern part of the Application Site have been modified and where there is a level change of approximately 2m.

The value of this landscape receptor is assessed as **Medium** overall.

Land Use and Vegetation

The Application Site lies on the south-western fringe of the village of Funtley and is bound by Funtley Road to the north, Honey Lane to the west (and the elevated disused railway beyond) and the M27 to the south. There is currently no public access into the Site from the M27 and the footbridge. The Application Site is currently accessed from Funtley Road (opposite Stag Way).

The land use within the Application Site is predominantly pasture land (at the time of the assessment used as horse paddocks) bound by in the main by fencing comprising of timber post and rail, with additional wire in places. Woodland or hedgerows form some external and all external boundaries. There are also fences at the outer boundaries, within the vegetation. Access to the paddock is provided via a series of informal, mainly grassed private routes with the Site. Some hard surfacing occurs along the main access drive and parts of two tracks running west of this.

Small areas within the Application Site have been historically used as brick pit and brick yard. These have been restored back to agricultural use with imported clean soil and proposed planting following by the approval of the reinstatement scheme in April 2003 (Application Reference: P/03/0253/MW).

Great Beamond Coppice, alongside the other informal tree groups and treebelts form significant landscape features of the Application Site.

The value of this landscape receptor is assessed as **Medium** overall.

Landscape Character

The landscape character of the Application Site is described as consisting predominantly of a series of pasture fields with agricultural built form and associated hardstanding. The mature boundary vegetation and Great Beamond Coppice frames the fields and together with the landform, provides significant visual enclosure to the Application Site from the wider landscape.

The immediate setting to the Application Site comprises the predominantly two storey dwellings of Funtley to the north; the M27 motorway and the urban fringe of Fareham to the south; a combination of fields and dwellings to the west which is contained from the wider landscape by the mature tree belt associated with the elevated disused railway line; and to the east by the railway line in cutting and associated vegetation.

The northern section of the Application Site is therefore already influenced by the existing residential edges and is of a typical semi-enclosed character, consistent with the western edge of Funtley.

As set out under the published landscape character assessment section above, the Site is largely typical of the defined borough character area within which it lies.

The value of this landscape receptor is assessed as **Medium**.

Public Rights of Way

There are no public rights of ways located within or along the Site. However, the bridleway 515 (former railway line) is located in close proximity (approximately 38m) to the north-western part of the Site.

The value of this landscape receptor is therefore assessed as **Low**.

2. Baseline Conditions



Figure 2.14 – Plan showing the existing landscape conditions within the Site (fabrik, 2018)

2. Baseline Conditions

Table 2.2 Summary of Landscape Receptors and Value within Site

Landscape Receptors	Value
Landscape Character	Medium
Heritage Assets	Low
Topography	Medium
Land Use and Vegetation	Medium
Landscape Character	Medium
Public Rights of Way	Low

2. Baseline Conditions

2.11 Internal Visual Survey

A visual inspection of the Application Site was conducted on 7th June 2017. A winter visual appraisal was carried out on 5th January 2018.

Figure 2.15 on the following page illustrates the location of the internal photographic viewpoints to the Site. Photos 1- 15 which follow, illustrate the existing Application Site conditions. Photos 14A and 15A are taken from slightly different positions to the summer photos. Photo 13A is taken from inside the Site, adjacent to the boundary, representing a winter view that is similar to summer external viewpoint 4.

While the summer and winter views show slight differences in the position of the viewpoint and focal lengths of camera lens used, there are otherwise, no material differences in the view.

2. Baseline Conditions



Figure 2.15 – Plan illustrating locations of internal photographs within the Site (fabrik, 2018)

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site

Summer Views



Photograph – Viewpoint S1

View looking south from Funtley Road towards the northern portion of the Application Site. The existing tarmacadam access road is visible centrally within this view. The access road is lined by mature trees and established vegetation, which largely obscures views into the internal ground plane of the Site.



Photograph – Viewpoint S3

View looking north towards the northern Site boundary from the north-eastern part of the Application Site. The existing pasture grassland dominates this view with topography sloping towards the northern boundary. The mature tree belt lines along the north-eastern boundary obscure views out of the Application Site from this location.



Photograph – Viewpoint S2

View looking south west across the eastern portion of the Application Site from north-eastern corner. The existing pasture land dominates the foreground with topography rising towards the south. The existing built form is apparent in the middle distance with the Ancient Re-planted Woodland of Great Beamond Coppice evident in the distance. Views out to the east, west and south are obscured by the intervening mature boundary vegetation and landform.



Photograph – Viewpoint S4

View looking west towards the western boundary of the Application Site. The existing hardstanding forms the foreground of this view, interspersed with existing stable units in the middle distance. The existing mature trees and vegetation are apparent behind the existing stable blocks and obscure views out to the west from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site

Winter Views



Photograph – Viewpoint S1 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S2 Winter View
There is little change to the visibility across the Site in winter.



Photograph – Viewpoint S3 Winter View
There is slightly increased visibility towards vehicles on Funtley Road and of dwellings to the north of the Site, in winter.



Photograph – Viewpoint S4 Winter View
There is little change to the visibility across the Site in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

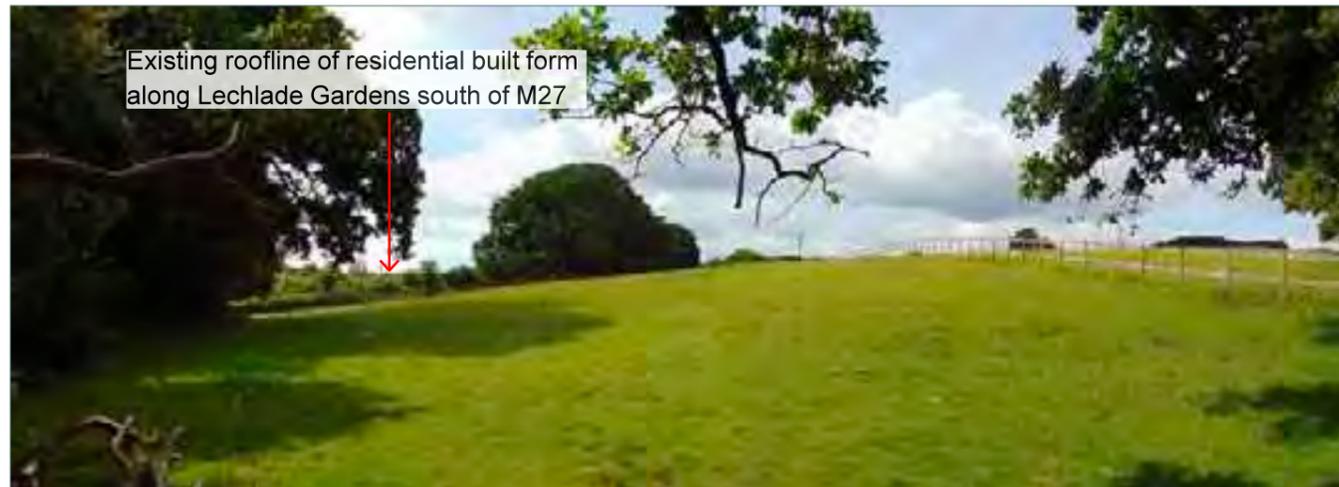
Summer Views



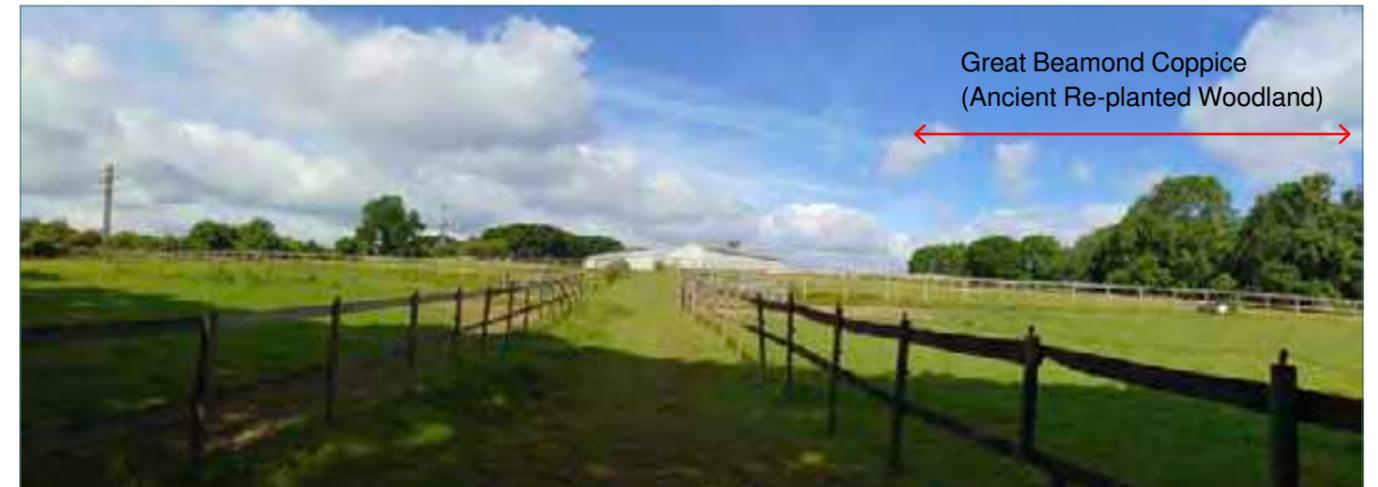
Photograph – Viewpoint S5
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground, set on rising ground. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S6
View looking south west across paddocks within northern central section of the Application Site. The existing pasture grassland dominates the foreground with topography rising to meet the southern and south-western Site boundaries in the distance. Due to a section of lower hedging along the south-western Application Site boundary, the existing built form along southern section of Honey Lane is apparent in the distance.



Photograph – Viewpoint S7
View looking south west across paddocks within the south-eastern section of the Application Site. The existing pasture grassland dominates the foreground with topography rising towards the ridgeline in the middle distance. The existing vegetation is apparent in the distance, however, glimpsed views of the roofline of the existing residential built form along Lechlade Gardens (south of the M27) are apparent from this location.



Photograph – Viewpoint S8
View looking west across paddocks within the south-eastern part of the Application Site. The existing grass path and pasture grassland dominates this view with topography gently rising to meet the existing barns in the distance. The existing mature vegetation along the southern part of the Application Site and Great Beamond Coppice is evident in the distance and along with topography, obscures views out to the west and south from this location.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S5 - Winter View
 Visibility across the Site remains largely the same in winter.



Photograph – Viewpoint S6 - Winter View
 Visibility across the Site remains largely the same in winter, albeit there is slightly increased visibility of the property along Honey Lane. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.



Photograph – Viewpoint S7 - Winter View
 Visibility across the Site remains largely the same in winter. There is however, slightly increased visibility of existing dwellings south of the M27, without leaf cover to vegetation.



Photograph – Viewpoint S8 - Winter View
 Visibility across the Site remains largely the same in winter. The landform prevents significant views beyond the Site boundary despite reduced leaf cover.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S9

View looking east across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates the foreground with the landform falling towards the mature tree line in the middle distance. The existing mature vegetation along the south east section of the Application Site is apparent in the distance and obscures the majority of views out to the east and south. However, glimpsed views of rooflines of the existing residential built form within Funtley beyond the site, are apparent in the distance.



Photograph – Viewpoint S10

View looking north east within the central part of the Application Site. The existing understorey vegetation dominates the foreground with mature trees along the internal field boundaries. The existing topography slopes towards the north with views of Great Beamond Coppice apparent in the middle distance. Due to the existing landform, the roofline of existing residential built form along Funtley Road and Roebuck Avenue are apparent in the distance. Glimpsed views of an existing 3 storey built form within neighbouring village of Knowle are also evident in the far distance, through gaps within the existing boundary vegetation and landform.



Photograph – Viewpoint S11

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with topography rising to meet the field boundary. Existing vegetation along the western boundary and trees to the east are apparent and with landform, limits views out to the west and east. However, glimpsed views of a wider elevated landscape are evident in the distance to the north.



Photograph – Viewpoint S12

View looking north across paddocks within the south-western section of the Application Site. The existing pasture grassland dominates this view with the existing topography falling steeply towards the north. An existing tree line to the east is evident in the distance and obscures views out to the east from this location. However, views of wider landscape to the north are evident with existing built form along Funtley Road visible due to existing landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Winter Views



Photograph – Viewpoint S9 - Winter View
There is slightly increased visibility beyond the Site, including of dwellings within Funtley, in winter.



Photograph – Viewpoint S10 - Winter View
The photo is taken standing slightly closer to the fenceline than in summer. The lack of leaf cover allows increased visibility across the Site and to existing dwellings within Funtley and within Knowle village.



Photograph – Viewpoint S11 - Winter View
The viewing position is from a slightly higher point, allowing views across the Application Site as it slopes down to the north, and of existing properties just north of the Site, the disused railway line to the west, and wider elevated landscape beyond the built form at Funtley. Parts of built form at Knowle village and pylons form part of the scene to the north.



Photograph – Viewpoint S12 - Winter View
There is slightly increased visibility within the Site in winter, with glimpses of the barns in the south-eastern part area. The glimpses of Funtley and Knowle village (to left, beyond edge of photo) remain in winter.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer Views



Photograph – Viewpoint S13

View looking north east across paddocks within the western part of the Application Site. The existing pasture grassland dominates this view with topography falling steeply towards the northern boundary. Partial views of hardstanding within the northern part of the Application Site are evident in the distance to the north east. Due to the existing topography, views of wider landscape beyond the Application Site are evident with existing built form along Funtley Road and Roebuck Avenue apparent from this location.



Photograph – Viewpoint S14

View looking east across paddocks within the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards to east and south west. The existing vegetation along northern boundary of the Application Site is visible with views of Great Beamond Coppice evident in the distance. Views out to east and south are obscured by the dense vegetation within Application Site. However, views of roof and upper storey of existing two storey built form along western part of Funtley Road are apparent through gaps within vegetation and landform.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

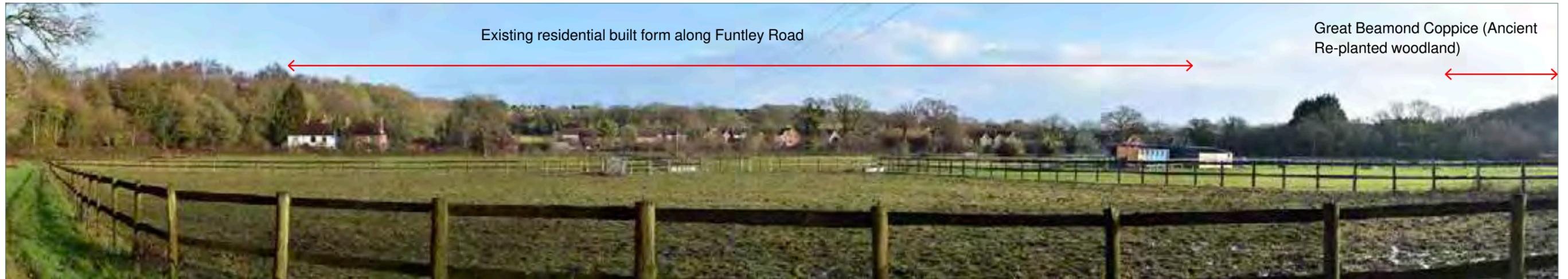
Winter Views



Photograph – Viewpoint S13 Winter View
In winter, the reduced leaf cover reveals more of the existing built form to the north of the Site.



Photograph – Viewpoint S14A Winter View
The viewpoint is taken from the access path south of the paddock from which summer view 14 was taken. In winter, there is slightly increased visibility of existing built form at Funtley to the north of the Site.



Photograph – Viewpoint S13A additional Winter View
View looking north to north-east from the south-western edge of the Site, by the boundary hedge which separates the Site from the existing property at the southern end of Honey Lane. This photo also provides a winter equivalent of external viewpoint 4. Existing built form at Funtley and further north of the village is visible beyond the Site. Existing outbuildings and part of Great Beamond Coppice are visible to the right in the photo.

2. Baseline Conditions

2.11 Photographic Study - views within the Application Site (Continued)

Summer and Winter Views



Photograph – Viewpoint S15

View looking south east across paddocks from the north-western part of the Application Site. The existing pasture dominates this view with existing undulating topography rising towards the south. The existing vegetation along the western Application Site boundary is visible with views of Great Beamond Coppice evident in the distance. The dense vegetation within the Application Site obscures views out to the west and south.



Photograph – Viewpoint S15A Winter View

The viewpoint is taken from the access path north of the paddock from which summer view 15 was taken. The landform and dense vegetation within the Site and at its boundaries mean that visibility beyond the Site remains similar in winter. There is a very limited glimpse of the roof of the building at the south end of Honey Lane (adjacent to the Site) and of the roof of a vehicle parked within its curtilage.

3. Visual Baseline Conditions and Sensitivities

3.1 Introduction

The extent to which the internal ground plane and vegetation associated with the Application Site are visible from the surrounding landscape is based on grading degrees of visibility. It is determined from a visual inspection of the land within the Site and its context from roads, public rights of way and properties.

Seasonal change in existing evergreen and deciduous plant material will affect the available views. Typically views will be different through the seasons with a greater sense of enclosure in the summer months when deciduous trees are in leaf.

The plans that follow show the actual visual summary of the Application Site from the immediate environs. The photographs 1-19 then describe each of these views.

No winter views were taken for photo viewpoints 15-19 due to the significant level of visual screening by vegetation and in places, by landform.

3.2 Visual Appraisal

The plans on the following pages (Figures 3.1 and 3.2) illustrate the visual summary of the land within the Application Site from the surrounding landscape.

Views of the internal ground plane and vegetation of the Application Site are limited to the immediate local landscape due to the undulating topography and intervening layers of vegetation and built form.

Residential Receptors

Views from residential receptors are limited to those located in close proximity to the Site along the Funtley Road, Roebuck Avenue, Stag Way and Honey Lane. Refer to photographs 4 - 8.

There is slightly increased visibility of the Site in winter, in particular for properties along the south sides of Funtley Road which have windows facing in the direction of the Site.

The value of the residential receptors is judged to be **medium**.

Historic Receptors

There are no views from the Listed Buildings and Scheduled Ancient Monument located in the study area - along the Ironmill Lane and Skylark Meadows within Skylark Golf and Country Club. Refer to photographs 11 and 19. There is no significant change in the visibility in winter, and these receptors are not considered as part of the visual impact appraisal.

Transport Corridors

There are open and partial views of the internal ground plane and landscape features of the Application Site from Funtley Road, Roebuck Avenue and southern section of Honey Lane. Views are only from those parts of these roads in close proximity to the Site. Views from the wider road network are truncated. Refer to photographs 4 - 8.

There are slightly increased views into the Site in winter from Funtley Road and Roebuck Avenue, without leaf cover. Views from Honey Lane remain largely obscured except for two sections to the north and south where there is a gap in the vegetation (north) and a low hedge (south) at the boundary with the Site.

The value of the transport corridors is judged to be **low**.

Public Rights of Way

The majority of receptors from the public rights of ways within the local, middle distance and wider landscape are truncated due to intervening topography, vegetation and built form. Refer to photographs 1, 2, 11 - 19.

In winter, from viewpoint 2 (path around the lake by Lakeside) within Funtley, there are increased glimpses through the vegetation along the railway embankments. As the ground plane of the Site is not discernible, it is not possible to distinguish any vegetation within the Site from the general dense vegetation visible around the railway line from this location.

Reduced leaf cover to vegetation along the disused railway line to the west of the Site (Bridleway 515) allows glimpses through to the ground plane of the Site, but only from positions in close proximity to the crossing over Funtley Road (photographs 12A and 14A). In these views, existing built form at Funtley is also visible.

The highest part of the Site to the south, around the existing telecommunications mast is visible as a part of panoramic views looking back to Funtley village from two Public Rights of Way to the east - see photographs 9 and 10 (from Footpaths 88 and 89 respectively).

From viewpoint 9 in winter, the ground plane of a small part of the south-eastern part of the Site, the telecomms mast and nearby existing barns are visible, together with Great Beamond Coppice and other boundary vegetation within the south eastern area of the Site.

From viewpoint 10 in winter, the upper part of the mast, barns and small part of the Copse are visible above existing dwellings and vegetation at the edge of Funtley. The ground plane of the Site is obscured, even in winter.

No extensive views across the ground plane of the Site are available from these locations.

The existing southern boundary vegetation is visible from the M27 footbridge to the immediate south (photograph 3) however, this vegetation in turn obscures internal views of the land within the Application Site.

The value of the users of the public rights of way is judged to be **medium**.

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3. Visual Baseline Conditions and Sensitivities

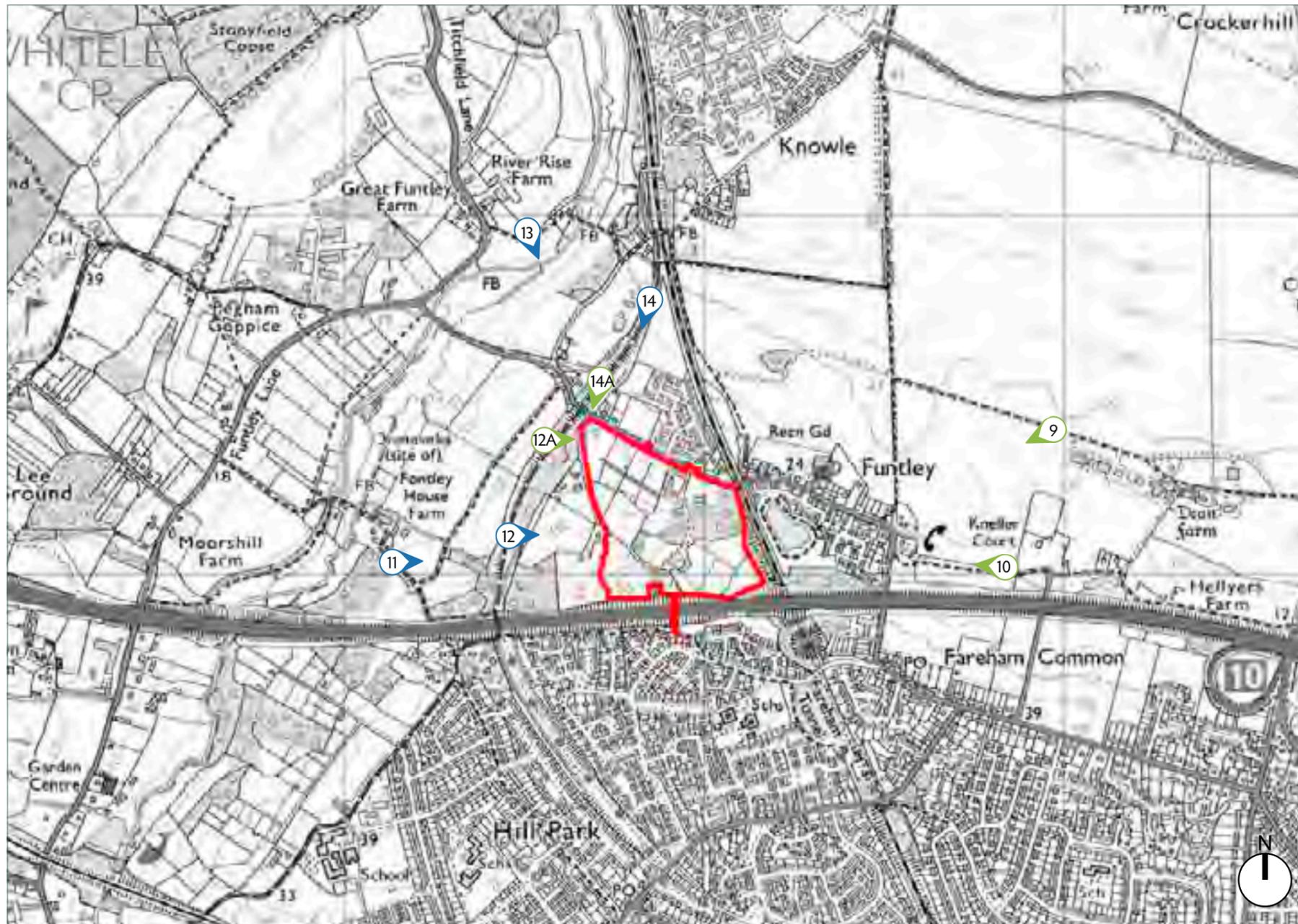


Figure 3.1 – Location Plan showing Visual Summary from the local area (fabrik, 2018)

Legend

-  Application Site Boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the Site or open view of part of the Site).
-  Location of Photographic viewpoint – Partial View (A view of the Site which forms a small part of the wider panorama, or where views are filtered between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the Site are obscured by the intervening built form and / or vegetation, or is difficult to perceive).

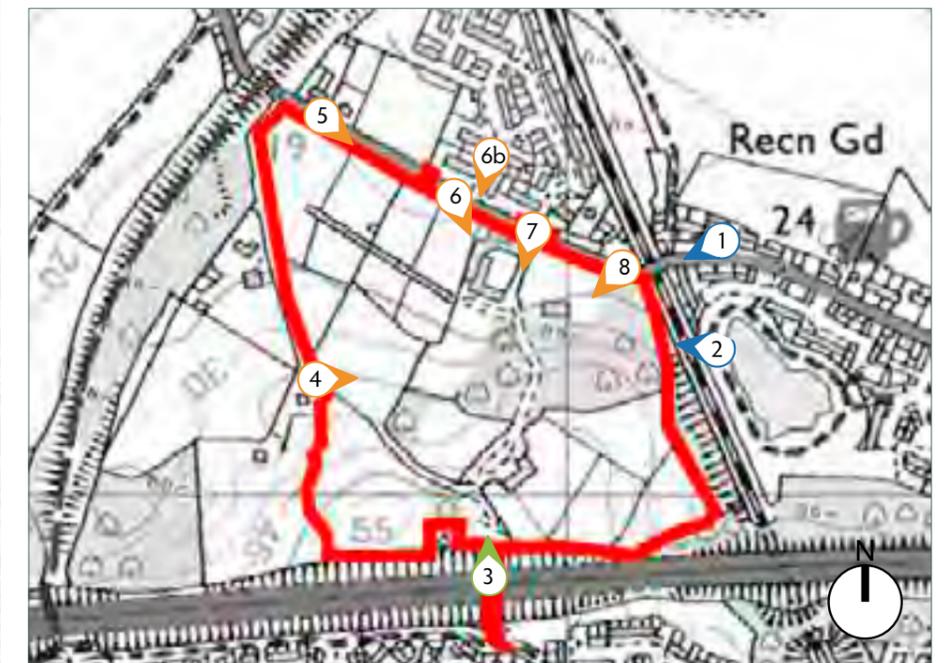


Figure 3.2 – Location Plan showing Visual Summary in close proximity to the Site (fabrik, 2017)

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 1

View looking south west towards the Application Site from the eastern section of Funtley Lane (Footpath 85). The existing residential built form along Funtley Lane dominates this view with mature hedgerow forming a vegetated edge along this part of the lane. Glimpsed views of the top section of Great Beamond Coppice along the north-eastern edge of the Application Site is apparent. Views of the internal ground plane within the Application Site are truncated.



Photograph – Viewpoint 2

View looking west towards the Application Site from an informal footpath at the edge of the lake to the south west of Lakeside (south of Funtley Road). Mature trees and vegetation dominate this view and forms a green corridor along the path. The intervening vegetation, which includes that alongside the live railway (right, truncates any views of the internal ground plane within the Application Site from this location).



Photograph – Viewpoint 3

View looking north towards the Application Site from the footbridge to the south of the Application Site over the M27. The footbridge and the mature tree belt planted along the motorway edge dominates this view. Partial views of the existing mature trees and vegetation along the southern Application Site are evident behind the existing vegetation that lines the motorway. Views into other areas across the Application Site are truncated by the intervening vegetation and topography from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 1 Winter View

The photo is taken from a position standing slightly further west along Funtley Lane (due to the presence of a large vehicle on the road). However, in winter, there is no significant change in the visibility of the Site in winter from any section of this lane.



Photograph – Viewpoint 2 Winter View

There is no significant change in the visibility of the Site in winter.



Photograph – Viewpoint 3 Winter View

There is no significant change in the visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 4
View looking east towards the Application Site from the existing hardstanding area associated with the private dwelling ‘Bramleigh’ located on Honey Lane. The existing boundary vegetation and pasture grassland within the Application Site dominates the view. Open view of the internal plane, boundary vegetation and the Great Beamond Coppice are apparent from this location.



Photograph – Viewpoint 5
View looking south east towards the Application Site from Funtley Road (by properties just east of the disused railway bridge). Views of existing residential built form along Funtley Road dominate the foreground with mature trees and vegetation along the northern Application Site boundary apparent. Views of the internal ground plane within the Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6
View looking south east towards the Application Site from the junction of Roebuck Avenue and Funtley Road. Views of existing residential built form around the entrance of Roebuck Avenue and mature trees and vegetation along the northern Site are apparent. Views of the internal ground plane within the Application Site are truncated due to intervening boundary vegetation.



Photograph – Viewpoint 6b
View looking south east towards the Application Site from Roebuck Avenue. The residential built form with its associated private garden along Roebuck Avenue dominates this view with the topography within the Application Site rising towards the local ridgeline. Open views of the central part within the Application Site occur, funnelled along the road with mature vegetation evident in the distance. Views into other areas within the Application Site are truncated by intervening vegetation, topography and built form from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views

Note: For the winter photo relating to Viewpoint 4 (taken from curtilage to Bramleigh), refer to internal winter viewpoint 13A (above) which is taken from the Site-side of the hedge at the boundary with the property Bramleigh.



Photograph – Viewpoint 5 Winter View
 In winter, the ground plane of the Site becomes apparent without leaf cover to the northern boundary vegetation.



Photograph – Viewpoint 6 Winter View
 There is little change in the visibility of the Site in winter.



Photograph – Viewpoint 6b Winter View
 There is slightly increased visibility of the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



Photograph – Viewpoint 7
View looking south west towards the Application Site from the junction of Stag Way and Funtley Road. Views of mature trees and boundary vegetation along the northern Site boundary dominate this view and form a green corridor along Funtley Road. Views of the existing access road and entrance gate within the Application Site are apparent. Views of the ground plane within the Application Site are, however, truncated by the intervening vegetation.



Photograph – Viewpoint 8
View looking south west towards the Application Site from Funtley Road. Views of mature boundary vegetation and tree planting along the northern boundary of the Application Site dominate this view and form a green corridor along Funtley Road. Views of the internal ground plane of the Application Site are in turn truncated due to intervening boundary vegetation.



Photograph – Viewpoint 9
View looking south west towards the Application Site from Footpath 88. Open views of arable land dominate the foreground. The existing settlement of Funtley is evident in the distance with the topography rising sharply towards the ridgeline to the south west. Partial views of the mature vegetation along the southern boundary of the Application Site are evident. Glimpsed views of small sections of existing pasture grassland and the roof section of the existing built form within the southern section of the Application Site are also apparent in the far distance. Views of other parts within the Application Site are truncated due to intervening vegetation and landform.



Photograph – Viewpoint 10
View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 7 Winter View
There is slightly increased visibility into the Site in winter.



Photograph – Viewpoint 8 Winter View
There are glimpses of the ground plane of the Site in winter without leaf cover.



Photograph – Viewpoint 9 Winter View
There is slightly increased visibility of the south-eastern part of the Site in winter - existing vegetation (including Great Beamond Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.



Photograph – Viewpoint 10 Winter View
There is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Summer Views



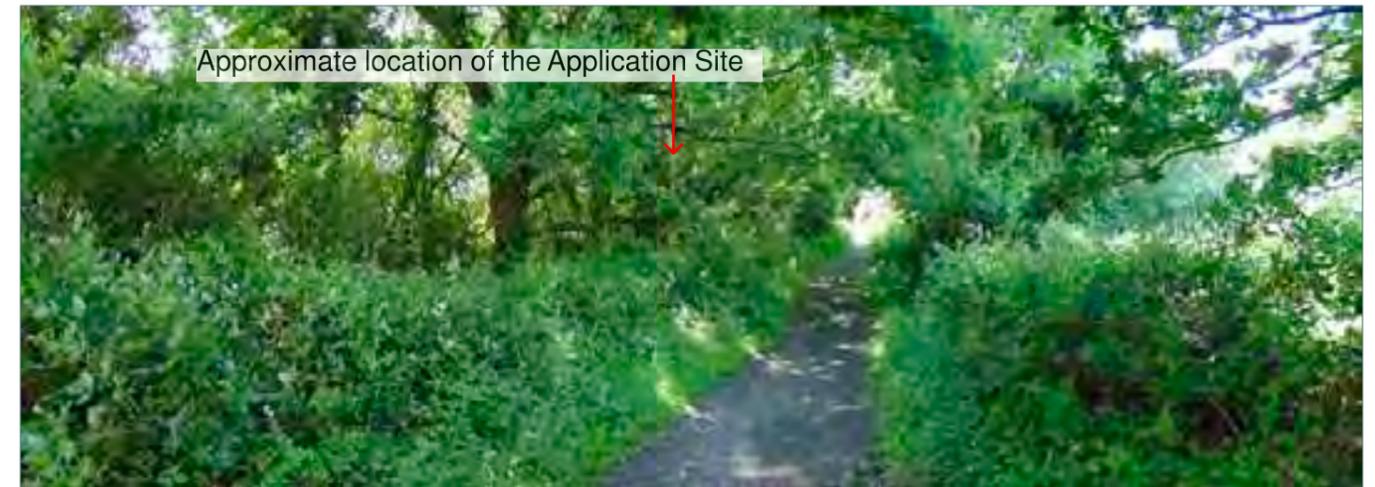
Photograph – Viewpoint 11
View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster’s House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form.



Photograph – Viewpoint 12
View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location.



Photograph – Viewpoint 13
View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location.



Photograph – Viewpoint 14
View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Winter Views



Photograph – Viewpoint 11 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 12 Winter View
There are no views towards the Site in winter.



Photograph – Viewpoint 13 Winter View
There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.

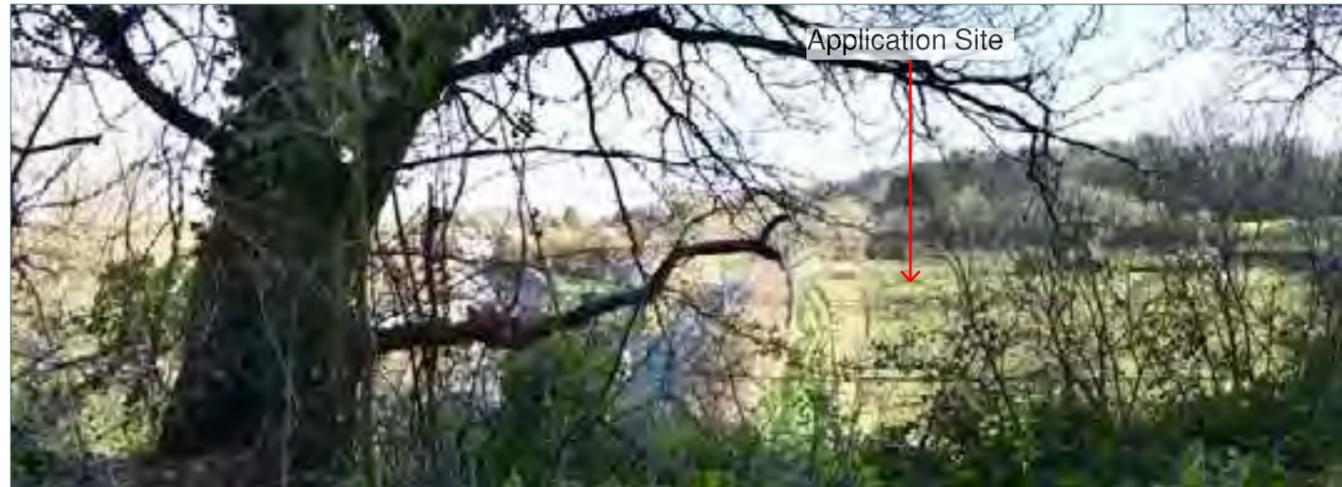


Photograph – Viewpoint 14 Winter View
There are no views towards the Site in winter.

3. Visual Baseline Conditions and Sensitivities

3.3 Visual Appraisal from the Local Area

Additional Winter Views



Photograph – Viewpoint 12A Additional Winter View

Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.



Photograph – Viewpoint 14A Additional Winter View

Winter view located near to the bridge crossing over Funtley Road. There are glimpses into the western part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.

3. Visual Baseline Conditions and Sensitivities

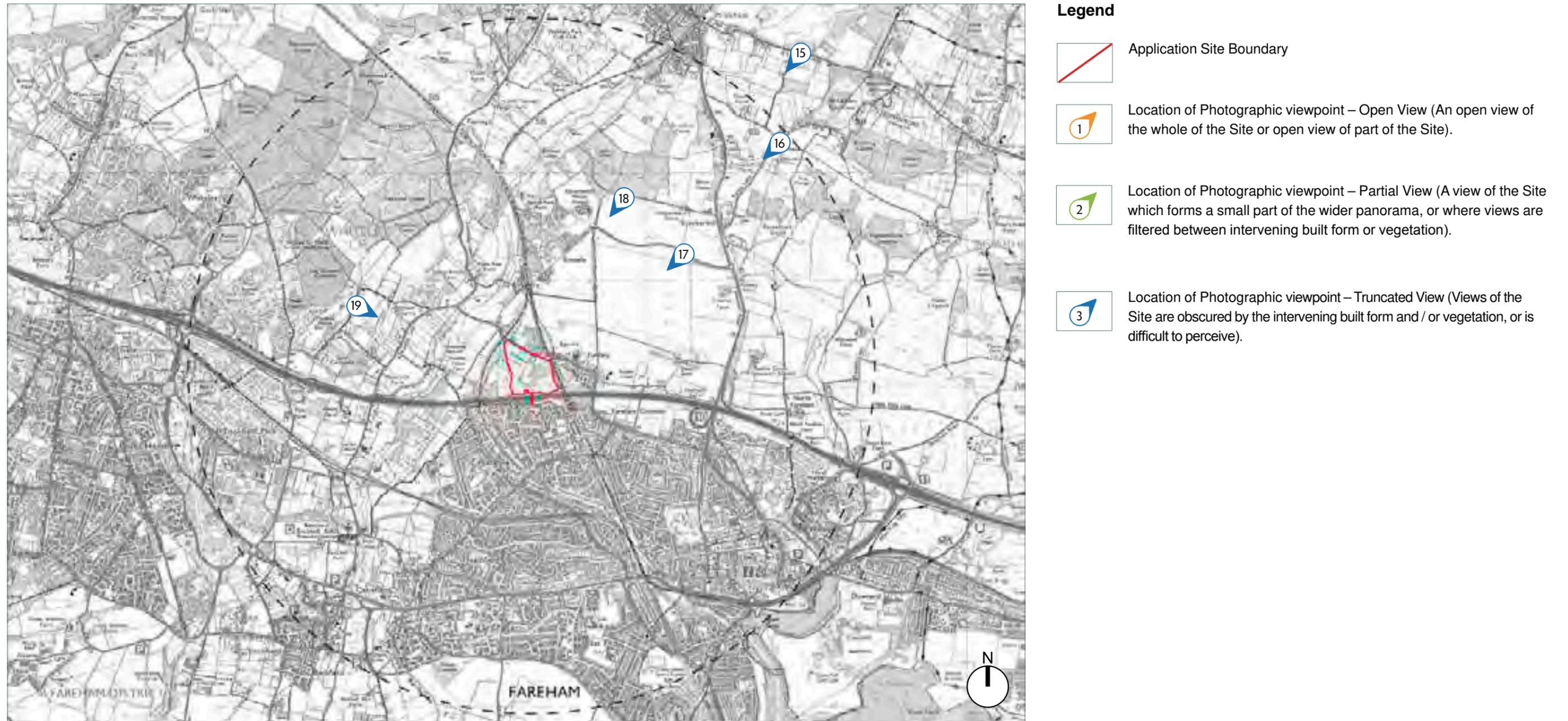


Figure 3.3 – Location Plan showing Visual Summary from the wider area (fabrik, 2018)

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



Approximate location of the Application Site

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.	<p>Open views of existing vegetation and built form within the Application Site occur from this location.</p> <p>Open views of existing boundary vegetation, built form and ground plane of the Application Site are visible from this location</p>	<p>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.</p> <p>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.</p>	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.	<p>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.</p> <p>In winter, the ground plane of the Site becomes apparent without leaf cover to the northern boundary vegetation.</p>	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.	<p>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.</p> <p>There is little change in the visibility of the Site in winter.</p>	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 Beamong Coppice), small part of the ground plane, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 23m AOD	Approximately 940m	Medium
10	Welborne Policy Boundary	Transient receptors on foot.	Glimpsed views of the top section of existing mobile mast adjacent to southern boundary of the Application Site occur with existing mature boundary vegetation evident, set within the wider panorama.	<p>View looking west towards the Application Site from Footpath 89. Open views of grassland dominates this view with mature trees and vegetation that define localised field boundaries in the middle distance. Glimpsed views of the top section of an existing mobile communication mast helps to identify the location of the Application Site in the wider landscape. Due to intervening vegetation and landform, views of the Application Site are truncated from this location.</p> <p>In winter, there is very slightly increased visibility of the south-eastern part of the Site in winter, the existing vegetation, southern barns and telecommunications mast. Existing built form at Funtley is also more apparent.</p>	Approximately 840m AOD	Approximately 15m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
11	Area Outside of Defined Urban Settlement Boundary; Strategic Gap	Transient receptors on foot, bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from Footpath 83a near a group of Listed Buildings (Ironmaster's House and Funtley House) and the Scheduled Monument (Site of Funtley Iron Works). Views of pasture land with existing mature boundary vegetation dominate the foreground of this view. Views of the Application Site are truncated due to intervening vegetation and land form. . There are no views towards the Site in winter.	Approximately 15m AOD	Approximately 540m	High
12 and 12A	Existing Open Space	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking east towards the Application Site from the southern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated from this location, including in winter. From 12A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the north-western part of the Site and of part of Great Beamond Coppice. Funtley Road and existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.	Approximately 30m AOD	Approximately 240m	High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
13	Outside of Fareham Borough Council's local policy boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south east towards the Application Site from footpath 16. Views of pasture land dominate the foreground with topography gently falling to meet the River Meon in the distance. Views of the existing tree belt along Mayles Lane and River Lane are apparent in the distance and obscure any views of the Application Site from this location..</p> <p>There are no views towards the Site in winter. From a short section of Titchfield Lane just south-east of this viewpoint, there is a brief glimpse of the upper part of the telecommunications mast on the southern part of the Site, however, the Site and vegetation within it remains fully truncated from view due to the disused railway line and mature vegetation along it.</p>	Approximately 15m AOD	Approximately 745m	High
14 and 14A	Existing Open Space; Public bridleway 515	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	<p>View looking south towards the Application Site from the northern section of Bridleway 515. Views of existing mature trees and vegetation dominate this view and form a green corridor along the footpath. Due to intervening vegetation, views of the Application Site are truncated, including in winter.</p> <p>From 14A (winter view) located near to the bridge crossing over Funtley Road, there are glimpses into the westerns part of the Site. Existing dwellings within the village are also glimpsed beyond vegetation along the disused railway line / Bridleway 515.</p>	Approximately 25m AOD	Approximately 488m	High
15	Outside of Fareham Borough Council's local boundary, but is adjacent southern boundary of South Downs National (along Wickham Road)	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from Footpath 11 adjacent to Wickham Road (southern boundary of South Downs National Park). Views of existing mature vegetation along either side of the footpath dominates this view and obscures any views towards the Application Site from this location.	Approximately 45m AOD	Approximately 3.74km m	Medium - High

3. Visual Baseline Conditions and Sensitivities

Table 3.1 – Summary of Visual Receptors

Representative Visual Receptor Viewpoint No.	Landscape Designation	Receptors	Extent of the land visible within Application Site	Character and Amenity of the View	Elevation	Distance to Site	Value
16	Area Outside of Defined Urban Settlement Boundary; Public footpath 10	Transient receptors on foot and bike and vehicle.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the junction of Footpath 10 (Castle Farm Lane) and Forest Lane. Mature trees and vegetation along the lane dominate this view and create a green corridor along the lane. Views of the Application Site are wholly truncated by the intervening vegetation and topography.	Approximately 55m AOD	Approximately 3km	Medium - High
17	Welborne Policy Boundary	Transient receptors on foot and bike.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south west towards the Application Site from the cycle and footpath along the eastern section of Knowle Road. The cycle / footpath is apparent centrally within this view with mature hedgerows and vegetation evident on either side of the path. Due to intervening vegetation, views of the Application Site are wholly truncated from this location.	Approximately 45m AOD	Approximately 1.62km	Medium
18	Welborne Policy Boundary	Transient receptors on foot.	Views of the internal ground plane and the existing vegetation within the Application Site truncated from this location.	View looking south west towards the Application Site from Footpath 23b located along the southern part of Aylesbury Copse. Views of arable fields dominate this view with topography gently sloping towards the west. The existing tree belt to the south of Knowle Road is apparent in the distance from this location. Any views of the Application Site are truncated due to intervening topography and vegetation.	Approximately 42m AOD	Approximately 1.74km	Medium - High
19	Public bridleway 26b; in close proximity of Barn 20m south of Lee Ground (Grade II Listed Building) and Skylark Golf & Country Club	Transient receptors on foot and horseback.	Views of the internal ground plane and the existing vegetation within the Application Site are truncated from this location.	View looking south east towards the Application Site from Bridleway 26b located in close proximity to a barn 20 metres south of Lee Ground (Grade II Listed Building) and Skylark Golf and Country Club. Mature trees and vegetation define the localised field boundaries and create a green corridor along the bridleway. Views of the Application Site are wholly truncated by the intervening vegetation and land form.	Approximately 35m AOD	Approximately 1.72km	Medium - High

4. Landscape Constraints and Opportunities

4.1 Introduction

The following landscape elements form a series of constraints and opportunities that will inform future development proposals:

4.2 Constraints

- The Ancient Woodland is to be retained and protected by a 15m buffer, with no development within this zone.
- Existing tree groups designed as SINC and TPO within the Site are to be retained and protected.
- Retention of the majority of the existing hedgerows along the ownership boundaries, with limited removal required to facilitate safe access into and out of the Site.
- The rooting zones and canopies of existing trees and hedges to be retained would be protected during construction works in accordance with the recommendations of the project arboriculturist and ecologist.
- While land within north-eastern part of the Site is designated as open space within the Core Strategy (adopted August 2011) in fact this is privately owned pasture land used for horse keeping and is not currently accessible to the public. The area is also proposed for deletion in the emerging local plan. The proposed development explores options to relocate this elsewhere within the Site, so that development within this less sensitive location near to the road and existing settlement may be developed.
- The existing topography within the northern section of the ownership is gently sloping towards Funtley Road. However, the undulating topography then rises sharply from the central part of the Site to meet the southern western boundary, and then falls again towards the south-eastern boundary. This restricts development to the area of land in the vicinity of Funtley Road.
- Timber pylons carrying overhead wires within the north-western part of the Site may be undergrounded where practicable.

- Due to the existing land form and close proximity to the neighbouring residential built form, there are a number of open views of the boundary vegetation, or views of the internal ground plane within the Site evident from neighbouring houses and the transient receptors in vehicles / on foot using Funtley Road and Honey Lane.

4.3 Opportunities

- Existing access into the Site (opposite Stag Way) to be retained and enhanced for vehicular and pedestrian access into the future development parcels.
- Bus route along Funtley Road passing by the Site.
- Large mature trees surrounding and within the Site present an opportunity to create a mature, well-established green structure.
- The potential to create green buffers with the opportunity for additional tree planting around future development parcels to provide an improved green settlement edge.
- To create a positive interface with the landscape where development parcels front the green infrastructure.
- Potential to create areas of public open space with pedestrian links within the development and to the wider landscape beyond. This may include opening up access to the bridge crossing over the M27.
- Potential to create a well-designed, discrete and accessible urban extension to Funtley and Fareham, rounding off the settlement, which is well contained by the existing boundary vegetation and topography of the Site.
- Land within the Site historically subject to excavation has been since reinstated back to agricultural use (as discussed in section 2.10). Therefore this land does not pose a constraint to development in terms of further excavation.

4. Landscape Constraints and Opportunities

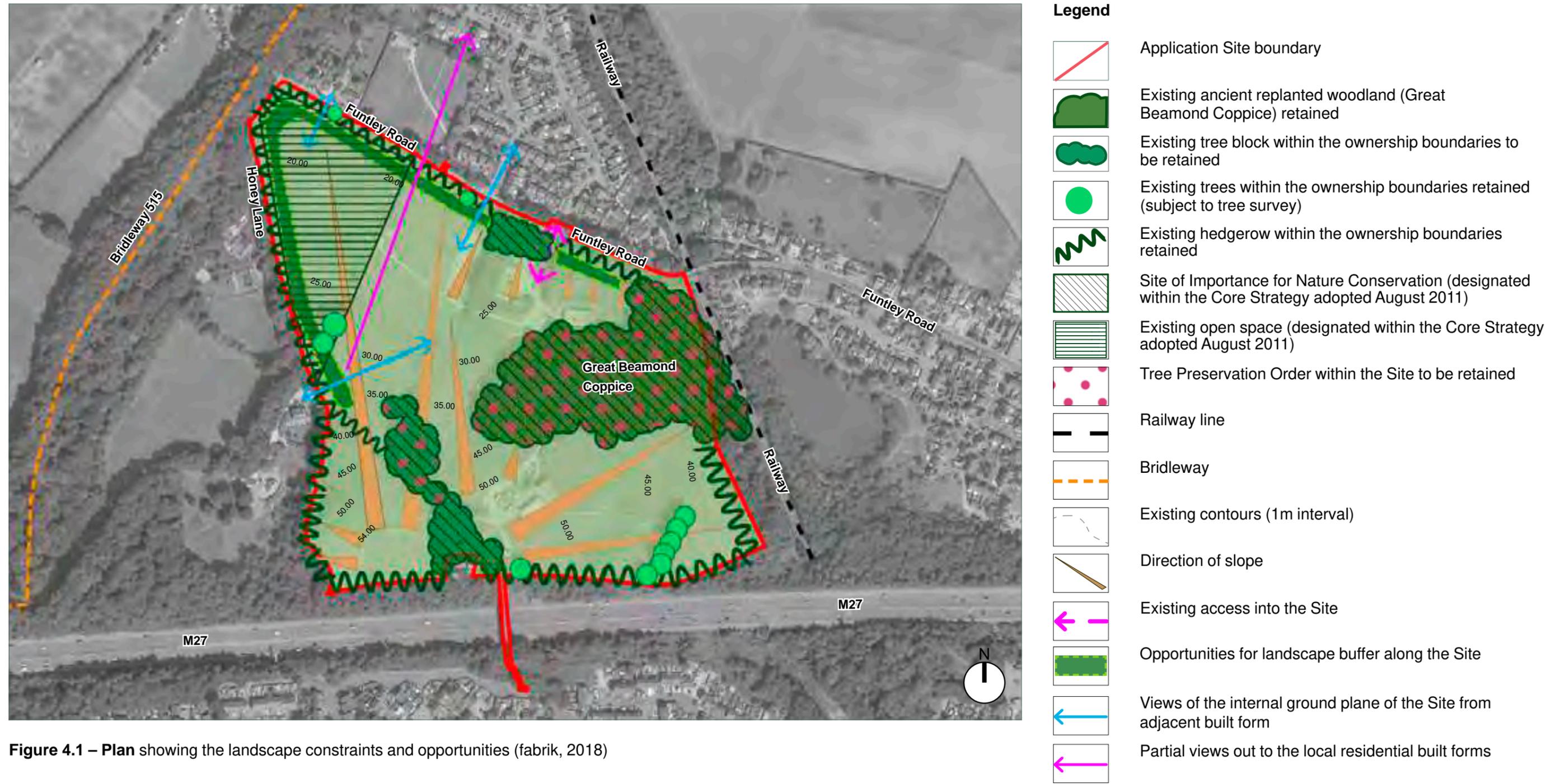


Figure 4.1 – Plan showing the landscape constraints and opportunities (fabrik, 2018)

5. Illustrative Proposed Development Parameters

5.1 Landscape Development Parameters

The landscape development parameters illustrated on **Figure 5.1** have been prepared by considering the landscape features of the Site and other areas within the Site along with landscape policy, landscape character and the visual constraints associated with the local landscape.

The parameters therefore seek to:

- Locate the development parcels on the lower slopes of the Site to the north to minimise cut and fill as well as in-keeping within the local residential character of Funtley and the northern fringe of Fareham.
- Minimise the visual impact of the future development by providing landscape buffer planting along the development boundaries.
- Maintain and enhance the existing landscape features of the Site by retaining, where possible, existing trees and supplementing with additional trees, woodland and hedgerow planting.
- Make use of the existing access to the Site for access to the proposed development, and provide replacement and enhancement planting within this area. A secondary emergency access from Funtley Road may also be required to the north-west of this.
- Where appropriate, contribute to an improved ecological value of the Site through the incorporation of native species within the landscape planting and grassland proposals.
- Make use of any sustainable drainage features to integrate a more diverse range of plant species, suited to temporary flooding.
- Provide public open space within the development and to the south. Incorporate pedestrian links to serve the new residents and the wider community within Funtley and Fareham. This would provide an alternative option to the existing designated open space within the north-western part of the Site (Core Strategy 2011). Pedestrian links may extend to the south through the opening up of the M27 footbridge.

5. Illustrative Proposed Development Parameters



Figure 5.1 – Plan showing the illustrative landscape development parameters (fabrik, 2018)

6. Appraisal of Landscape and Visual Effects

6.1 Effects on Heritage Assets

The Site does not contain nor is adjacent to any heritage assets (such as Listed Building, Scheduled Ancient Monument and Conservation Areas). Therefore, there will be no change to the character of the landscape around these assets, and no views towards the proposed development are predicted from them (**neutral** effect).

6.2 Effects on Topography

Study area topography:

There will be no physical change to the existing topography across the wider study area since the changes will occur at Site and immediate Site level only.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level is **neutral**.

Site topography:

The proposed development parcels have been carefully located on the lower slopes within northern part of the Site. Some limited regrading where the Site meets the public highway may be required to facilitate ease of access for all. There may be some localised modifications to the existing landform within the proposed development parcels, to facilitate access and to form effective development platforms. In addition, localised excavations would be made to create sustainable drainage features. It is expected that suitable excavated material would be retained on Site and reused in the open spaces where grassed areas and planting are proposed. Care would be taken to avoid impacts on the rooting zones of existing vegetation. Any inert spoil excavated may be suitable for reuse within areas of proposed hardstanding, subject to confirmation by the project engineer.

The value is medium; susceptibility is low - medium; and sensitivity is low - medium. The magnitude of change would be low - medium. Therefore, the effects on this receptor is likely to result in **minor - moderate** adverse effects at the construction phase. Since no

further earthworks would occur beyond the construction stage, the operational phase effects on the Site topography would be **neutral**.

6.3 Effects on Land Use

Study area land use:

Farmland

At wider landscape level, there will be no direct change to the wider arable and pasture lands across the study area as the proposed changed to the existing land use will occur at Site level only. Furthermore, existing areas of farmland are largely separated from the Site by existing settlement, the existing and disused railway lines and mature vegetation.

During construction, there may be some views of construction plant / structures from elevated areas of private farmland north of Funtley, up to Knowle village (indirect effect). During operation, there may be some partial views of the upper elements of the built form (namely rooflines) from this private farmland, seen in context with existing built form within the valley through which Funtley Road passes. Any views of open and planted land south of the proposed development would remain. This is also an indirect effect and no direct changes to these farmed areas would occur.

Settlement and transport corridors

The Site forms a context and setting to a small part of the existing Funtley village and a short section of Funtley Road. This would change through the introduction of built development within the northern part of the Site. This would result in a limited change to the settlement pattern and character of the road corridor by extending built form to the south of Funtley Road. A broad context of open, unbuilt land would remain to the south of the proposed built area. In addition, longer views towards the elevated land within the southern parts of the Site from existing built areas and of the canopy of mature trees and woodland in these parts of the Site, are likely to be maintained. The road corridor would become more enclosed by built form, albeit this is proposed to be set well back from the existing Site boundary hedge, incorporating open space, sustainable drainage

features and additional planting.

The settlement pattern of Fareham would remain unchanged, and there would be no change to the pattern of roads around the Site or wider study area.

Open spaces

There would also be no physical change to existing open spaces across the study area, including that at Lakeside to the east of the Site.

Appraisal of study area land use effects

The value of the land use at study area level is low - medium; susceptibility is low; and sensitivity is low - medium. The magnitude of change would be low - medium, with the greatest level of change experienced by those land uses within very close proximity to the Site (Funtley Road and a part of Funtley village). A number of areas would experience no change (Fareham and rural landscapes east and west of the Site). Limited indirect visual change may be experienced from farmland further north of Funtley up to Knowle village. Therefore, the effect on land use at the study area level would be at worst, **minor** negative, with the effects being very localised to the Site.

The many areas of mitigation planting associated with the proposed development would reduce the effects to at worst **minor** negative to **neutral** in the long term (year 15). Other positive benefits are predicted through the creation of new public open spaces that would be accessible to both existing and new residents.

There would therefore be a **neutral** effect to the settlement pattern of Fareham, existing open spaces and the existing transportation network.

6. Appraisal of Landscape and Visual Effects

6.3 Effects on Land Use (continued)

Site land use:

The areas within the Site would be permanently changed from privately owned pasture land to a residential development. The new uses would include associated green infrastructure incorporating, retained vegetation and woodland; new trees and boundary buffer planting; planting throughout the built areas; sustainable drainage features and a series green, open spaces within the built area and to the south of it.

The Site lies entirely within the landscape designation of Area Outside Of Defined Urban Settlement within the Core Strategy (adopted August 2011) and a part of the Site to the north-west is designated as existing open space within the Core Strategy. The latter is not currently accessible to the public and the land is within private ownership for equestrian uses.

The changes to incorporate a built development and new publicly accessible open spaces within these areas is consistent with Local Plan Part 2 Policy DSP40 Housing Allocations, and with emerging the emerging Local Plan 2036, which allocates the Site for residential development. In addition, the supporting Landscape Assessment update (part of the evidence base to the Plan) indicates that small scale and sensitively integrated development may be appropriate in this location, given the existing residential areas of Funtley Road.

At enabling construction stage, the existing uses of the Site would change, particularly in the areas proposed for built development and new access. However, change would be limited within the proposed open spaces of the community park to the south, except for the creation of new paths, and implementation of green infrastructure such as sustainable drainage, new grasslands and planting.

The construction site would gradually change to a built development, with associated landscape planting. The built element, while wholly changing land use, would only occur in a part of the Site to the north. The proposed community park would retain a largely open character to land to the south, and would incorporate new paths for walkers. This park, together with further linear greenspaces and an open

space incorporating play features, would be provide facilities for use by new and existing residents.

The value of the land use at Site level is medium; the susceptibility is medium - high; and sensitivity is medium - high. The magnitude of change would be medium - high at the enabling, construction and early years operational stages. Therefore, as with any greenfield site, the level of effects would be **moderate - major** negative, arising principally from the introduction of built form to the paddocks. In addition, the provision of publicly accessible open spaces would result in a **minor - moderate** positive effect from completion of development (Year 1).

By Year 15, mitigation planting would further temper the effects on the Site land use, so that at worst, **minor** negative effects are predicted. The positive effects of the open spaces would remain, while the many new areas of planting within the Site, and management of existing vegetation are also expected to give rise to positive effects (see para. 6.4).

6.4 Effects on Existing Vegetation

Study area vegetation:

There are expected to be no physical changes to the existing vegetation across the wider study area since the changes are proposed at Site level only. Existing vegetation along the north side of Funtley Road is not expected to be affected by the provision of new access into the Site.

The value is low - medium; susceptibility is low; and sensitivity is low. The magnitude of change would be neutral. Therefore the effect on the vegetation at the study area level is **neutral**.

Site vegetation:

The Great Beamond Coppice, the existing tree groups near the existing access entrance and the tree blocks within the south-western part of the Site are designated as Sites of Importance for Nature Conservation in the Core Strategy. The mature vegetation and trees within these areas are to be retained and protected during

the construction works, with careful consideration given to the recommendations of the project ecologist and arboriculturist.

The proposed development would protect and retain the Ancient Replanted Woodland of Great Beamond Coppice and majority of mature trees and boundary vegetation within the Site. A 15m buffer would be retained to the Coppice.

There is expected to be some loss of existing trees and boundary vegetation within the Site to accommodate the proposed development parcels and access roads. A part of this includes dense, ornamental conifers of limited value to landscape character. Further arboricultural works may be undertaken to other vegetation within the wider Site area, if deemed necessary by the relevant professional for health and safety reasons, to remove any dead, dying, diseased or dangerous parts of the retained vegetation.

The value of the vegetation at Site level is medium; susceptibility is medium; and sensitivity is medium. The magnitude of change arising from the limited necessary vegetation loss at enabling / construction stage is predicted to be medium, giving rise to at worst, **moderate** negative effects. However these effects would be localised to the northern part of the Site where built form is proposed.

Effects on the majority of the vegetation within the Site are expected to be **neutral** or potentially positive, where management of vegetation would ensure its retention and longevity.

There is ample opportunity within and around the proposed built area and proposed community park, for replacement and additional tree, hedge, shrub and other planting, including landscape buffer planting, making use of species appropriate to the space, position and function. This would mitigate for and improve, the visual and landscape effects of the vegetation removal required to facilitate effective development.

Further details are set out in the Design and Access Statement (DAS) accompanying the planning application.

6. Appraisal of Landscape and Visual Effects

6.4 Effects on Existing Vegetation (continued)

The planting would be implemented during the construction stage with the effects in place by Year 1 of the operational stage. The low magnitude of change would give rise to **minor** positive effects. The positive effects of this planting on the landscape assets of the Site, and views within and towards the built area, would further increase over time, as this matures. The effect on the Site vegetation by Year 15 would therefore be **moderate** positive.

6.5 Effects on Public Rights of Way

Study area public rights of way:

There would be no physical change to the existing public rights of way network during construction or operation. Visual effects are considered separately.

The value is medium - high; susceptibility is low; and sensitivity is medium. The magnitude of change would be neutral. Therefore the effect on the topography at the study area level during construction and operation is **neutral**.

There are opportunities to provide pedestrian connections between the proposed development and existing Bridleway 515 (along the disused railway line) to the immediate west. It may also be possible to open up a connection to Fareham via the footbridge over the M27 to the immediate south of the Site. This in turn could facilitate access by existing residents in this location to the open space and rights of way network north of the motorway.

As such, at the operational stage, the magnitude of change is predicted to be low, with effects the effects being **minor - moderate** positive in Years 1 and 15.

6.6 Effects on Landscape Character

National and county landscape character:

There would be **negligible** effects to the landscape character at national character level (NCA128 South Hampshire Lowlands) and county character level (LCA 3E Meon Valley). This is because the limited scale of the proposed development, and relatively high level of physical and visual enclosure of the Site, would result in changes that occur principally at the Site, and immediate local level.

There would be no change to the Portsdown Hill chalk ridge or Meon River described at NCA level, and the proposed development would form a very small part of NCA128 that is described as being dominated by large towns and with fragmentation by major transport links including the M27.

At county level, the proposed development would not affect the recreational route along the disused railway line to the west, and would retain a significant area of unbuilt land to the south, separating it from the motorway and Fareham settlement. Vegetation within the Site would be retained and protected as far as is practicable and potential adverse effects on the SINC 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 SINC. The proposed open spaces more than compensate for the loss of the existing designated open space land within the Site (which is not currently accessible to the public).

Access is proposed to be taken from Funtley Road, making use of the existing access track into the Site. Green corridors, buffers and spaces are integral to the proposed built and green infrastructure areas. Sustainable drainage features are proposed, potentially contributing to the biodiversity and landscape value of the Site. View corridors would be retained between development blocks, allowing views towards the undeveloped southern slopes from Funtley Road to be retained. In accordance with emerging Policy CF6, the open space provision would more than compensate for the change of use of the existing open space designation with the Site (which is not currently accessible to the public).

A total of 55No dwellings are proposed in accordance with the Site allocation. The built form would respect the positive aspects of existing settlement character, and further details on this, and the proposed landscape mitigation are set out in the DAS. Community facilities and pedestrian and cycle links to surrounding areas to the north, south, west and east are also proposed (Policy D1).

The setbacks of the proposed development from the Site boundaries to the north and west, and proposals for landscape buffers with many new areas of planting here and to the south, would create a significant landscape framework that together with the retained

vegetation would contribute to effective landscape integration of the built areas.

In turn, this planting, as well as planting within the built areas would contribute to meaningful visual softening and partial screening of the development from surrounding built areas, while partial views of the higher, undeveloped slopes of the Site would be retained. This is consistent with the aims of the policy.

The confinement of the proposed built area to the existing, developed valley floor (through which Funtley Road runs) would limit the extent to which the proposals would impact on the character of the Site and wider surrounding landscape (Policies NE1 and D1). This is because this part of the Site already benefits from a high degree of landscape and visual containment, by surrounding landform (including railway embankments), built form and existing mature and dense vegetation. The higher slopes of the Site, which are intervisible with elevated farmland north of Funtley and up to Knowle village, would remain undeveloped and additional planting is proposed in these locations.

7.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

In terms of section 7 of the NPPF and NPPG section ID 26 relating to design, the proposed development seeks to provide attractive, high quality and inclusive design; with a strong sense of place, that is integrated with and respectful to the character and pattern of the local area. The proposed provision of a community building, community park and public open space with play areas provide opportunities for social interaction and active lifestyles. The built areas would be developed on the basis of perimeter blocks with good natural surveillance to all public areas. Adaptability and efficiency of the built environment would be important considerations. The proposed development carefully considers the topography of the Site and potential impact on views in the layout and form of the built areas.

In accordance with sections 8 (healthy communities) and 10 (climate change) of the NPPF, the areas of green and blue infrastructure would support action to combat effects of climate change through

provision of shading, water attenuation, and carbon absorption. Consistent with section 10 of the NPPF. Regarding NPPF section 11 (natural environment) the proposals protect the undulating landform of the Site and the majority of the existing vegetation, and seek to improve the biodiversity of the Site by creating further diversity to the range of planting and grassland types within it.

In accordance with NPPG Paragraphs 009 and 015 the proposed development promotes green infrastructure including a number of open and green public spaces; it respects natural features, and promotes a high quality landscape with many areas of planting that contributes to the quality of the local area. By placing development in the lower parts of the Site, and in association with existing built form, the wider landscapes of the Site would be maintained as open, while there would be negligible impact on surrounding areas (NPPG section ID 8).

7.3 Fareham Local Development Framework, Core Strategy (Adopted August 2011)

In turn, these proposals for the Site are consistent with the Fareham Core Strategy (2011) Strategic Objectives SO10 (to manage, maintain and improve the built and natural environment to deliver quality places, taking into account the character and setting of existing settlements); SO11 (to protect sensitive habitats and maintain separate settlement identity); as well as Policy CS4 (protection of habitats important to biodiversity and provision of accessible green space for informal recreation); Policy CS14 (to protect countryside from adverse effects on landscape, character and function arising from development); Policy C17 (to create high quality development that adheres to good urban design and sustainability principles, that is respectful of landscape, scale, form and spaciousness, and that includes greenways and trees within the public realm); Policy CS21 (to seek to provide alternative, and better public open space provision to replace the designated area of open space within the Site); and, Policy CS22 (the proposal does not affect the Strategic Gap located west of the disused railway line).

7. Policy Compliance

7.4 Fareham Borough Local Plan Part 2: Development Sites and Policies (Adopted June 2015)

Referring to the Fareham Borough Local Plan Part 2 (2015), the proposed development:

- Seeks to mitigate and improve any potential impacts on neighbouring development and adjoining land, through respectful layout and provision of a robust landscape framework (In accordance with Policies DSP2 and DSP40);
- Does not adversely affect heritage assets (In accordance with Policies DSP5 and DSP40);
- Lies outside of the Defined Urban Settlement Boundary, but is located close to and would be in keeping with the character, scale and appearance of surrounding areas; is sited and designed to integrate with the existing settlement and prevent detracting from existing landscape; and is laid out to respect views into and out of the Site and to the elevated land to the south (In accordance with Policies DSP6 and DSP40);
- Protects designated nature conservation sites and provides additional planting within or around these; provides a wide range of new grassland, herbaceous, aquatic, shrub, hedge and tree planting, including native species and species supporting potential habitat creation, nectar and pollen provision; and retains the majority of the existing vegetation on the Site, providing a number of new landscape buffers and other areas of planting, as well as sustainable drainage ponds that would contribute to maintaining and reinforcing the biodiversity network (In accordance with Policies DSP13 and DSP40); and
- Does not adversely affect a Strategic Gap (In accordance with Policy DSP40).

In terms of the Planning Obligations Supplementary Planning Document for the Borough of Fareham (Excluding Welborne) Adopted April 2016, the proposed development provides a village green integrating play features to the north; and a community park to the south. In total, over 53% of the Site area (8.62ha out of 16.18ha) would remain undeveloped, for use as open spaces and for green and blue infrastructure.

7.5 Landscape Character

In accordance with Statement of Opportunity 1 (SEO1) set out in the profile for **National Character Area 128: South Hampshire Lowlands**, the proposed development promotes creative and effective sustainable development, including a well-connected network of high-quality greenspace, which would benefit local communities, protect local distinctiveness, encourage public understanding and enjoyment of the natural environment, and help to mitigate the impacts of climate change.

In addition, in accordance with SEO2, the proposed development would protect, manage and enhance the area's historic well-wooded character – including its ancient semi-natural woodlands and hedgerows – to link and strengthen habitats for wildlife, and improve recreational opportunities.

There is also opportunity, in accordance with SEO3 to diversify the grassland habitats with the Site, providing recreational opportunities and potential improved biodiversity.

In accordance with the opportunities for **Hampshire County Landscape Character Area 3E: Meon Valley**, the proposed development:

- Keeps development within the valley bottom and avoids building on the slopes and elevated parts of the Site;
- Retains the majority of the existing vegetated boundary structure to the Site;
- Provides many areas of green infrastructure with retained and new planting; and
- Creates potential pedestrian / cycle links to existing settlements and public rights of way.

In accordance with the priorities for enhancement for **Fareham Borough Landscape Character Area 6: Meon Valley**, the proposed development:

- Protects important landscape and ecological resources, woodland and the slopes and ridge of the Site, which form part of the valley within which it lies;
- Creates a development that is limited in extent and which relates well to the existing Funtley village, maintaining an informal, rural character to the southern parts of the Site (community park);
- Provides opportunity to remove unsightly features from the Site;
- Sets development away from the Site boundaries, providing space to reinforce existing boundary vegetation with additional landscape buffers, that protect the character of the nearby roads and settlement. Where vegetation removal is required to facilitate safe access and egress from the Site, this would be minimised as far as possible, with new planting provided within the Site, outside of visibility splays; and
- Reinforces the retained green infrastructure network with many new areas of planting, including as part of the sustainable drainage strategy.

8. Summary and Conclusions

8.1 Summary of the baseline conditions

The Site is located at south-western edge of Funtley village in Hampshire and is bound by Funtley Road to the north and Honey Lane to the west.

The Site lies wholly within the landscape designation of 'Areas outside of Defined Urban Settlement' as defined in the proposal map of the Fareham Borough Core Strategy (adopted August 2011), whilst the area within north-western part of the Site is also designated as 'Existing Open Space' albeit this is not currently accessible to the public. The Ancient Woodland of Great Beamond Coppice is also located within the north east of the Site.

The Great Beamond Coppice is designated as a Site of Importance for Nature Conservation together with the existing tree groups located near the existing access entrance along the northern boundary and south-western boundary as shown on Figures 2.1 and 4.1. There are no other landscape designations within the Site. The Site is also subject to the influences of the nearby M27 motorway, settlement at Funtley village and the live railway to the east; with the addition of a telecommunications mast and timber poles carrying overhead lines within the Site. Therefore, the existing Site is considered to have a medium landscape value overall.

The Site is allocated for residential units in the emerging Fareham Local Plan 2036, subject to Policy HA10. In addition, the updated Borough Landscape Assessment (part of the Local Plan evidence base) indicates that small scale and sensitively integrated development could be accommodated in this location. The development allocation would remove the open space designation within the Site, albeit other existing policy provision seeks the provision of alternative or better uses. Several new, publicly accessible open spaces are therefore included as part of the scheme proposals.

Across the study area, there are a number of heritage assets comprising of Listed Buildings, Scheduled Ancient Monuments and local non-designated heritage asset Historic Parks and Gardens. There are no heritage assets located within or adjacent to the Site and none would be affected by the proposed development.

Views of the Site from the wider landscape (including the South Downs National Park) are truncated due to the undulating landform and intervening vegetation, whilst open and partial views of the internal ground plane and vegetation within and along the Site are apparent from the receptors located within close proximity of the Site - along parts of Funtley Road, Stag Way, Roebuck Avenue, Honey Lane; along part of Bridleway 515 to the west, near the bridge crossing over Funtley Road; and from parts of Public Footpaths 88 and 89 to the east of Funtley.

8.2 Summary of the landscape effects

The proposed development within the Site would not noticeably alter the landscape character at the national or county levels as discussed in this LVIA (**negligible** effects).

It is predicted that there would be, at worst, a **moderate - major** negative effect on land use landscape character at Site level - that is, the parts of the Site proposed for built development, due to the change in character from semi-enclosed pasture fields. Beyond this built area, the effects on the character of the wider Site and immediate context is predicted to be at worst, **minor - moderate** negative, but on the wider Borough character area, effects would be no greater than **negligible** or **minor**. Nevertheless, the proposed development is sited in close proximity to existing settlement and would not affect separate settlement identity or gaps.

Some modifications to landform would be required within the Site to provide safe access into, out of and within the proposed development, and to provide effective development platforms. The more steeply sloping and elevated parts of the Site would not be built on, with localised ground modelling only required to construct new pedestrian and cycle paths.

The effect on the Site landform is predicted to be at worst, **minor - moderate** negative at the construction stage only. Vegetation removal within the Site would be limited to that essential to facilitate effective development, to provide a safe area for new residents, or for other arboricultural or ecological reasons as identified by the relevant project specialists. The effects are predicted to be at worst, **moderate** negative at the construction stage, albeit these effects would be largely localised to the area proposed for built form.

The proposed development would, from the outset, be contained within an existing landscape framework of retained and protected mature hedges, trees, tree belts and woodland. There would also be retained open land (for community park uses) to the south. The proposed village green open space to the north would include play facilities and incorporate the retained SINC.

As the many areas of proposed landscape mitigation planting mature, the short term negative effects on land use and landscape character identified above would improve considerably with time, further reinforcing landscape integration, visual softening and partial screening.

Thus the effects on Site character and the immediate context would reduce by Year 15 to at worst **minor** negative (a clear day in winter) to at best **minor - moderate** positive, due to the ongoing positive management of the existing vegetation within the Site, and reinforcement of this with an additional robust network of varied landscape planting, diverse grasslands and planting associated with the proposed sustainable drainage features.

The many new areas of planting proposed would replace vegetation lost, while providing a considerable additional resource to the Site. Therefore, the effect on the Site vegetation is predicted to be **minor** positive in Year 1 and **moderate** positive by Year 15 when this is maturing.

8. Summary and Conclusions

8.2 Summary of the landscape effects (continued)

In terms of land use and the designated open space area of the Site, the provision of a total of 8.62ha of new publicly accessible open space with the proposed development is predicted to give rise to **minor - moderate** positive effects from Year 1 of operation. This would mean that over 53% of the total Site area of 16.18ha) would remain undeveloped and semi-rural in character.

Furthermore, the potential to provide pedestrian and cycle links to existing settlement north of Funtley Road, to Bridleway 515 to the west, and to Fareham to the south (by opening up the bridge link over the M27), the proposed development is predicted to give rise to **minor - moderate** positive effects on the public rights of way network from Year 1.

8.3 Summary of the visual effects

Regarding visual effects, the most noticeable visual change arising from the proposed development would be for the road users of Funtley Road and residents along the north side of the road, including a few residents of Stag Way and Roebuck Avenue. The views would be direct and in close range of the Site, albeit some views would be partly filtered by existing boundary vegetation.

Residents of Bramleigh at the south end of Honey Lane would have more distant and elevated views to the proposed development, seen in context with existing development at Funtley, and the farmland, and built areas including part of Knowle village to the north of Funtley. While development would be brought forward in these views, overall, the character and amenity of the panoramic views would be retained.

The construction and Year 1 operational effects are predicted to be at worst, **moderate - major** negative for residents along Funtley Road / Stage Way / Roebuck Avenue / Honey Lane; and **minor - moderate** negative for the transient receptors using Funtley Road. The mitigation planting associated with the built development would reduce these visual effects to at worst, **minor** negative for Funtley

Road residents and road users by Year 15. The scheme proposes to retain views beyond the built area to the elevated and more open higher ground within the community park to the south.

No notable visual effects are predicted from Public Footpaths 88 and 89 to the east of Funtley, due to the limited areas of the Site visible, and screening by landform, built form at Funtley and vegetation in the intervening areas.

From Bridleway 515 to the west, some partial views and glimpses of the proposed development would be seen beyond existing vegetation along the embankments of the disused railway line. These views would be in context with partial views and glimpses of existing built form to the north of the Site, and would be in context with retained semi-open parkland with additional planting south of the built area. The Year 1 effects are predicted to be at worst, **moderate** negative, and only from a short section of the Bridleway in the vicinity of the bridge crossing over Funtley Road. By Year 15, the softening and enclosing effect of mitigation planting is predicted to reduce the visual effects to at worst, **minor** negative. There would be no views of the development from most sections of the Bridleway due to physical and visual separation by dense vegetation in the intervening areas.

8.3 Conclusions

It is considered that the proposed development, which is subject to an allocation in the emerging Fareham Local Plan 2036, would represent a relatively limited and logical extension to an existing settlement. No widespread landscape or visual effects are predicted, and those effects predicted to occur at a Site and immediate site context level can be effectively mitigated and compensated for. The proposed development also offers opportunity for long term management of the Site and its mature vegetation (including Ancient Replanted Woodland); and provision of an additional robust structure of green infrastructure incorporating a diverse range of planting and grasslands, including within the areas of sustainable drainage. There would be the provision of a considerable area of new publicly accessible open space. The development is proposed to

be well connected to existing settlement and public rights of way. In conclusion, therefore, with careful consideration of the constraints and opportunities of the Site, an appropriate development can be provided without substantial harm to landscape or views, but which provides a number of community and landscape benefits.

Appendix 1 – fabrik LVA Methodology

A1.1 Introduction

The methodology employed in carrying out an LVA or LVA with an impact statement of the Site, is drawn from the Landscape Institute and the Institute of Environmental Management and Assessment's "Guidelines for Landscape and Visual Impact Assessment" (GLVIA) Third Edition (Routledge 2013).

The term landscape is defined as an area perceived by people, whose character is the result of the action and interaction of nature and / or human factors. It results from the way that different components of our environment – both natural and cultural / historical interact together and are perceived by us. The term does not mean just special, valued or designated landscapes and it does not only apply to the countryside. The definition of landscape can be classified as:

- All types of rural landscape, from high mountains and wild countryside to urban fringe farmland (rural landscapes);
- Marine and coastal landscapes (seascapes); and
- The landscape of villages, towns and cities (townscapes).

An LVA with an impact statement provides a description of the baseline conditions and sets out how the study area and site appears, or would appear, prior to the proposed development. The baseline assessment is then used to predict the landscape and visual impacts arising from the proposed development. The assessment of impact is carried out as part of the iterative design process in order to build in mitigation measures to reduce the impacts as much as possible. The impact assessment will identify and assess effects during the construction and operational stages of the proposed development.

A1.2 Summary Overview of LVA Methodology

The LVA baseline assessment describes:

- Each of the landscape elements which then collectively inform landscape character for the contextual area to the site and the site itself;
- The character, amenity and degree of openness of the view from a range of visual receptors (either transient, serial or static views);
- The current baseline scenarios;
- The value of each of the landscape and visual receptors.

Landscape effects derive from changes in either direct or in-direct changes to the physical landscape, which may give rise to changes to the individual landscape components which in turn effects the landscape character and potentially changes how the landscape is experienced and valued.

Visual effects relate to the changes that arise in the composition, character and amenity of the view as a result of changes to the landscape elements.

The assessment of effects therefore systematically:

- Combines the value of the receptor with the susceptibility to the proposed change to determine the sensitivity of the receptor;
- Combines the size, scale, geographic extent, duration of the proposals and its reversibility in order to understand the magnitude of the proposal.
- Combines the sensitivity of the each of the receptors and the magnitude of effect to determine the significance of the effect.
- Presents the landscape and visual effects in a factual logical, well-reasoned and objective fashion.
- Indicates the measures proposed over and above those designed into the scheme to prevent/avoid, reduce, offset, remedy, compensate for the effects (mitigation measures) or which provide an overall landscape and visual enhancement;

- Sets out any assumptions considered throughout the assessment of effects.

Effects may be positive (beneficial) or negative (adverse) direct or indirect, residual, permanent or temporary short, medium or long term. They can also arise at different scales (national, regional, local or site level) and have different levels of significance (major, moderate, low, negligible or neutral / no change). The combination of the above factors influences the professional judgement and opinion on the significance of the landscape and visual effect.

The following sections sets out in more detail the assessment process employed.

A1.3 Establishing the Landscape Baseline

Desk and Field Studies: The initial step is to identify the existing landscape and visual resource in the vicinity of the proposed development – the baseline landscape and visual conditions. The purpose of baseline study is to record and analyse the existing landscape, in terms of its constituent elements, features, characteristics, geographic extent, historical and cultural associations, condition, the way the landscape is experienced and the value / importance of that particular landscape. The baseline assessment will also identify any potential changes likely to occur in the local landscape or townscape which will change the characteristics of either the site or its setting.

An desk study is carried out to establish the physical components of the local landscape and to broadly identify the boundaries of the study area. Ordnance survey (OS) maps and digital data is used to identify local features relating to topography/ drainage pattern, land cover, vegetation, built developments/settlement pattern, transport corridors/definitive public rights of way and any historic or prominent landscape features, which together combine to create a series of key characteristics and character areas. Vertical aerial photography will be used, to supplement the OS information. At this stage, any special designated landscapes (such as Areas of Outstanding Natural Beauty, National Parks, Green Belt, Conservation Areas, Listed Buildings, Areas of Special Character); heritage or ecological assets are identified. A review of information available in terms of any published historic landscape characterisation together with any other landscape / capacity / urban fringe and visual related studies is carried out at this stage.

Landscape character assessment, is the tool for classifying the landscape into distinct character areas or types, which share common features and characteristics. There is a well established methodology developed in the UK by the Countryside Agency and Scottish Natural Heritage in 2002, with further guidance published by Natural England in 2014. The national and regional level character assessments are often available in published documents, however the local / district or site levels may need to be set out

based on a combination of desk studies and field survey work. The character assessment will also identify environmental and landscape opportunities, recent changes, future trends and forces for change where they may be important in relation to the proposal, especially considering how the landscape appears, or would appear prior to the commencement of development. The condition of the landscape, i.e. the physical state of an individual area of landscape, is described as factually as possible. The assessment of landscape importance includes reference to policy or designations as an indicator of recognised value, including specific features or characteristics that justify the designation of the area. The value of that landscape by different stakeholders or user groups may also influence the baseline assessment.

If published local / site level landscape character assessments are not available, the landscape is to be classified into distinctive character areas and / or types, based on variations in landform, land cover, vegetation / settlement pattern, field pattern, enclosure, condition, value and etc. The classification will take into account any National, County/District and Parish level landscape character assessments.

These desk based studies are then used as a basis for verification in the field.

Judgements on the value of both the landscape and visual receptor are made at the baseline stage.

Landscape Value

Value is concerned with the relative value or importance that is attached to different landscapes. The baseline assessment considers any environmental, historical and cultural aspects, physical and visual components together with any statutory and non-statutory designations and takes into account other values to society, which may be expressed by the local community or consultees. These tables are considered a starting point for consideration in the field. The landscape designations are to be considered in terms of their ‘meaning’ to today’s context. The following table sets out the criteria

and definitions used in the baseline assessment to determine landscape value at the local or site level (in addition to condition / quality as set out on the previous page). Wherever possible information and opinions on landscape value is to be sought through discussions with consultees, stakeholders and user groups.

Table A1.1 sets out the criteria used to determine landscape condition / quality and value at the local or site level in the field.

Table A1.1 – Landscape Value Criteria

Criteria
<p>High (Very Good / Good Condition) International - National - Regional Scale</p> <ul style="list-style-type: none"> • Exceptional landscape with outstanding perceptual qualities. Very attractive, intact, natural, scenic, rare, wild and tranquil. The landscape may include World Heritage Sites, National Parks, Areas of Outstanding Natural Beauty or Heritage Coast or key elements/features within them; together with any non-statutory designations. Alternatively, the landscape may be un-designated but is valued as set out in published landscape character assessments and which, for example, identify and artistic and literary connections which assist in informing the identify of a local area (such as ‘Constable Country’); • Recognisable landscape or townscape structure, characteristic patterns and combinations of landform and landcover are evident, resulting in a strong sense of place; • No or limited potential for substitution and which is susceptible to small changes; • A landscape that contains particular characteristics or elements important to the character of the area; • A valued landscape for recreational activity where the experience of the landscape is important; • Good condition with -appropriate management for land use and land cover, or with some scope to improve certain elements; • Distinct features worthy of conservation; • Unique sense of place; • No or limited detracting features.

Criteria
<p>Medium (Good - Ordinary Condition) Regional - Local Scale</p> <ul style="list-style-type: none"> • Ordinary landscape and perceptual qualities. The landscape may include local designations such as Special Landscape Areas, Areas of Great Landscape Value, Strategic or Local Gaps; or un-designated but value expressed through literature, historical and / or cultural associations; or through demonstrable use by the local community; together with any non-statutory designations. Alternatively, the landscape may be valued through the landscape character assessment approach. • Distinguishable landscape or townscape structure, with some characteristic patterns of landform and landcover; • Potential for substitution and tolerant of some change; • Typical, commonplace farmed landscape or a townscape with limited variety or distinctiveness; • A landscape which provides recreational activity where there are focused areas to experience the landscape qualities; • Scope to improve management; • Some dominant features worthy of conservation; • Some detracting features.
<p>Low (Ordinary - Poor Condition) Local /Site Scale</p> <ul style="list-style-type: none"> • Poor landscape and perceptual qualities. Generally un-designated. Certain individual landscape elements or features may be worthy of conservation and landscape either identified or would benefit from restoration or enhancement (such as local parks and open spaces). Alternatively, the landscape may be valued through the landscape character assessment approach. • Monotonous, weak, uniform or degraded landscape or townscape which has lost most of it's natural or built heritage features and where the landcover are often masked by land use; • Tolerant of substantial change; • A landscape which provides some recreational activities with limited focus on the landscape attributes; • Lack of management and intervention has resulted in degradation; • Frequent dominant detracting features; • Disturbed or derelict land requires treatment.

A1.4 Establishing in the Visual Baseline

Desk and Field Studies: The visual baseline will establish the area in which the site and the proposed development may be visible, the different groups of people who may experience the views, the places where they will be affected and the nature, character and amenity of those views.

The area of study for the Visual Assessment is determined through identifying the area from which the existing site and proposal may be visible (the Zone of Theoretical Visibility or ZTV). The baseline ZTV of the site is determined through either manual topographical analysis (a combination of desk and field based analysis which are considered appropriate for Landscape and Visual Appraisals and projects below the EIA threshold) or digital mapping based on bare earth modelling, (which do not take account of features such as vegetation or built form) constructing a map showing the area where the proposal may theoretically be visible. The extent of the mapping will depend on the type of proposal. The actual extent of visibility is checked in the field (both in the summer and winter months if the project timescales allow) to record the screening effect of buildings, walls, fences, trees, hedgerows and banks not identified in the initial bare ground mapping stage and to provide an accurate baseline assessment of visibility. Viewpoints within the ZTV should also be identified during the desk assessment, and the viewpoints used for photographs selected to demonstrate the relative visibility of the site (and any existing landscape and built forms). The selection of a range of key viewpoints will be based on the following criteria for determination in the field:

- The requirement to provide an even spread of representative, specific, illustrative or static / kinetic / sequential / transient viewpoints within the ZTV and around all sides of the Site.
- From locations which represent a range of near, middle and long distance views (although the most distant views may be discounted in the impact assessment if it is judged that visibility from this distance will be extremely limited).
- Views from sensitive receptors within designated, historic or cultural landscapes or heritage assets (such as from within World Heritage Sites; adjacent to Listed Buildings - and co-ordinated

with the heritage consultant - Areas of Outstanding Natural Beauty or Registered Parks and Gardens) key tourist locations and public vantage points (such as viewpoints identified on OS maps).

- The inclusion of strategic / important / designed views and vistas identified in published documents.

Views from the following are to be included in the visual assessment:

1. Individual private dwellings. These are to be collated as representative viewpoints as it may not be practical to visit all properties that might be affected.
2. Key public buildings, where relevant (e.g. libraries; hospitals, churches, community halls etc)
3. Transient views from public viewpoints, i.e. from roads, railway lines and public rights of way (including tourist or scenic routes and associated viewpoints);
4. Areas of open space, recreation grounds and visitor attractions; and
5. Places of employment, are to be included in the assessment where relevant.

A1.4 Establishing in the Visual Baseline (continued)

The final selection of the key viewpoints for inclusion in the LVA will be based proportionately in relation to the scale and nature of the development proposals and likely significant effects and in agreement with the LPA.

The visual assessment should record:

- The character and amenity of the view, including topographic, geological and drainage features, woodland, tree and hedgerow cover, land use, field boundaries, artefacts, access and rights of way, direction of view and potential seasonal screening effects will be noted, and any skyline elements or features.
- The type of view, whether panoramas, vistas or glimpses.

The baseline photographs are to be taken in accordance with the Landscape Institutes technical guidance on Photography and Photomontage in LVIA (Landscape Institute 2011). The extent of visibility of the range of receptors is based on a grading of degrees of visibility, from a visual inspection of the site and surrounding area. There will be a continuity of degree of visibility ranging from no view of the site to full open views. Views are recorded, even if views are truncated of the existing site, as the proposed development may be visible in these views. To indicate the degree of visibility of the site from any location three categories are used:

a) **Open View:**

An open, unobstructed and clear view of a significant proportion of the ground plane of the site; or its boundary elements; or a clear view of part of the site and its component elements in close proximity.

b) **Partial View:**

A view of part of the site, a filtered or glimpsed view of the site, or a distant view where the site is perceived as a small part of the wider view;

c) **Truncated View:**

No view of the site or the site is difficult to perceive.

Following the field survey (which should cover ideally both winter and summer views) the extent to which the site is visible from the surrounding area will be mapped. A Photographic Viewpoint Plan will be prepared to illustrate the representative, specific and illustrative views into / towards and within the Site (if publicly accessible) and the degree of visibility of the site noted. This Plan will be included in a Key Views document for agreement with the Local Planning Authority and any other statutory consultees as part of the consultation process. The visual assessment will include a series of annotated photographs, the location and extent of the site within the view together with identifying the character and amenity of the view, together with any specific elements or important component features such as landform, buildings or vegetation or detracting features which interrupt, filter or otherwise influence views. The photograph will also be annotated with the Value attributed to the receptor or group of receptors.

By the end of this stage of the combined landscape and visual site study, it will be possible to advise, in landscape and visual terms, on any specific mitigation measures required in terms of the developments preferred siting, layout and design.

Value of Visual Receptors

Judgements on the value attached the views experienced are based on the following criteria.

Table A1.2 – Value Attached to Views

Value	Criteria
High	Views from landscapes / viewpoints of national importance, or highly popular visitor attractions where the view forms an important part of the experience, or with important cultural associations. This may include residential receptors in Listed Buildings where the primary elevation of the dwelling is orientated to take advantage of a particular view (for example across a Registered Park and Garden or National Park).
Medium	Views from landscapes / viewpoints of regional / district importance or moderately popular visitor attractions where the view forms part of the experience, or with local cultural associations. This may include residential receptors where the primary elevation of the dwelling is orientated to take advantage of a particular view.
Low	Views from landscapes / viewpoints with no designation, not particularly important and with minimal or no cultural associations. This may include views from the rear elevation of residential properties.

Susceptibility of the Visual Receptor to the Proposed Change

The susceptibility to the proposed changes in views and visual amenity occur as a result of the occupation or activity of people experiencing the view and the extent to which their attention or interest may be focused on the views and the visual amenity they experience. The grouping of susceptibility of the visual receptors is set out later in this document.

A1.5 Predicting and Describing the Landscape and Visual Effects

An assessment of visual effect deals with the change on the character and amenity arising from the proposal on the range of visual receptors.

The assessment of effects aims to:

- Identify systematically and separately the likely landscape and visual effects of the development;
- Identify the components and elements of the landscape that are likely to be affected by the scheme;
- Identify interactions between the landscape receptors and the different components of the development at all its different stages (e.g. enabling, construction, operation, restoration etc);
- Indicate the secondary mitigation measures over and above those already designed into the scheme proposed to avoid, reduce, remedy or compensate for these effects;
- Estimate the magnitude of the effects as accurately as possible and considering this in relation to the sensitivity of the receptor; and
- Provide an assessment of the significance of these effects in a logical and well-reasoned fashion.

Having established the value of the landscape and visual receptor, the effects are then considered in relation to the magnitude of change, which includes the size / scale, geographical extent of the areas influenced and the duration and reversibility.

Wherever possible tables or matrixes will be used, linked with the illustrative plans, so that the landscape and visual effects are recorded and quantified in a systematic and logical manner. Consideration is given to the impacts on completion of development at Year 1 and at maturity (Year 15) (to represent short, medium and long term effects) so that the effects of the development after mitigation has matured are identified. Assumptions or limitations to the assessment will also be set out.

Effects will include the direct and/or indirect impacts of the development on individual landscape elements / features as well as the effect upon the general landscape character and visual receptors.

Landscape Susceptibility

Landscape susceptibility is evaluated by its ability to accommodate the proposed change (i.e. the degree to which the landscape is able to accommodate the **proposed** change without undue consequences for the maintenance of the baseline situation and / or the achievement of landscape planning policies and strategies) as set out in Table A1.2.

As part of the assessment of the landscape character and its component parts, conclusions will be drawn as to the overall susceptibility of the landscape / landscape elements and visual environment to the type of development proposed. Existing landscape capacity assessments may form a starting point for the refinement of the assessment of landscape susceptibility at the local and site level.

Table A1.3 – Landscape Susceptibility Criteria

Susceptibility	Criteria
High	A landscape or townscape particularly susceptible to the proposed change, which would result in significant negative effects on landscape character, value, features or individual elements.
Medium	A landscape or townscape capable of accepting some of the proposed change with some negative effects on landscape character, value, features or elements.
Low	A landscape or townscape capable of accommodating the proposed change without significant negative effects on landscape character, value, features or elements.

Landscape Sensitivity

The assessment of landscape sensitivity is then combined through a judgement on the value attributed to that landscape receptor / component and the susceptibility of the landscape receptor to the proposed change using the following matrix.

Table A1.4 - Landscape Sensitivity

		Landscape Receptor Susceptibility		
		High	Medium	Low
Landscape Value	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Medium - Low
	Low	Medium	Medium - Low	Low - Negligible

Visual Susceptibility

The susceptibility of the different types of people to the changes proposed is based on the occupation of the activity of the viewer at a given location; and the extent to which the persons attention or interest may be focussed on a view, considering the visual character and amenity experienced at a given view. The criteria used to assess the susceptibility of a visual receptor are summarised below.

Table A1.5 – Visual Susceptibility Criteria

Susceptibility	Criteria
High	People with particular interest in the view, with prolonged viewing opportunity, including: Residents where views contribute to the landscape setting enjoyed by the community; those engaged in outdoor recreation, such as those using public rights of way; views from within the designated landscapes and heritage assets where the views of the surroundings are an important contributor to the experience; travellers along scenic routes.
Medium	People with moderate interest in the view and their surroundings, including: Communities where the development results in changes in the landscape setting or value of views enjoyed by the community; people travelling through the landscape, where the appreciation of the view contributes to the enjoyment and quality of that journey; people engaged in outdoor recreation, where their appreciation of their surrounding and particular view is incidental to their enjoyment of that activity.
Low	People with momentary, or little interest in the view and their surroundings, including: People engaged in outdoor sport; People at their work place; Travellers where the view is fleeting or incidental to the journey.

Visual Sensitivity

The sensitivity of visual receptors in views is based on the professional judgement combining the value and susceptibility to change on that visual receptor.

Table A1.6 - Visual Sensitivity

		Visual Receptor Susceptibility		
		High	Medium	Low
Value of Visual Receptor	High	High	High - Medium	Medium
	Medium	High - Medium	Medium	Low
	Low	Medium	Low	Low - Negligible

A1.6 Magnitude of Effects

In determining the magnitude of landscape effects, this will consider:

1. Scale and size of the change in the landscape (considering the changes to individual components and the effect this has on contribution to landscape character; the degree to which aesthetic or perceptual aspects of the landscape are altered; whether the effect changes the key characteristics of the landscape);
2. Geographic extent over which the landscape effects will be experienced (effects limited to the site level; effects on the immediate setting; effects relating to the scale of the landscape type or character area; effects on a larger scale such as influencing several landscape character areas); and
3. The duration, permanence and reversibility of the proposal.

Similar to landscape effects, the magnitude of visual effects will consider:

1. Scale and size of the change to the view (considering loss or addition of features to the view and proportion of the view occupied by the proposed development; the degree of contrast or integration of any new landscape features or changes in the landscape and characteristics in terms of form, scale, mass, line, height, colour and texture; and the nature of the view of the proposed development relative to the time over which it will be experienced and whether views will be full, partial or glimpses).
2. Geographical extent (including the angle of the view; the distance of the viewpoint to the proposed development; and the extent of the area over which the changes would be visible).
3. The duration, permanence and reversibility of the proposal.

A1.7 Significance of Effects

The two principal criteria determining the significance of effects are the sensitivity of the receptor in relation to the magnitude of effect. A higher level of significance is generally attached to the magnitude of change on a sensitive receptor; for example, a low magnitude of change on highly sensitive receptor can be of greater significance than very high magnitude of change on low sensitivity receptor. Therefore, whilst the table opposite sets out a starting point for the assessment, it is important that a balanced and well reasoned professional judgement of these two criteria is provided and an explanation provided.

In order to develop thresholds of significance, both the sensitivity of receptors and the magnitude of change must be classified for both landscape receptors and visual receptors as set out in the tables below. Where landscape effects are judged to be adverse, additional mitigation or compensatory measures are to be considered. The significant landscape effects remaining after mitigation are then to be summarised as the residual effects.

Magnitude Elements					Overall Magnitude of Change
Size / Scale	Geographic Extent	Duration	Permanence	Reversibility	
Major	Wide or Local; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High
Major	Site Level; Direct and open view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	High - Medium
Moderate	Local / Site Level; Direct or oblique, partial view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Medium - Low
Minor	Local / Site level; Oblique partial or glimpsed view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Low
Negligible	All of the above and a truncated view	Long - Short Term	Permanent or Temporary	Irreversible or Reversible	Negligible

The criteria for each of the above is to be determined relative to the size and scale of the individual project applying professional judgement and opinion.

However, the following are typically used:

Size and Scale: relates to the combination of the following (and are linked to the descriptions set out under table A1.9):

- extent of existing landscape elements that will be lost (to proportion of the total extent that is lost) and the contribution that the element has to landscape character;
- the degree to which aesthetic or perceptual aspects of the landscape are altered (addition or removal of features and elements)
- whether the effect changes the key distinctive characteristics of the landscape;
- size and scale of change in the view with respect to the loss or addition of features in the view and changes to the composition, including the proportion of the view occupied by the proposed development;
- the degree of contrast or integration of any new features or changes in the townscape with the existing or remaining townscape or landscape elements and characteristic terms of form, scale, mass, line, height, colour and texture;
- the nature of the view of the proposed development, in terms of relative amount of time over which it will be experienced and whether views will be open, partial, glimpsed.

Geographic Extent: The geographic area over which the landscape effects will be felt relative to the proposal; and relative to visual receptors is to reflect the angle of the view; the distance of the viewpoint; the extent of the area over which the changes would be visible.

Duration, Permanence and Reversibility: These are separate but linked considerations and are project specific. For example, changes to a brownfield urban site could be reversible. Construction impacts are likely to be short term, temporary, but see the start of a permanent change. Operational effects are likely to be long term, permanent and either irreversible or reversible, depending on the nature of the project.

No change: If there is no change to the landscape or visual receptor then the overall magnitude of change will be **Neutral**.

A1.7 Significance of Effects (continued)

Effects will be described clearly and objectively, and the extent and duration of any negative / positive effects quantified, using four categories of effects, indicating a gradation from high to low.

Table A1.7 - Sensitivity and Magnitude of Effects

		Landscape and Visual Receptor Sensitivity		
		High	Medium	Low
Magnitude of Change	High	Major	Moderate to Major	Moderate
	Medium	Moderate to Major	Moderate	Minor - Moderate
	Low	Moderate to Major	Minor - Moderate	Minor
	Negligible	Negligible	Negligible	Negligible
	Neutral	Neutral	Neutral	Neutral

The degree of effect is graded on the following scale in relation to the significance criteria above:

Table A1.9 - Significance of Landscape and Visual Effects

Effect Significance	Criteria
Substantial negative / adverse effect	Where the proposals would cause the substantial or significant loss of key mature landscape elements and characteristic features / a significant deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Major negative / adverse effect	Where the proposals would cause the total loss of key mature landscape elements and characteristic features / a major deterioration in the character and amenity of the view in terms of perceptual qualities / or introduce element(s) considered to be wholly and substantially uncharacteristic of the area; and where the proposals would result in a significant change, or more notable change in more distant views, on the character and amenity of the view from the range of visual receptors.
Moderate negative / adverse effect	Where the proposals would cause the loss of some of the key landscape elements and / or particularly representative characteristic features / or introduce elements considered significantly uncharacteristic of the area; and a noticeable deterioration in the character and amenity of the view from the range of visual receptors.
Minor negative / adverse effect	Where the proposals would cause the loss of some landscape elements or characteristic features / introduce elements characteristic of the area; and a barely perceptible deterioration in the character and amenity of the view from the range of visual receptors.

Negligible	Where the proposals would have no discernible deterioration or improvement in the existing baseline situation in terms of landscape elements or view.
Neutral	Where the proposals would result in no change overall (resulting in no net improvement or adverse effect).
Minor positive / beneficial effect	Where the proposals would result in minor loss or alteration or improvement of the key elements and features / provide a small enhancement to the existing landscape elements or characteristic features; and cause a barely perceptible improvement in the existing view for the range of receptors.
Moderate positive / beneficial effect	Where the proposals would cause some enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Major positive / beneficial effect	Where the proposals would cause a major enhancement to the existing landscape elements or characteristic features / noticeable improvement in the character and amenity of the existing view from a range of visual receptors.
Substantial positive / beneficial effect	Where the proposals would cause a significant enhancement to the existing landscape elements or characteristic features / wholesale improvement in the character and amenity of the existing view from a range of visual receptors.

Effects assessed as being greater than moderate are considered to be a significant effect.

A1.8 Effects During Site Enabling and Construction

It is recognised that project characteristics and hence sources of effects, will vary through time. The initial effects arise from the site enabling and construction works. Sources of landscape and visual effects may include:

- The location of the site access and haulage routes;
- The origin and nature of materials stockpiles, stripping of material and cut and fill operations / disposal and construction compounds;
- The construction equipment and plant (and colour);
- The provision of utilities, including lighting and any temporary facilities;
- The scale, location and nature of any temporary parking areas and on-site accommodation;
- The measures for the temporary protection of existing features (such as vegetation, trees, ponds, etc) and any temporary screening (such as hoarding lines); and
- The programme of work and phasing of development.

A1.9 Effects During Operation (at Year 1)

At the operational stage, the sources of landscape and visual effects may include:

- The location, scale, height, mass and design of buildings in terms of elevational treatment; structures and processes, including any other features;
- Details of service arrangements such as storage areas or infrastructure elements and utilities and haulage routes;
- Access arrangements and traffic movements;
- Lighting;
- Car parking;
- The noise and movement of vehicles in terms of perceived effects on tranquillity;
- Visible plumes from chimneys;
- Signage and boundary treatments;
- Outdoor activities that may be visible;

- The operational landscape, including landform, structure planting, green infrastructure and hard landscape features;
- Land management operations and objectives; and
- The enhancement or restoration of any landscape resource of particular view.

A1.10 Mitigation and Compensatory Measures

The purpose of mitigation is to avoid, reduce and where possible, remedy or offset, any significant (major to minor) negative (adverse) effects on the landscape and visual receptors arising from the proposed development. Mitigation is thus not solely concerned with “damage limitation”, but may also consider measures that could compensate for unavoidable residual effects. Mitigation measures may be considered under three categories:

- Primary measures that intrinsically comprise part of the development design through an iterative process;
- Standard construction and operational management practices for avoiding and reducing environmental effects; and
- Secondary (or residual) measures designed to specifically address the remaining effects after the primary and standard construction practices have been incorporated.

If planting is required as part of the mitigation measures, it is proposed that areas of planting are introduced as part of the proposed development and the height of this planting will be considered as follows (dependent on plant specification and details of the scheme):

- Planting at completion / short term: 3-5 metres (dependent on plant specification).

Strategies to address likely negative (adverse) effects include:

- Prevention and avoidance of an impact by changing the form of development;
- Reduce impact by changing siting, location and form of development;

- Remediation of impact, e.g. by screen planting;
- Compensation of impact e.g. by replacing felled trees with new trees; and
- Enhancement e.g. creation of new landscape or habitat.

A1.11 Guidelines for Mitigation:

- Consultation with local community and special interest groups, if possible, on the proposed mitigation measures is important;
- Landscape mitigation measures should be designed to suit the existing landscape character and needs of the locality, respecting and building on local landscape distinctiveness and helping to address any relevant existing issues in the landscape;

Many mitigation measures, especially planting, are not immediately effective. Where planting is intended to provide a visual screen for the development, it may also be appropriate to assess residual effects for different periods of time, such as day of opening at Year 1.

- The proposed mitigation measures should identify and address specific landscape issues, objectives and performance standards for the establishment, management maintenance and monitoring of new landscape features.
- A programme of appropriate monitoring may be agreed with the regulatory authority, so that compliance and effectiveness can be readily monitored and evaluated.

Report presented by

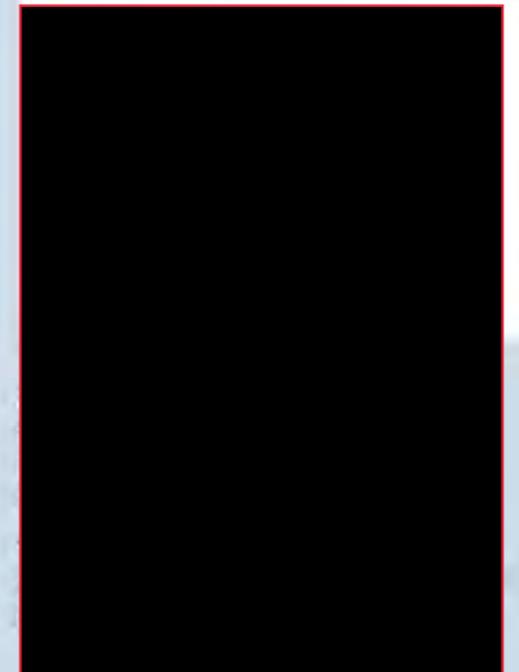
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Report presented by

Rummey environmental



**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:

T Ware Developments Ltd

Policies:

H1, DS2, DS3 and HP4

and

**Omission of Land south of Hope Lodge,
Fareham Park Road, Fareham as an
Allocation in Policy H1 (SHELAA Site Ref
3159).**

WBP REF: 8249

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 16th December 2020 (LPA Ref: P/18/0363/OA)
11. Decision Notice for P/18/0363/OA (18th December 2020)
12. Landscape Statement for an Appeal in relation to P/18/0363/OA) (terrafirma)
13. Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients (T Ware Developments Ltd) own land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 1263).
- 1.2. The Site has been promoted through earlier stages of the Local Plan process as sustainable urban extension to Fareham, an acknowledged suitable location for growth within the Borough as indicated in the SHELAA.
- 1.3. As indicated in these representations, we contend that insufficient deliverable and/or developable land has been identified to address the Borough's housing needs for a plan period consistent with the requirements of the NPPF, including an appropriate contribution towards addressing the significant unmet housing needs of the City of Portsmouth – a neighbouring authority. We therefore advocate changes to the Local Plan to address this, including the allocation of our clients' land south of Hope Lodge, Fareham Park Road, Fareham.
- 1.4. The reports and documents submitted with this representation demonstrate the suitability of the approach advocated. As detailed in the representations, this land is not subject to constraints which would prevent its delivery for development at an early stage during the emerging plan period should this be confirmed through the examination of the Plan.
- 1.5. We also have several comments/representations on the policies within the Revised Draft Submission Fareham Borough Local Plan which should be addressed prior to its submission for examination by the Secretary of State.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector’s Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector’s Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Officer Report on application for up to 28 dwellings on land south of Hope Lodge (84 Fareham Park Road), Fareham (**Appendix 10**)
- Decision Notice for P/18/0363/OA (18th December 2020) (**Appendix 11**)
- Landscape Statement for an Appeal in relation to P/18/0363/OA (terrafirma) (**Appendix 12**)
- Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**)

2.2. Our clients’ representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy DS2 – Development in Strategic Gaps	Objection
Policy DS3 – Landscape	Objection
Policy HP4 – Five-year Housing Land Supply	Objection
Omission site – Land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Ref 3159) – failure to include as an allocation in policy H1	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated including the land controlled by our clients south of Hope Lodge, Fareham Park Road, Fareham (SHELAA site ref 3159). This site can accommodate 28 dwellings (including a policy-compliant level of affordable housing) and as indicated in these representations and the supporting documents would be a sustainable addition to the town.

- 3.5. The representations also highlight a failure of the plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of neighbouring authorities and the allocation of land south of Hope Lodge, Fareham Park Road, Fareham can also supply homes to contribute towards resolving this issue.
- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.
- 5.7. Whilst the Revised Draft Plan includes a contribution of 900 dwellings² towards unmet needs of neighbouring authorities, the DtC is clear that the City of

¹ NPPF, paragraph 22

² Table 4.1

Portsmouth seeks a contribution of 1,000 dwellings³. Although Fareham contends that the request from Portsmouth is “out-of-date”⁴, there is no evidence to substantiate this position.

- 5.8. In addition, Fareham Borough Council has not indicated which other neighbouring authority to the City of Portsmouth would also be contributing towards addressing its unmet needs.
- 5.9. The Inspectors Reports into the Examination of both the Sevenoaks and Tonbridge & Malling Local Plans (**Appendices 1 and 2**) are clear that a document will have failed in the legal test associated with the Duty to Co-operate where it has failed to make an effective contribution towards unmet needs of neighbouring authorities.
- 5.10. The letter of 25th February 2020 provided within the Council’s DtC Statement from the City of Portsmouth (**Appendix 9**) indicates that the Council expects to have a shortfall of just over 3,000 dwellings. It consequently sought to have a contribution of 1,000 dwellings within Fareham Borough which would go some way to resolving the identified shortfall.
- 5.11. As Fareham Borough has been aware of the extent of unmet need within the City for nearly 18 months, it would have been appropriate to increase the housing requirement to make an effective contribution. Whilst Fareham contends that the City’s request is out of date (paragraph 4.6 refers), this is not evidenced. Therefore, it is appropriate for Fareham to include a larger contribution (of at least 1,000 dwellings) towards the unmet needs of the City.
- 5.12. Having regard to the clear longstanding indications that Portsmouth City could not meet its housing needs, the approach of Fareham Borough as indicated in their DtC Statement (paragraph 4.6), it is not considered reasonable. Instead, rather than just an allowance of 900 dwellings, this should be increased to at least 1,000 dwellings consistent with the request of the City of Portsmouth (recognising that this is only a third of their expected unmet need). Ideally

³ Paragraph 4.5 and Appendix 9

⁴ Paragraph 4.6 of DtC Statement

Fareham Borough should make a significantly larger contribution towards the City's unmet housing needs.

Robustness of Plan Period

- 5.13. Although the Council's latest Local Development Scheme (June 2021) indicates that consultation on the Revised Draft Submission Plan is to occur in Spring/Summer 2021 followed by submission in the autumn and adoption in autumn/winter 2022, this is not considered realistic.
- 5.14. A review of the time taken for the examination of Strategic Local Plans consulted upon and submitted for examination since the original NPPF was published in March 2012⁵ indicates that on average the period from submission through to the document's adoption was 581 days (i.e. 1 year 7 months) (for the more than 200 Strategic documents found sound until 1st June 2021).
- 5.15. The average period from consultation on a draft Submission Plan until its adoption was 764 days (i.e. 2 years 1 month).
- 5.16. Alternatively, when considering the 11 Strategic Local Plans submitted for examination since the end of the transition period in paragraph 214 of the 2019 NPPF⁶, these have taken 619 days (1 year 8½ months) from consultation through to adoption or 488 days from submission to adoption (1 year 4 months). As this is a very small sample size, it is clear that a longer timeframe for the document's examination would be more realistic.
- 5.17. As consultation on the Revised Draft Submission Plan commenced in June 2021, allowing at least 2 years until adoption indicates that this would not occur until June 2023. With submission expected in autumn 2021, the larger sample size indicates that adoption would not occur until early 2023.
- 5.18. To ensure consistency of the Plan with the requirements of NPPF paragraph 22, the Strategic policies (including H1) should therefore look ahead a minimum

⁵ Data on progress of Strategic Local Plans until 1st June 2021 from <https://www.gov.uk/government/publications/local-plan-monitoring-progress/plans-containing-strategic-policies>.

⁶ Submitted on or before 24th January 2019. This is repeated in paragraph 220 of the NPPF (2021).

15 years from adoption of the Local Plan, that will be to at least March 2039, an additional 2 years longer than the currently envisaged timeframe.

- 5.19. If the Borough's housing requirement was increased by the Local Housing Need figure of 541dpa, this would result in the need for a further 1,078 dwellings in the Plan.
- 5.20. However, as we contend that the allowance for unmet housing needs in the City of Portsmouth should be at least 1,000 dwellings. Accordingly, the total minimum housing requirement for the period 2021-2039 would be 10,738 dwellings⁷. This is an increase of 1,178 compared to the 9,560 dwelling requirement current specified in draft policy H1.
- 5.21. Whilst the Draft Plan indicates that it can deliver 10,594 dwellings (Table 2), this is insufficient to address the increased requirement of 10,738 dwellings we advocate. In addition, the Council's delivery assumption from certain of the identified components of supply will not be delivered at the point envisaged.
- 5.22. For the reasons detailed above, a March 2039 end date would provide for 15 years after the 2023/24 monitoring period during which adoption could be realistic anticipated.

Approach to Phasing the Housing Requirement

- 5.23. We do not consider the Council has adequately justified the phased housing requirement asset out in the Plan.
- 5.24. Whilst the Council indicates that a significant proportion of the Borough's housing delivery is to arise at Welborne garden village (paragraph 4.16 refers), the Council's expectations for development of this strategic allocation have consistently been demonstrated to be over optimistic.

⁷ (541 x 18) + 1,000

5.25. The Council's continuously revised trajectories for Welborne are summarised in the following table which emphasises the continual delays in commencement of development on the site.

Document	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
CS: Local Plan Part 1 (Adopted Aug 2011)	50	200	300	400	550	550	550	550	550	550	550	550	5,350
Local Plan Part 3, Table 10.1 (Adopted June 2015)	0	0	120	180	200	320	340	340	340	340	340	340	2,860
Nov 2016 AMR with respect of Apr 2016	0	0	0	0	0	250	350	-	-	-	-	-	600
Welborne Background Paper Oct 2017	0	0	0	0	0	0	140	200	250	250	250	250	1,340
Dec 2017 Position (completions to 31st Mar 17 and commitments to 31st Oct 17)	0	0	0	0	0	0	140	200	-	-	-	-	340
Sep 2018 Position	0	0	0	0	0	0	140	200	250	-	-	-	590
Apr 2019 position							30	180	240	240	-	-	690
Apr 2020 position									30	180	240	-	450
Jan 2021 position⁸									30	180	240	180	630
Apr 2021 position⁹										30	180	240	450

5.26. Given the absence of a planning permission for any part of the site, all of the previous trajectories have failed to materialise and have been shown to represent over optimistic assumptions.

⁸ Forecasts relates to calendar not monitoring years (Apr- Mar). Therefore 30 dwellings are envisaged for completion during 2022 which is 3 months earlier than that detailed in the table associated with paragraph 8.10.7 of the January 2021 Planning Committee Report.

⁹ Updated forecasts for monitoring not calendar year from HDT Action Plan (June 2021)

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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.

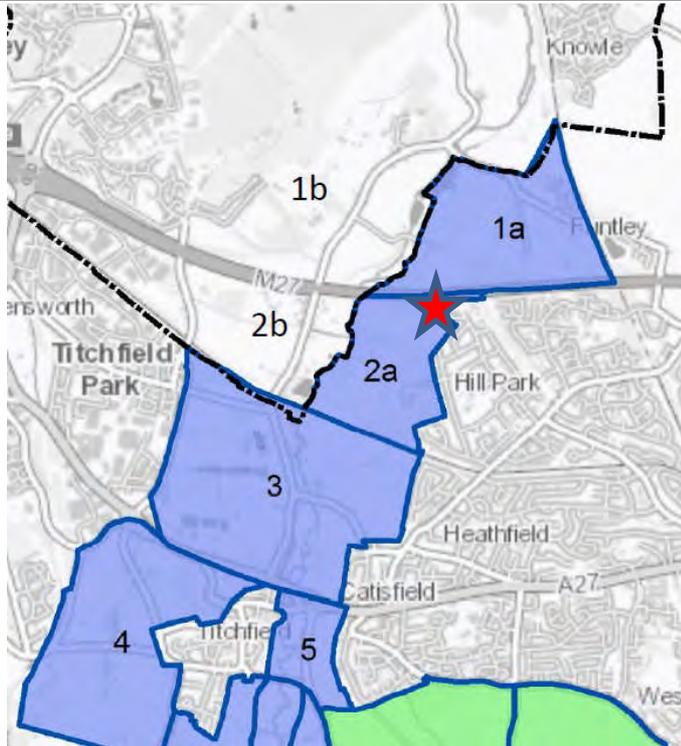
5.37. To address these matters of soundness, several amendments are proposed. The proposed changes are.

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' land¹⁰. This therefore indicates that the approach of the authority is not supported by the necessary evidence as required to demonstrate soundness of the Plan.
- 6.6. Whilst the Technical Review does not appraise our clients site, an assessment was included in the officers report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council's planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.25 of the officer's report, it states:

In this case at the land at 84 Fareham Park Road, Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site

¹⁰ Whilst there is a review of the land around Henry Cort Community College (lies south of our clients land), this is assessed under reference 2b (page 90 of Technical Review).

being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap either. The spatial function of the gap and the settlement pattern of both Fareham and the Western Wards/Whiteley on either side of that gap would not be adversely affected.

- 6.7. Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS2. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 6.8. The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current Strategic Gap, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 6.9. The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS2

- 6.10. The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Strategic Gap.
- 6.11. To address this matter of soundness, the following amendment is proposed.
- 1. That our clients' land is omitted from the Meon Valley strategic gap defined on the policies map under policy DS2.

7. POLICY DS3: LANDSCAPE

General

- 7.1 Policy DS3 defines extents of Areas of Special Landscape Quality within Fareham Borough. Our particular relevance is the Meon Valley defined area as shown on the policies map pursuant to the policy.
- 7.2 The extent of the areas defined by the policy are supported by the “Technical Review of Areas of Special Landscape Quality and Strategic Gaps” prepared by the County Council for the Borough Council in September 2020. With respect of the Meon Valley, this is within assessed parcel reference ASLQ4.
- 7.3 Although the Technical Review includes an assessment, with respect of our client’s site there is a more recent appraisal, which is focused on the specific characteristics of the location. This was within the officers’ report with respect of an outline application for the erection of up to 28 dwellings on the land considered by the Council’s planning committee on 16h December 2020 (**Appendix 10**). In paragraph 8.47 of the officer’s report, it states:

In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site’s well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to

provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements.

- 7.4 Therefore, it is clear that the Council's own assessment of our clients land is clear that it is not necessary to achieve the objectives as outlined in draft policy DS3. Therefore, it can readily be removed from the designation, consistent with the authority's own assessment.
- 7.5 The authority refused the application on our clients' land (**Appendix 11**), an appeal has been submitted. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. However, and notwithstanding, the application was refused on impact upon the current landscape quality of the Meon Valley, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 7.6 The gap issues raised in the decision notice are addressed in the Landscape Statement submitted with the Appeal. **Appendix 12** refers.

Suggested Change to Policy DS3

- 7.7 The Plan therefore as currently prepared in not sound with respect of:
- a) It is not justified as there is clear evidence that the land south of Hope Lodge, Fareham Park Road should not be included in the Meon Valley Area of Special Landscape Quality.
- 7.8 To address this matter of soundness, the following amendment is proposed.
1. That our clients' land is omitted from the Meon Valley Area of Special Landscape Quality defined on the policies map under policy DS3.

8. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

General

8.1. Policy HP4 explains how the Council will continue to the approach of Policy DSP40 of the existing Local Plan. This is through consideration of additional housing schemes to boost the supply of housing.

8.2. As indicated in our separate response to Policy H1, the Council has consistently been overly optimistic in the expectations of delivery from Welborne. It is therefore essential that a policy which can contribute towards boosting the supply of housing is included in the Plan. However, the Council has a poor track record of maintaining five year supply (as confirmed in appeal decisions including):

- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)¹¹
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**)¹²;
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)¹³
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)¹⁴
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)¹⁵
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)¹⁶

8.3. Having regard to the Council's track record of not being able to demonstrate a five year supply, especially having regard to overly optimistic expectations of

¹¹ Paragraph 62

¹² Paragraph 27

¹³ Paragraph 55

¹⁴ Paragraphs 17, 51 & 52

¹⁵ Paragraph 90

¹⁶ Paragraph 91

delivery from various sources (especially Welborne) it is essential that the policy does not arbitrarily restrict growth.

- 8.4. In this context, it is not considered that meeting the Government's objectives of boosting the supply of housing should be constrained by the need to consider landscape character and the intrinsic beauty of the countryside when the NPPF is clear that all the factors need to be considered collectively. Therefore, clause (c) of the policy should be omitted.

Current Five Year Housing Land Supply Position

- 8.5. As set out above, previous appeal decisions have consistently found the Council's published five year housing land supply position to be overly optimistic. That remains the case for the figures currently relied upon by the Council.
- 8.6. A recent assessment of the Council's five year housing land supply position is contained in an appeal decision relating to land east of Downend Road, Porchester (PINS Ref: APP/A1720/W/19/3230015) (5 Nov 2019), with paragraph 90 of that decision stating as follows:

“The 5yrHLS evidence put before me shows that there are a significant number of dwellings subject to applications with resolutions to grant planning permission that are subject to unresolved matters, including the execution of agreements or unilateral undertakings under Section 106 of the Act. In many instances those resolutions to grant planning permission are 18 or more months old and I consider they cannot be considered as coming within the scope of the Framework's deliverability definition. I therefore consider that the Council's claimed 4.66 years HLS position is too optimistic and that the appellant's figure of 2.4 years better represents the current situation.”

- 8.7. The deficit in the Council's five year housing land supply position has continued to persist.
- 8.8. The Council's housing land supply position was set out in their Report to Planning Committee dated 17 February 2021 which purports to be able to show a 4.18 year supply of deliverable housing land for the period 1st January 2021

to 31st December 2025. This results in a shortfall of 498 dwellings, on which basis the Council is not able to demonstrate a five year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

8.9. These figures were considered at the recent Newgate Lane (North and South Appeal), which findings are summarised below:

- a) *The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites (para 15 refers)*
- b) *The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum (para 87 refers)*
- c) *Having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period (para 87 refers)*
- d) *The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply (para 87 refers)*
- e) *Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic (para 91 refers)*
- f) *The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come (para 92 refers)*

8.10. The Inspector's conclusions are nothing new and reflect the position that has endured in FBC for a considerable period of time.

8.11. The Council has already reflected upon the findings of the Newgate Lane Inspector, with the Council now advocating a deliverable housing supply of 3.57

years, which represents a shortfall of 924 dwellings. This represents a substantial shortfall, and which position is reflected in the Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 13**):

8.12. However, and on our analysis, the actual shortfall is much greater. We are of the view that there is **less than a 1 year supply of deliverable housing land as at the current base-date (1st Jan 2021 to 31st Dec 2025)**.

8.13. We have undertaken a review of the five year housing land supply position, and our conclusion as set out in **Appendix 13** is that the shortfall is much greater than purported to be the case by the Council.

8.14. The below Table provides a comparison between the housing land supply position set out in the Council's Published Report to Committee in February 2021, the Council's updated position (same base-date) as set out in the Housing Land Supply SoCG (**Appendix 13**) and that which we have derived for the five year period 1st January 2021 to 31st December 2025.

The Respective Five Year Housing Land Supply Positions

	Council Feb 2021	Council June 2021	My Position obo Appellant
Requirement 2021 to 2025	3,048	3,234	3,234
Assessed deliverable supply	2,550	2,310	600
Extent of shortfall/surplus	-498	-924	-2,634
No. of years supply	4.18yrs	3.57yrs	0.93yrs

8.15. We identify a total deficit of 2,634 dwellings which represents a supply of only 0.93 years.

8.16. The shortfall we have identified is much greater than the 3.57 year supply figure relied upon by the Council.

Suggested Changes to Policy HP4

8.17. Policy HP4 cannot be said to be sound in respect of the following:

- a) Not positively prepared as the policy (alongside others in the document) will 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 is proposed:

1. That clause c is omitted from policy HP4.

9. OMISSION SITE: FAILURE TO INCLUDE ALLOCATION OF LAND SOUTH OF HOPE LODGE, FAREHAM PARK ROAD, FAREHAM AS AN ALLOCATION WITHIN THE LOCAL PLAN CONSISTENT WITH POLICY H1 (SHELAA Ref 3159)

General

- 9.1. Through the other representations submitted to the policies of the plan, there is a need to allocate additional land for housing development. Having regard to the representations and the earlier promotion of the land south of Hope Lodge, Fareham Park Road for residential development, it is clear that this is a suitable location for allocation. These reasons for this are detailed below.
- 9.2. Our client's site comprising land south of Hope Lodge, Fareham Park Road, Fareham (SHELAA Site Ref: 3159) is submitted as an additional housing allocation. The Site extends to approximately 1.4ha.
- 9.3. We have undertaken a thorough assessment of the character of the site and surrounding area and consider that it affords a sustainable development opportunity for approximately 28 dwellings.
- 9.4. The site is well related to the urban area. Whilst the Council's SHELAA assessment of the site indicates that it is a "valued landscape", as indicated in the representation to policy DS3, this is not supported by the necessary evidence, included the Council's own appraisal as indicated in the Committee Report on the earlier application (**appendix 10**).
- 9.5. Development of the site for approximately 28 dwellings would enable a high-quality housing scheme to be located within walking distance from local services and facilities, as acknowledged in the assessment of the land in the SHELAA (page 201).
- 9.6. Access can be readily achieved from Fareham Park Road, and there is a pedestrian footway which enables safe and convenient access to local services and facilities by foot.

- 9.7. The site is also within a short 400m walk to a bus stop which provides regular services to Fareham.
- 9.8. The Site is currently subject to an appeal made against the decision of Fareham Borough Council to refuse an outline planning application for residential development of up to 28 dwellings, including the provision of affordable homes, along with landscaping, amenity space, parking and means of access from Fareham Park Road (LPA Ref: P/18/0363/OA).
- 9.9. The decision to refuse planning permission was taken contrary to the officer advice/recommendation. The application was refused in relation to its purported landscape impact, which position is not supported by the evidence. **Appendices 10 and 12 refer.**
- 9.10. Paragraph 8.20 of the Report to Committee states in relation to the acceptability of developing the site as follows:

“There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.”

- 9.11. Paragraphs 8.47 and 8.48 set out the acceptability of the landscape impact stating as follows:

“In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale

and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site's well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements. Such matters of layout and landscaping are also however of course reserved matters.

The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.”

- 9.12. Overall, the site has no physical constraints, and is well-related to the existing residential development. It is in close proximity to local services and facilities such that it affords a sustainable location in helping to meet identified housing needs whilst providing for sustainable patterns of growth.
- 9.13. We therefore consider that part of the solution to addressing the identified shortfall is to allocate land south of Hope Lodge, Fareham Park Road, Fareham for residential development alongside consequential changes to the Policy Map.

Change sought to the Local Plan

- 9.14. To ensure that the plan is therefore sound as detailed in the representations, **land south of Hope Lodge, Fareham Park Road, Fareham should be included as a residential allocation for circa 28 dwellings, with consequential amendments to settlement boundaries and the other designations, as detailed in other representations.**

10. OVERALL CONCLUSIONS

- 10.1. Our representations have identified a number of concerns with the Regulation 19 Local Plan having regard to the tests of soundness at paragraph 35 of the NPPF.
- 10.2. As indicated in our representations, changes to policies of the Plan are advocated, including the Borough's housing requirement in Policy H1 together with the extent of some spatial policies (DS2 and DS3).
- 10.3. These matters can be addressed through Main Modifications.

11. FINAL REMARKS

- 11.1. We trust the above comments are of assistance in preparing the necessary main modifications to provide for a sound Local Plan.
- 11.2. We welcome the opportunity to engage in constructive dialogue with the Council in relation to our observations, including the allocation of our clients' site south of Hope Lodge, Fareham Park Road, Fareham.
- 11.3. Additionally, we confirm that we wish to be notified of each further step in the preparation of the Local Plan, including its submission to the Inspectorate for examination.

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: 18th 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.



Notes to Accompany Planning Decision Notice

Planning Application Ref: P/18/0363OA

Decision Date: 18th 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.
- 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 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 18th 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

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 18th 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.’

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- 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.

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- 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

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*

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.

Planning Appeal

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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.’

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- 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

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*

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.

-
- 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.

**REPRESENTATIONS TO THE
REVISED FAREHAM LOCAL PLAN 2037**

On behalf of

Raymond Brown Minerals & Recycling Ltd

Lynne Evans
BA MA MRTPI MRICS
Consultant



Client: Raymond Brown Minerals & Recycling Ltd

Date: July 2021

Ref: F/376/LE/1



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APPENDICES:

- 1) Appeal Decisions: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185
- 2) Text from Petition to Government and Government Response re Prioritising Brownfield Land
- 3) Housing, Communities and Local Government Report: The Future of the Planning System in England and Wales, June 2021
- 4) Rookery Farm: Site Ownership Plan
- 5) Rookery Farm: Concept Masterplan OSP Architecture 17056/C02A
- 6) Rookery Farm: Phase I Environmental Site Assessment TRC Companies Ltd 2017
- 7) Rookery Farm: Phase II Geo-Environmental Site Assessment 2018
- 8) Confirmation of Implementation of P/18/0798/CC (Rookery Farm)



1.0 INTRODUCTION AND SUMMARY

- 1.1 Southern Planning Practice are instructed by Raymond Brown Minerals & Recycling Ltd (Raymond Brown), to submit representations to the Regulation 19 version of the Fareham Local Plan 2037 Revised, published in June 2021 (LP Revised). Raymond Brown is acting on behalf of the two landowners, Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd (please see attached land ownership plan at Appendix 4).
- 1.2 Raymond Brown is part of the Raymond Brown Group, a leading recycling and waste management business and distributor of primary and recycled aggregates for use in construction applications. One of their sites is at Rookery Farm, Fareham. The land is located immediately north of the M27 motorway and to the west of Whiteley. Access is from Botley Road, approximately 100m north of the bridge over the M27.
- 1.3 Raymond Brown submitted representations to the Regulation 19 version of the draft Plan published in November 2020, which was premised on a requirement for a lower housing figure, based on draft methodology produced by the government for consultation purposes, and which has not been proceeded with. This has necessitated a further review of the draft Plan and the publication of this revised Regulation 19 draft. Raymond Brown have reviewed this LP Revised and continue to find it UNSOUND and fails to comply with the Duty to Co-operate.
- 1.4 These representations set out the reasons why: -
1. the Plan is considered to be UNSOUND and
 2. fails to comply with the Duty to Co-Operate
- and sets out the steps that require to be taken to make the Plan SOUND.
- 1.5 Separate representation forms have been submitted against each policy and paragraphs which is considered to be UNSOUND, but the case to be made is set out in full in this document.
- 1.6 In summary, OBJECTION is raised to Strategic Policy H1 Housing Provision on the grounds that the figures promoted are not soundly based or justified. This is addressed in detail in Section 2.0. A detailed objection to Policy HP4 is also raised in the same section. Objection

is raised to the allocation of a number of the housing sites in that they are not suitable, and /or available and/or achievable, particularly within the Local Plan period. This is addressed under Section 3.0.

- 1.7 Section 4.0 sets out why Land at Rookery Farm should be allocated as a Housing Site to start to address the issues identified in Sections 2.0 and 3.0. Section 5.0 draws these matters together with consideration of modifications that are required to be made to the Plan to ensure that it is SOUND and will provide a sound planning framework to deliver the much needed housing over the Plan Period.
- 1.8 It is concluded that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available, achievable and, indeed, deliverable.
- 1.9 Objections are therefore raised to the Development Strategy, Policies H1, HP4, FTC3, FTC4, FTC5, HA7, HA13, HA4, HA55, HA56, BL1 and HA42 and the omission of an allocation for housing for Rookery Farm, Botley Road, Fareham. Objections are also raised to the Development Strategy which is UNSOUND to meet the Council's Vision and Strategic Objectives, as well as the supporting text to Policy H1 (4.1 to 4.20 and tables 4.1, 4.2 and 4.3). An objection is also raised to the SA/SEA in that it should have reassessed the alternatives sites that had previously been considered suitable and appropriate for allocation, such as Rookery Farm, against the new proposed allocations.
- 1.10 All references in these representations are to the revised National Planning Policy Framework (NPPF) published on 20 July 2021.

2.0 OBJECTION to Strategic Policy H1 – Housing Provision

Overview

- 2.1 The objections to this Policy are several and are addressed individually below. The individual and cumulative failings render the policy UNSOUND and as Strategic Policy H1 forms the basis for the provision of much needed housing across the whole Borough, it follows that the whole Plan is rendered UNSOUND. It should be noted that although the issues have been subdivided into several sections, many of the issues interrelate and cumulatively exacerbate the conclusions drawn that the Council is failing to provide properly for its housing need.
- 2.2 The objections to this Policy include:
- (i) Objectively Assessed Housing Need;
 - (ii) Duty to Co-Operate and Unmet Need – Fareham has not undertaken this Duty in a sound manner;
 - (iii) Additional factors Contributing to the Shortfall, including the 5 year Housing Land Supply Position and Contingency Provision;
 - (iv) Over-reliance on Welborne to provide a significant proportion of Fareham’s housing which is considered to be a very high risk strategy, resulting in a need for more sites to be allocated;
 - (v) Inability to meet the identified Affordable Housing Provision;
 - (vi) Over-reliance on Windfall allowance.
 - (vii) Lack of Priority to Brownfield Sites
- 2.3 Before analysing the approach adopted by Fareham, it is first worth reviewing the clear guidance on the approach to be followed as set out under the National Planning Policy Framework July 2021 (NPPF) and the Planning Practice Guidance (PPG). It is important to note that the NPPF makes it clear that “*strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas*” (Paragraph 11 b)).
- 2.4 Paragraph 61 builds on this and states that:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

This clarifies how the housing numbers calculated by the standard method should be considered when preparing a Local Plan. Paragraph: 004 (Reference ID: 2a-004-20190220) of the Planning Practice Guidance confirms that the standard method should be used to calculate a **minimum** (emphasis added) housing need figure.

2.5 In addition to the Borough's own housing needs, as acknowledged by the draft Local Plan, its housing figure needs to incorporate the needs of neighbouring authorities. Paragraph 35 a) of the NPPF sets out that in order for a plan to be sound it must be:

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

2.6 The following sections demonstrate how Fareham has failed to follow this clear guidance with the result that Strategic Policy H1 and the Plan is UNSOUND.

i) **Objectively Assessed Housing Need**

2.7 Since the last Publication Draft in 2020, the Revised Local Plan correctly points out at Paragraph 4.2 that '*Local housing need should be determined by using the Standard Method set out in national Planning Practice Guidance (PPG). This Method currently combines 2014-based household projections with affordability data released in March 2020 to calculate the annual need. Using this method, the housing need for Fareham currently stands at a minimum of 541 dwellings per annum (dpa).*'

2.8 Previously Fareham had chosen to use the new Standard Method set out in the 'Changes to the Current Planning System' White Paper which would have resulted in a woefully

inadequate housing provision. Therefore, we welcome the amendment in the latest Local Plan to provide housing to meet the objectively assessed need as calculated by the up to date Standard Methodology. However, we would like to highlight that there are a few inconsistencies within the Revised Local Plan relating to the housing requirement, which require to be addressed.

2.9 Whilst we are supportive of the Local Plan planning for the homes required by the standard method, we would like to highlight that

*“the standard method for calculating local housing need provides a **minimum** number of homes to be planned for. **Authorities should use the standard method as the starting point** when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.”* (our emphasis). (Paragraph: 001 Reference ID: 68-001-20190722 of the Planning Practice Guidance).

2.10 Fareham have taken the figure calculated by the standard method as an exact, final figure not a starting point. Paragraph 4.3 of the revised Local Plan tries to justify this approach to housing numbers by setting out “

The PPG makes it clear that this is a minimum figure and the Council could adopt a higher figure for its housing requirement. One of the reasons for doing so would be if the need for affordable housing is greater than that likely to be delivered through the delivery of the level of growth aligned with the standard methodology. The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market. Through calculating the affordable housing provision in line with the proposed policy (Policy HP5: Provision of Affordable Housing, see Chapter 5), the Council's affordable need will be met. Therefore, the Council believes it is fully justified in its approach towards meeting affordable need in the Publication Local Plan and there is no further requirement for an adjustment of the need figures for the Borough.”

It is understood from the Revised Local Plan that at present Fareham do not have a sufficient supply of affordable homes and therefore the Local Plan should be looking to make adequate provision for such housing. Fareham's affordable housing provision is discussed in more detail below.

- 2.11 Paragraph 4.4 of the draft Local Plan further attempts to justify taking the housing figure calculated by the standard method as an exact figure,

*“One of the other scenarios why a council could adopt a higher housing figure as its Local Plan ... Through the Partnership for South Hampshire (PfSH), the Council is aware that there is a **significant likelihood of a substantial level of unmet need in the sub-region**. (our emphasis) Figures released in September 2020, suggest that over the plan period, the unmet need in the sub-region could be circa 10,750 dwellings. This figure is derived from eleven councils who are all at different stages of plan preparation, and importantly, is based on the current standard methodology and not the proposed new methodology which will see some levels of housing need fall in the sub-region, while other levels will increase substantially. In addition, while their need figure may be calculated from publicly available data, details of the housing sites that may form part of their Local Plan supply is not entirely known. Therefore, the level of unmet need across the wider sub-region will change as the new standard methodology is introduced and as other Local Plans progress.”*

Given the constraints presented to the neighbouring authorities particularly with both environmental and landscape designations (the sea and National Park), it is believed that the unmet need across the wider PfSH area will only grow. Fareham’s contribution to neighbouring authorities unmet need is discussed in detail below.

ii) **Duty to Co-Operate and Unmet Need from Neighbouring Authorities**

- 2.12 As acknowledged in the Revised Local Plan, Fareham Borough Council is a member of the Partnership for South Hampshire (PfSH). In September 2019, Fareham Borough Council and Havant Borough Council together with all the authorities of the PfSH published a Statement of Common Ground (SOCG). The SOCG sets out how the local authorities in South Hampshire have successfully worked together on strategic planning matters and how they continue to do so. As part of the Local Plan Review, a Statement of Compliance with the Duty to Cooperate has been produced. This is in accordance with Paragraph 24 of the NPPF. This confirms that the Council is proposing to take the approach that the issue of unmet need is not dealt with as specific to any authority, but as a general contribution (Paragraph 4.5).
- 2.13 Fareham Borough Council is identified as being within the Portsmouth Housing Market Area (HMA). The PfSH Strategic Housing Market Assessment (SHMA) indicates an overall

objectively assessed need figure of 121,500 dwellings, over the whole PfSH area from 2014-2036. It should be noted that the SHMA was prepared in January 2014 and the identified housing need is not based on up to date figures, therefore its housing numbers are considered to be out-of-date. The SOCG acknowledges that the housing need figures within the PfSH Spatial Position Statement (SPS) (2016) are not in accordance with standard methodology set out in NPPF (2019), or the most recent standard method which is now required to be used to calculate housing need. A key role of the SPS has been to consider the capacity of different areas within PfSH to accommodate housing. It is used to inform Local Plans where there is the ability to meet unmet need from the relevant housing market area provided it is reasonable to do so. The SPS is being reviewed to bring it in line with updated development needs. However, there is still no indicative timescale for the SPS review and given the Housing White Paper and the recent changes to the standard methodology, such a statement is unlikely to come out ahead of the submission of the Fareham Local Plan. Therefore, Fareham must take a pragmatic view based on the up-to-date evidence from neighbouring authorities to establish and contribute to their unmet housing needs in the absence of an up-to-date SPS.

- 2.14 One key issue arising for the PfSH Portsmouth HMA/PfSH East (Portsmouth, Havant, Fareham, Gosport, Winchester) is the challenge of delivering sufficient homes to meet the housing need of the area given the significant geographical constraints and nationally important environmental and landscape designations. It is acknowledged that some authorities within the PfSH East area are more constrained than others. Portsmouth, Havant and Gosport are all physically constrained as well as having coastal environmental designations, to varying degrees. Therefore, as Fareham Borough is less constrained and physically has the space to provide housing in addition to its own need, the Borough must look to accommodate unmet need arising from neighbouring authorities as a key part of the Local Authority's duty to cooperate requirement.
- 2.15 It has been acknowledged for some time that Portsmouth cannot meet its housing need and a key role of PfSH has been to consider the capacity of other local authorities in the PfSH area which could contribute to accommodating the unmet need arising from Portsmouth. As acknowledged, Fareham Borough has relatively few constraints compared to its neighbouring authorities, indeed Fareham Borough has been identified as an area which can help to accommodate the unmet need arising from Portsmouth. Portsmouth City Council have written to Fareham to request a contribution of 1,000 dwellings to their unmet need.

Paragraph 4.5 of the revised Local Plan consultation sets out that based on the September 2020 figures the unmet need figure is estimated to be 669 dwellings, however it is understood that this is not an up to date figure and the unmet need housing figure is still being further considered by Portsmouth; this has been indicated by Portsmouth in its draft Regulation 18 Local Plan (considered by Cabinet on 27 July 2021) on 19 July:

At this time, a possible contribution of 1,000 units from other local authorities has been retained while Duty to Cooperate discussions continue and as Portsmouth's final unmet need housing figure is determined.

- 2.16 It should also be noted that at Portsmouth's Full Council meeting on 19 July 2021, a report was considered with a request to review the allocation of the 'Tipner West' site which is allocated for some 4,200 homes. If this allocation were not to come forward or be modified or delayed significantly, this could have major consequential effects on Portsmouth City Council's housing numbers. (A copy of these Committee reports have not been attached as they are publicly available but can be provided if requested.)
- 2.17 Paragraph 4.5 also confirms that there is likely to be an unmet need in the region of 2,500 homes arising from Gosport alone, and Havant cannot contribute to meeting unmet arising from neighbouring authorities as they may struggle to meet their own needs. Therefore, it is apparent that the only authority capable of accommodating unmet need in the PfSH east area is Fareham. As such, Fareham must look to increase the housing requirement over the plan period to accommodate additional unmet housing need arising from neighbouring authorities.
- 2.18 However, in the Revised Local Plan Fareham have only included 900 dwellings in the total housing requirement to contribute to the unmet need of neighbouring authorities when in reality the need is far greater. Whilst this figure seeks to provide an additional 53 homes since the last Local Plan consultation, this figure is alone not enough to provide for Portsmouth's unmet need, never mind the other authorities, particularly Havant and Gosport, within the PfSH East area. It is evident therefore that the plan is not appropriately planning for unmet need arising from neighbouring authorities within the PfSH east area and has not been positively prepared in accordance with paragraph 35 a) of the NPPF. The Revised Local Plan therefore remains **unsound**.

2.19 The following table looks at the housing need per annum for all the authorities within the PfSH East area. It sets out the current local plan requirement, the average delivery rate over the last 3 years and the housing figure under the current standard methodology. It is evident from the figures in Table 1 that all of the Local Authorities housing requirements have increased under the standard method and they are going to struggle to meet their housing requirements if they continue to provide homes at their past delivery rates.

PfSH East	Current Local Plan Requirement	Average Delivery (last 3 years)	New Standard method	Difference between current Local Plan requirement and standard method	Difference between standard method and delivery
Portsmouth	547	328	855	+308	+527
Fareham	147	310	514	+367	+204
Gosport	170	145	238	+68	+93
Havant	315	402	504	+189	+102
Winchester	625	643	692	+67	+49
Total	1,804	1,828	2,802	+998	+974

Table 1 – Housing need per annum and delivery rates for authorities within PfSH East

2.20 It is also pertinent to note that whilst Fareham has now adopted the appropriate Standard Methodology for its own figures, it has not acknowledged the implications arising in terms of the Duty to Co-operate and that there is a significant uplift overall in the housing requirements, including for those authorities potentially already struggling, including Portsmouth, Havant and Gosport.

2.21 In Summary:

- No Local Authority in the PfSH East has been able to deliver their housing need as required by the current standard method in the last 3 years. In fact, most of the Local Authorities have made inadequate contributions to their housing need which has further exacerbated the unmet need issue in the PfSH east area.

- The total housing need in the PfSH East area under the new standard method is far higher than the previously identified housing need and the homes planned for through the current Local Plans.
- No Local Authority is planning enough homes to meet the unmet need arising from the other Local Authorities in the PfSH East area.

iii) Additional Factors affecting Fareham's Housing Numbers, including 5 Year Housing land supply position and Contingency Provision

2.22 Table 1 (Housing need per annum and delivery rates for authorities within PfSH East) confirms that no Local Authority in the PfSH East area has been able to deliver their housing need as required by the current standard method in the last 3 years. There could be several explanations for the authorities not meeting their housing need including reliance on large sites not coming forward or delivering at the rate they should, not appropriately planning for the homes they need and the recent Solent nitrate issue could all be contributing factors.

2.23 In February 2021 Fareham published its housing supply figures claiming a 4.2 housing supply in years, although in June 2020, Fareham had only a supply of 2.72 years. However, the position was considered recently at an appeal under References: APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185 on land at Newgate Lane (North) and (South), Fareham. A copy of the decision letter is appended at Appendix 1. Both appeals were dismissed. At paragraph 87 of that appeal decision, the Inspector set out the housing land supply position as required and the assessment by both the Council and the Appellant:

The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on

either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

2.24 *On this matter the Inspector concluded in paragraph 91:*

Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic.

2.25 This supply obviously falls substantially below the government's requirement of a 5 year supply, as set out in Paragraph 74 of the NPPF. The Council therefore needs to be more ambitious in its housing numbers to try and achieve an improved housing land supply position.

2.26 It is also apparent that the Council remains reliant on a few large housing sites coming forward to contribute to the housing land supply in future years. Of even further concern, the Council is relying on sites which clearly cannot start to deliver large numbers of housing until much later in the plan period, including Welborne and the town centre redevelopment, to name just two of the sites.

2.27 To be able to meet the increased housing needs in a sustainable manner, and to maintain a 5 year supply of deliverable housing sites across the Plan period, the Council must look to all tier settlements in the hierarchy to deliver homes through a range of sites. However, it should be noted that strategic sites should not be solely relied on due to lengthy lead in times. Instead, a mix of housing sites should be sought and allocated to enable a 5 year supply to be achieved and maintained.

2.28 In addition to bolstering the supply going forward, Fareham need to seek to address the backlog of unmet need. In particular, the South Coast Nitrate crisis put thousands of homes on hold for some time to resolve the eutrophication issues of the Solent to reduce impact on the protected habitats and species. The Nitrate Neutrality Update Report to PfSH Joint Committee (14 October 2019) acknowledged that *"given that there is a severely reduced number of permissions being granted in the PfSH in the financial year 2019/20, it is not*

unnecessary to assume that the delivery of homes will be suppressed in the years 2020/21 and 2021/22.”

2.29 The submission Local Plan is very conservative in its ambitions for growth in the Borough, especially considering it is under a Duty-to-Cooperate to meet neighbouring authorities' unmet need. It does not allocate many new sites and instead relies heavily on sites that have been allocated previously. Strategic Policy H1 confirms this, as the provision for 10,594 homes comprises the following:

- Around 1000 homes already with planning permission
- Over 4,000 homes on sites with resolution to grant permission (Welborne contributes the large majority of these homes)

2.30 Therefore, around 50% of the housing provision already has planning permission or resolution to grant, despite a very poor housing land supply and a record of under delivery in the Borough. As such, the emerging Local Plan MUST look to allocate further sites accordingly.

2.31 The contingency figure of 15% applied to the previous draft has been reduced to 11% without any explanation (paragraph 4.12 and Table 4.3). Reflecting the above the application of a 11% contingency appears woefully inadequate.

2.32 It is also considered UNSOUND to try and rely on Policy HP4 (Five Year Housing Land Supply) as a strategy to meet a failure to meet the five year housing land supply. Whilst there is no objection to the inclusion of this policy per se, the Plan itself should be planning to ensure that it has an adequate 5 year housing land supply. (Please see paragraph for objection raised to specific policy wording for HP4)

iv) Over Reliance on Welborne Garden Village

2.33 Fareham is relying very heavily on one strategic site to deliver a significant element of its housing provision, namely Welborne Garden Village. Table 4.2 indicates some 3,610 units to be delivered by 2037, approximately a third of the overall housing supply. This is not without significant risks.

- 2.34 The original application (P/17/0266/OA) for some 6000 dwellings together with a wide mix of other uses was submitted in March 2017 and benefits from a number of Committee resolutions to grant outline permission, the most recent of which was on 23rd July 2021, subject to legal agreements. (A copy of the Committee report is not enclosed as held by Fareham BC and publicly available). The application has been beset by problems, not least of which are the escalating costs of the various highway improvements, most notably at Junction 10 of the M27. The County Council has confirmed in its Cabinet Committee report of 13 July 2021 that the value of the M27 J10 improvements scheme in the County Council Capital Programme requires to be increased in value from £4.65m to £97.55 m.
- 2.35 Whilst a mechanism has been arrived at to deliver the scheme and the highway works the County Council is clear in its Cabinet Committee report that there remain many potential risks and delays to delivering the project. Attention is particularly drawn to the small amount of housing that would be delivered in the first part of the Plan and whether the numbers could be achieved after 2027 must remain under doubt given all the uncertainties surrounding the delivery.
- 2.36 There must therefore be a question mark over the number of houses that can be brought forward by Welborne in the Local Plan period.

v) Affordable Housing

- 2.37 Paragraph 4.3 of the Revised Local Plan confirms that *'The need for affordable housing in the Borough is based on the number of existing and newly formed households who lack their own housing and cannot afford to meet their housing needs in the market'*. The Council goes on to state that it is confident that it will meet its affordable housing needs through the provision based on its Policy HP5 and it does not need to make any further adjustments to its overall housing figures. It uses this as a reason why the housing requirement calculated by the standard method has been used as a final figure, not a minimum as required by national policy.
- 2.38 However, paragraph 5.29 of the Revised Local Plan indicates that one of the key issues facing residents in the Borough is the unaffordability of homes to buy or to rent, and that therefore the delivery of homes that are affordable is a priority. The Council's Affordable Housing Strategy 2019 – 2036 (2019), as referenced at paragraph 5.30 of the Revised Local

Plan, indicates that there is a need for some 3,500 affordable homes up until 2036. It goes on to state that the delivery of new affordable homes is a vital part of the overall housing delivery in the Borough. However, it is not clear how the proposed housing numbers can and will meet the identified affordable housing demand. It is also pertinent to note that the additional sites included in the Revised Local Plan are largely very small and would not contribute to Fareham's affordable housing requirement as they fall under the 10 dwellings or more threshold. At the very least, Fareham should revise the Local Plan to seek to allocate sites of 10 dwellings or more which must provide affordable housing.

2.39 Key concerns include:

- The reliance on the number of houses, including affordable housing, to be delivered by Welborne which will be in the latter stages of the plan period. The concerns over the deliverability of housing from Welborne in a reasonable timeframe in the plan period has already been addressed; the issues identified have a consequential impact on the delivery of affordable housing;
- Furthermore and as set out in the Officer's report to Planning Committee on 23 July 2021 on the Welborne development under application reference: P/17/0266/OA, the very significant costs associated with the delivery of the M27 Junction 10 improvements means that the Council is having to accept a minimum of only 10% affordable housing, which could be further reduced to 7.3% if the cost over runs for the highway works are required. This figure is substantially below the 30% target for affordable housing for the Welborne Development set out under policy. There can be no certainty at this stage that even these percentage figures can be achieved.
- The allocation of additional small sites which are firstly not appropriate for allocation in the Local Plan and secondly will not contribute to affordable housing as they fall under the threshold.
- The heavy reliance in terms of the overall housing provision on windfall sites, many of which are likely to fall under the threshold of 10 or more dwellings and therefore not deliver any affordable housing;
- The reliance on a range of allocated sites (Section 3) which appear and are evidenced by recent refusals and dismissed appeals, to be aspirational rather than realistic and therefore again the impact on the provision of affordable housing.

2.40 The Council fully recognises its substantial affordable housing need across the Borough over the Plan period, however it is simply not at all clear that the numbers required can be met under the housing provision being made particularly with the reliance on very small sites which will not contribute towards the affordable housing numbers. The Revised Local Plan has not sought to increase the housing requirement above the standard method figure to try to help this need. It is therefore concluded that the very clear potential that the need for affordable housing in the Borough will not be met leads to a need to increase the overall housing requirement over and above the minimum figure calculated by the standard method.

vi) Windfall Allowance

2.41 The Revised Local Plan sets out that part of the Housing Provision of Fareham Borough is to be met through unexpected (windfall) development. There is no issue in principle with including an allowance for windfall development, however the figure must be realistic and based on evidence as to how many homes can be achieved through such provision.

2.42 The NPPF defines windfall sites as '*sites not specifically identified in the development plan*'. Paragraph 71 of the NPPF sets out that where an allowance for windfall sites is to be made, there should be compelling evidence that they will provide a reliable source of supply, using the strategic housing land availability evidence, historic windfall delivery rates and expected future trends to support such an allowance.

2.43 In this case, the Council is relying on 1,224 new homes to come through windfall development out of total of 9,560 new homes. The number of windfall homes has not changed since the previous draft Local Plan. Whilst it is appreciated that the methodology for calculating windfall allowances have changed over time, it is worth noting that in the current adopted Local Plan Part 2: Development Sites and Policies (2015), the average historic windfall allowance was calculated to be 20 (Appendix F). In the 5 Year Housing Land Supply Position Paper to Planning Committee on 24 June 2020, the Council included a small site windfall allowance of 37 dwellings for each of 2 years (years 4-5).

2.44 In comparison to the current delivery rates of windfall sites, in the Revised Local Plan the reliance on windfall sites has jumped to 1,224 which if crudely divided by the length of the Plan period (16 years) gives an annual figure of 76.5. There is no explanation to justify such an over reliance on windfall figures and no evidence to suggest this figure can be realistically

achieved. It is pertinent to note that due to the increased housing requirement as a result of the revised standard method, the Revised Local Plan has sought to allocate more sites for development to meet this need. However, these sites are largely very small (ie below 10 dwellings) which would usually come forward for allocation through Neighbourhood Plans or would be windfall sites. Therefore, this raises concern over further small sites coming forward as 'windfall' development.

vii) Inadequate Priority to Available Brownfield Sites and Over Reliance on Greenfield Sites

2.45 Paragraph 119 of the NPPF under the heading Making effective use of Land states:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. and

Paragraph 120 c) states:

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

2.46 Previously developed land or brownfield land is defined in the Glossary to the NPPF, as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

2.47 There is a current petition to government to *Prioritise brownfield development in law to protect green belt and farmland* which is open for signatures to be added to 23 August 2021. Whilst the government has indicated in its reply date 3 June 2021 that it has no plans to introduce a legal requirement that all brownfield sites are fully developed before any development is allowed on non-brownfield land, it has once again set out its commitment to making the most of brownfield land where possible and practicable. A full copy of the government's response to the petition together with is set out at Appendix 2 but the following statements are set out below:

The Government is also committed to making the most of brownfield land. The Framework strongly encourages regeneration and re-use of brownfield, especially for housing - helping to level up communities across the country while taking off some of the pressure to consider other land, such as Green Belt, for new homes. The Framework expects local authorities to give substantial weight to re-using suitable brownfield when Plan-making or deciding planning applications. These sites should be given priority where practical and viable, and local authorities should consider building up, and higher densities in towns.

2.48 The Housing Communities and Local Government Committee have published a report on The Future of the Planning System in England and Wales in June 2021 (Appendix 3). With particular reference to the issue of prioritising brownfield land the report has recommended:

- incorporate availability of brownfield sites into calculations for determining housing need
- publish evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to deliver the required homes
- explain why the proportion of new residential address created on previously developed land has fallen in recent years
- enable Local Plans to prioritise the use of brownfield sites for development ahead of other sites.

2.49 Whilst the government has set out why it does not plan to set out in law that brownfield sites should automatically take priority over greenfield sites, the advice is clear that priority should be given to bringing forward such sites wherever possible.

2.50 The Council sets out its Development Strategy in Section 3 yet there is one very limited reference to using previously developed land. However, paragraph 3.21 sets out the development strategy for the Plan to include:

- Provision for at least 9,556 new residential dwellings and 121,964m² of new employment floorspace;
- The strategic employment site at Daedalus (Solent Enterprise Zone) to deliver an additional 77,200 m² of employment floorspace over and above that already planned for;
- Strategic opportunities in Fareham Town Centre that contribute to the delivery of at least 961 dwellings as part of a wider regeneration strategy;
- Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas.

2.51 It will be shown that the Council has not followed its own development strategy in that it has not allocated available previously developed land (including land at Rookery Farm), before resorting to unsuitable greenfield sites.

2.52 The following sections look to analyse the proposed allocations, and in particular the new allocations added since the November 2020 version of the Plan and then Section 4.0 seeks to promote Rookery Farm, which is a sustainably located brownfield site which has been overlooked for allocation. The Plan is clearly **UNSOUND** in that it does not seek to bring forward suitable and achievable brownfield sites ahead of less suitable and achievable greenfield sites.

Conclusions in respect of Strategic Policy H1

2.53 Whilst the Revised Local Plan has used the appropriate standard method to calculate its housing need, it is clear that there are still fundamental concerns over many aspects of the Council's housing provision which have been explored in this Section. Therefore, there can only be one conclusion that the housing provision is woefully inadequate and as a result the Local Plan is **UNSOUND**.

- 2.54 The housing provision also fails to accord with the development strategy set out in the Plan and objection is also raised in this regard.

OBJECTION to Policy HP4 – Five Year Housing Land Supply

- 2.55 As stated at Paragraph 2.32 of these representations, there is no objection in principle to the inclusion of a policy relating to development coming forward in the absence of a five year housing land supply position. However, objection is raised that the detailed wording is UNSOUND and goes beyond the presumption in favour of sustainable development set out at paragraph 11 of the NPPF and in particular the steps to be taken in decision making as set out at paragraph 11 d) in the event that the Local Planning Authority cannot, amongst other matters, demonstrate a five year housing land supply.
- 2.56 The criteria need to be reassessed to accord with the NPPF and a criterion added to promote the re-use of suitable brownfield sites before greenfield sites. It is unreasonable to require that a suitable, available and deliverable site which might come forward should necessarily accord with each and all of the criteria.

3.0 Analysis of Housing Allocations

- 3.1 The Council has amended some of its proposed allocations in this draft LP Revised Plan both in an attempt to meet the higher housing numbers and for a number of other reasons. However, it has failed to allocate Rookery Farm, which was included in the earlier draft Plan in early 2020, despite it being a brownfield site and scoring highly on many key sustainability criteria. The merits of Rookery Farm and the reasons why it should be allocated are set out in detail in the following section (Section 4). This section analyses the other proposed allocations in the LP Revised.
- 3.2 The Council has allocated and is relying on a number of ‘development’ sites to assist in the delivery of and in meeting its housing provision. However, the suitability, availability and achievability of several of these sites needs to be questioned and whether they can and will deliver the number of units proposed. It is acknowledged that these sites are not proposed for delivery of housing numbers in the early years of the Plan but it must still be questioned whether there is sufficient confidence that these sites will be brought forward, that they should be included in the plan.
- 3.3 This analysis has only focussed on the medium to larger of the sites, most of them proposing to bring forward in excess of 50 units and there may well be serious issues of suitability, availability and achievability with some of the smaller sites. It is noted that at least 9 of the sites are indicated to make provision for less than 10 units. It is unusual for sites yielding such a small number of units to be included as specific allocations; it begs the question as to whether the Council has needed to bring in such small sites to secure its numbers.
- 3.4 The number of sites where there are serious concerns and questions over their suitability, availability and achievability total at least 6, which in total would provide some 400 – 500 residential units. These sites are addressed below, and the order selected should not be regarded as implying any weighting in terms of the objections raised.

FTC3 Fareham Station East (Indicative Dwelling Yield: 120) (SHELAA ref: 0211)

- 3.5 There are fundamental questions about the suitability and achievability of this site for the intended development. This site has been carried forward from the adopted Local Plan Part

2 where it was allocated for some 90 residential units, but has now, without explanation, been increased in the draft Plan to accommodate some 120 units. Such an ambitious scheme would appear to depend on a comprehensive approach, particularly given the limited access options. Yet, even the SHELAA assessment identifies that the site is in multiple commercial and industrial uses, including railway related uses which brings into question site assembly issues both in terms of achievability and timing.

3.6 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.7 There appear to have been no changes since the November 2020 Plan.

**FTC4: Fareham Station West (Indicative Dwelling Yield: 94)
(SHELAA Ref: 0212)**

3.8 This is a long and very narrow site sandwiched between the railway to the east and protected trees to the west. The allocation and the SHELAA recognise the multiple constraints facing this site in terms of bringing it forward for development. These constraints include, amongst others, the multiple uses existing on the site, the access constraints including that the existing access crosses land in Flood Zone 2, noise, contamination and amenity issues.

3.9 This is one of the sites where the issue does not simply relate to whether the site can properly accommodate the number of units being proposed, but the suitability availability and achievability must be questioned.

3.10 There appear to have been no changes since the November 2020 Plan.

**FTC5: Crofton Conservatories (Indicative Dwelling Yield 49)
SHELAA Ref: 1325**

3.11 This site continues to be in active retail use, following the expiry of a temporary permission for retail use and the potential availability of the site is questioned.

3.12 There appear to have been no changes since the November 2020 Plan.

HA7: Warsash Maritime Academy (Indicative Dwelling Yield 100)

SHELAA Ref: 3088

- 3.13 This site has a long history and has been carried forward from the Local Plan Part 2. The site faces considerable issues in terms of bringing forward a suitable and viable housing development, not least of which is that the western part of the site must be excluded from development because of flooding issues and discussions with Natural England would potentially exclude further land to secure appropriate buffers to sites of international nature conservation significance. As a result, the majority of the development and residential units would necessarily be brought forward through the conversion of the existing listed buildings on site, potentially impacting on viability.
- 3.14 The site lies in the countryside and is remote from shops and facilities. There are traffic problems along Newton Road which is the only access solution leading to Warsash Centre and up to Park Gate where permission exists for some 800 residential units.
- 3.15 The viability and achievability of this site for some 100 residential units must therefore be questioned.
- 3.16 Due to the ecological and highway issues the Council has determined that any planning application should be submitted with an EIA.
- 3.17 There appear to have been no changes since the November 2020 Plan.

HA13 Hunts Pond Road (Indicative Dwelling Yield 38)

SHELAA Ref: 305

- 3.18 Under the Local Plan Part 2 this site was allocated under Policy DSP53 for Community Uses as part of a larger scheme to include education and open space. It is understood that the site is no longer required by Hampshire County Council for educational purposes, but there is no confirmation that a proper assessment has been undertaken of the continued need of this land for local community uses.
- 3.19 There appear to have been no changes since the November 2020 Plan.

HA4 Downend (Indicative Dwelling Yield 350)

SHELAA Ref 3030

- 3.20 Site HA4 at Downend for some 350 residential units has been the subject of two planning applications both of which were refused by Fareham's Planning Committee, against officer recommendation on highway and pedestrian safety issues on Downend Road. The first planning application was dismissed at appeal, upholding the council's reason for refusal. The second application (Ref P/20/0912/OA) was refused in November 2020; the Planning Committee's stance in terms of determining both applications on this site brings into question whether the council really support this housing allocation. It is therefore questioned whether the Council should be relying on the site as a housing allocation which the Council has found, in the form of the most recent applications, wholly unacceptable. A further appeal has been lodged with an inquiry in August 2021.
- 3.21 One of the key issues relates to the narrow access over an existing rail bridge and works have been proposed to try and overcome this matter. However, it would appear that there is no contract with Network Rail to date. In respect of the application, Hampshire County Council set out the processes required to be followed to ensure the safe delivery of the scheme:
- It is understood from the applicant and Network Rail's response to this application that discussions are ongoing regarding the parapet height requirements. The required height of the parapets is a matter to be determined by Network Rail and in the absence of confirmation and agreement of these requirements we are unable to confirm that should the parapets need to be raised that these works could be delivered by the applicant and would not be cost prohibitive. The Highway Authority therefore require assurance that these works can be undertaken before we could be sure that the shuttle working arrangement with improved footway provision can be provided. Therefore, the Highway Authority are requesting a pre-commencement condition which requires an Asset Protection Agreement to be in place with Network Rail prior to commencement of any development.*
- 3.22 Access and egress from the site impacts on Downend Road site HA56. It is unclear whether the highway assessment for this application has taken into account the other site HA56 or the proposed allocation HA56 taken account of the issues relating to this site.

HA55 Longfield Avenue (Indicative Dwelling Yield 1250)

SHELAA ref 3153 (part)

3.23 There is a current planning application under Ref: P/20/0646/OA for up to 1200 homes together with 80 bed care home, which is subject to a significant number of objections. The greenfield site is located within the countryside and within a strategic gap. It would be contrary to the Council's own policies for development in strategic gaps.

3.24 In terms of the status of the application, there are

- Holding Objection from Highways
- Ecology and POS objections
- Gosport Borough Council objection

3.25 With regard to the site, the 'Fareham Landscape Assessment' 2017 states: -

So, overall, the sensitivity of the landscape resource within area 7.1a is judged to be high (moderate to high value and high susceptibility to change), with very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character.

While the area does not play a significant role in the topographic setting of the urban area, it is notable for a general lack of development and for providing both physical and visual separation between the settlements of Stubbington to the south and Fareham to the north, and between Stubbington and Gosport to the east. The significant role of the area in separating and preventing coalescence of these settlements is enshrined in policy, with the area designated a Strategic Gap in the Fareham Borough Local Plan.

Overall, however, there is very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings.

3.26 Comments in the 'Technical review of Areas of Special Landscape Quality and Strategic Gaps' 2020 state

Potential Development Impact - As stated earlier, the potential impact of development is high within the Fareham-Stubbington Gap, with the potential to develop large tracts of farmland.

For this section of the Gap, this analysis agrees with the summary findings of LDA in Chapter 3 of the Fareham Borough Landscape Character Assessment 2017 - “The landscape performs a highly effective role in providing a 'sense' of separation and the experience of moving between one settlement and the other.Edges of Fareham and Stubbington are clearly defined by strong boundary vegetation and there is a clear distinction between 'town and country' there is a strong sense of leaving one urban area and moving through open countryside before entering another. Scale of the gap allows the time to appreciate sense of being in open countryside. Being able to see far across the gap and identify the edges, also strengthens the sense of separation.” (page 41) .

- 3.27 Development of the site would clearly undermine proposed policies relating to development in the strategic gaps (Policy DS2). Therefore, the allocation would undermine the plan as a whole

HA56 Downend (Indicative Dwelling Yield 550)

SHEELA ref: 3009

- 3.28 This greenfield site was previously considered and discounted in 2017, largely due to access issues

Site Name: Down End West (Land at Down End Road)	
Allocation Policy: n/a	SHLAA Reference: 3009 (SA assessment 3009)
SHLAA Status: Developable Housing Site	
Overview: This site was considered in conjunction with the preferred site allocation HA4 (SHLAA ref. 3030). SHLAA ref. 3009 relates to Down End West on its own and 3127 considered the wider sites east and west of Down End Road. Overall this site had a reasonable SA result although some double negatives were noted against the SEA Objectives. However, the larger issue with this site was the detailed highway solution was not been established. Furthermore, the extent of highway works to support the scale of development would have a lengthy lead in time and could rely on working with a third party.	
Overall Conclusion of Site:	Developable but not preferred

- 3.29 A key issue with this proposed allocation is the two proposed accesses:

1. Access from the slip road from the motorway. It is not clear if this access would be in and/or out. It would affect the current layby. If egress is allowed then it could result in problems of vehicles trying to get across two lanes to get onto the flyover. In addition any issues with traffic accessing the site the site could result in tailbacks and potentially block the motorway and junction.
2. Egress onto Down End Road would affect use of the bridge that resulted in site H4 being refused. The highways information for site H4 does not have regard to increased capacity resulting from the site allocation. This would put significant pressure on the bridge and the capacity at the junction with Down End Road and the A27.

3.30 Other issues raised by the allocation include: -

- Pedestrian access across the bridge.
- Noise from motorway
- Overhead power lines
- Relationship with urban boundary railway provides a natural break
- Accessibility. The assessment in the SHLAA is only 3/10.

3.31 With regard to the site the 'Fareham Landscape Assessment' 2017 states: -

The open, expansive character of the landscape and its characteristic lack of tree cover would make development difficult to integrate without unacceptable adverse effects. Extensive woodland/ tree planting would be inappropriate, although there is scope for the introduction of some individual blocks or belts of trees as landscape features without creating uncharacteristic enclosure. There may also be scope for some limited small-scale development to be integrated within parcels of land isolated by roads or contained by strong vegetation in the south western corner of the area. Overall, however, the sensitivity of the landscape resource in this area is judged as relatively high, with limited scope to accommodate development and to mitigate the effects of change.

The open, denuded character of areas 11.3a and 11.3c would make development more difficult to integrate than within a more enclosed, diverse landscape.

In particular, the undeveloped character of the eastern side of area 11.3a is clearly visible on the approach to Portchester from the north along Downend Road, with the heavily treed railway corridor currently forming a strong urban edge and a minor 'gateway' to the residential area of Downend to the south. Visible development within this area may potentially blur the strong definition between town and 'country'

Town Centre (Indicative Dwelling Yield 650)

BL 1

- 3.32 This allocation is just a red line around the town centre and is too vague. It is impossible to deduce how the figure of 620 dwellings is arrived at. There is a reliance on sites coming forward but there is no guarantee even over the later stages of the plan. The identification of sites as Broad Locations does not guarantee that they will be released for housing. There should be a reasonable prospect that the site is available and could be viably developed. If the development comes forward in a piecemeal way this could impact on affordable housing provision.

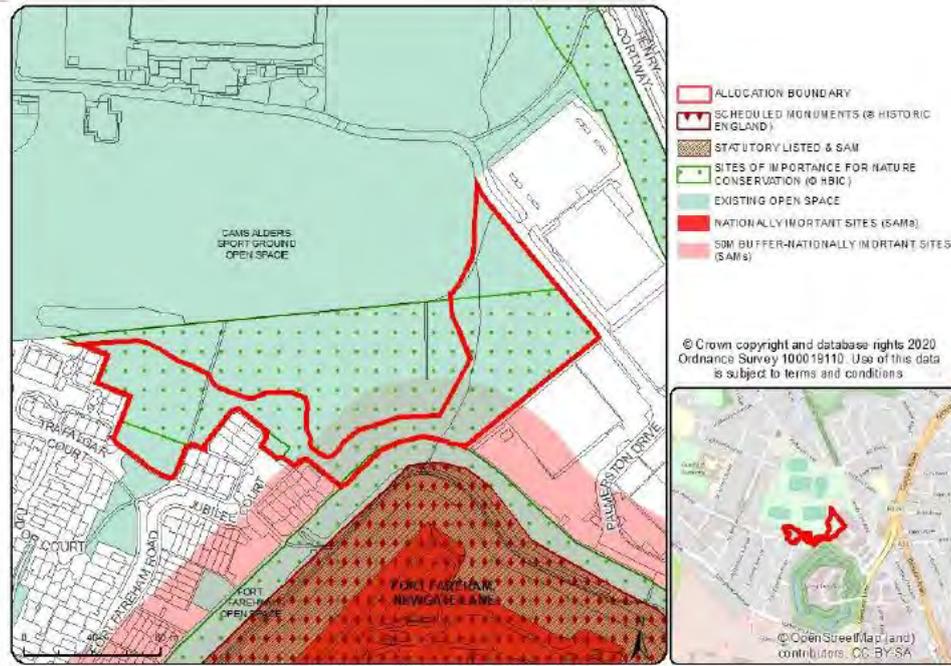
Paragraph 017 Reference ID: 3-017-20190722 of the Planning Practice Guidance states that: *Plan-makers will need to assess the suitability, availability and achievability of sites, including whether the site is economically viable. This will provide information on which a judgement can be made as to whether a site can be considered deliverable within the next five years, or developable over a longer period.*

- 3.33 There is no indication within the local plan that the authority have undertaken this exercise and neither does there appear to a sustainability appraisal for the town centre. In addition, these 620 dwellings would not be available, if at all, until later in the plan however Fareham have a significant shortfall at present.

HA42: Land South of Cams Alders

SHEELA Ref: 2843

- 3.34 It is difficult to ascertain how it will be possible to achieve some 60 units within the site, particularly given its very strange physical shape. The site also has significant constraints in terms of ecology and heritage.



Other Sites

3.35 There are potential constraints with a number of the other sites, which may at the very least delay their delivery or even bring into question their achievability. Site FTC6, Magistrates Court at Fareham and allocated for some 45 units is held up by a complicated deal to resolve the nitrates issue, involving land within Winchester District.

Conclusions and Implications Arising

3.36 This analysis demonstrates that there are serious and substantial questions over the suitability, availability and achievability of a number of the allocated sites and whether they will be able to provide the housing figures, either in whole or in part which Fareham is seeking to rely upon. It is therefore contended that it is UNSOUND for Fareham to rely on each and all of these housing sites to deliver all of the dwelling units proposed

3.37 This adds to the strength of the argument, as set out under Section 2, that Fareham needs to bring forward additional sites for allocation to help meet its housing need. The next section focuses on why land at Rookery Farm should be included as a housing allocation in the Local Plan.

3.38 Furthermore, Fareham is relying on greenfield sites to deliver much of the new housing required. Of the larger sites, at least 2,390 new homes would be delivered from greenfield sites, were all the allocations to be taken forward. The Council has not properly sought to bring forward available and deliverable brownfield land, such as Rookery Farm, to assist in securing its housing numbers. The Plan is therefore also UNSOUND in this regard.

4.0 Rookery Farm

4.1 It is clear from Sections 2.0 and 3.0 that not only has Fareham under provided on the housing figures it requires to meet over the Local Plan period, but it is very unlikely that it will be able to deliver even the numbers it is proposing to provide. Fareham therefore needs to allocate further housing sites to improve housing deliverability; Rookery Farm should be allocated as a housing site. This was allocated in the draft Reg 18 Supplement in early 2020 under the Policy Reference HAX (SHELAA ref: 0046) and has been shown to be suitable, available, sustainable and deliverable.

Site Location

4.2 The site is located immediately north of the M27 Motorway and west of Whiteley. Access is from Botley Road approximately 100m north of the bridge over the Motorway. Please see attached site plan showing the land forming part of the proposed development area. It is estimated at this early stage that the site could accommodate in the region of 150-200 residential units including an element of affordable housing and a mix of housing types to accord with Fareham's policies and approach to housing mix.

4.3 146 Botley Road (also known as Rookery Farm) lies to the north of the land and is in separate private ownership. The dwelling is listed. Residential development along Swanwick Lane lies further to the north.

4.4 The residential development of Whiteley is to the east. To the south are the local centre at Park Gate and the railway station at Swanwick, both within easy walking distance of the site.

4.5 Rookery Avenue is opposite the access to the site. At present this is a cul de sac however there is a safeguarded road extension to continue Rookery Avenue into Whiteley, linking Botley Road to the Parkway South roundabout.

4.6 To the south of the site is a vehicular and pedestrian bridge that provides access to residential properties at Bridge Road.

4.7 The following provides an overview of the location of local facilities and services in relation to the site to demonstrate the sites accessible, sustainable location. Please note that these measurements are taken from the entrance to the site.

- 50m (1 min walk) from site entrance to bus stops providing frequent access to Fareham, Swanwick and Hedge End.
- 320m (4 min walk) from site to Swanwick Railway Station which provides frequent links to Southampton, Portsmouth, London and Brighton.
- 300m (4 min walk) from Yew Tree Woodland Park
- 480m (6 min walk) to Pharmacy
- <1km (10 min walk) to Whiteley Primary School
- <1km (11 min walk or 3 min cycle) to Co-operative Food
- 1.1km (10 min walk or 5 min cycle) to Sainsbury's Local
- <2km (24 min walk or 6 min cycle) to Brookfield Community School
- 2km (27 min walk or 7 min cycle) to Whiteley Shopping Centre

In summary, the site is located in a very sustainable location. The sustainability appraisal concurs with this statement.

The Site

4.8 The site as a whole occupies approximately 20.05 Ha of land accessed from Botley Road just to the north of the M27 Motorway. The front part of the site is visible from Botley Road however the access road, which is between an earth bund to the north and embankment to the south, drops to a lower central area where aggregate recycling has, until recently, taken place.

4.9 Adjacent to the motorway is a large embankment created by historic land raising. The central part of the site comprises a relatively flat operational area where recycling materials have been stockpiled. To the north is the Orchard where the land gradually drops towards the rear of properties fronting onto Swanwick Lane.

4.10 At present due to the change in levels and the surrounding housing only the front part of the site adjacent to Botley Road is visible from outside the site.

- 4.11 The site at present has two principal landowners Raymond Brown Rookery Properties Ltd and Prospective Estates Ltd, with Raymond Brown acting on their behalf

Site Planning History

- 4.12 Rookery Farm was originally a fruit farm and some evidence of this former use is still evident in an area of remnant orchard to the north-west of the site. Part of the site adjacent to the M27 has been land raised and restored to grazing land. This forms a large embankment which screens the central part of the site from the M27 and Botley Road.
- 4.13 Planning permission was first granted on appeal in 1987 (APP/Z1700/A/55/049143) for the infilling of agricultural land with c.1.3 million cubic metres of construction and demolition wastes with restoration to agricultural use. Tipping commenced in 1988 and temporary planning permission for waste recovery (recycling) was granted in 1995.
- 4.14 A further temporary planning permission for the inert waste recycling operation was granted in 2006 (P/06/0443/CC), time limited to expire in 2021. This permission introduced an expiry date for land raising operations of 31st December 2026.
- 4.15 In 2014, planning permission (P/14/0857/CC) was granted for the permanent retention of the aggregate recycling facility. In 2016 (P/15/1213/CC) and 2018 (P/18/0978/CC) planning permission was granted which, in effect, extended the validity of the development pursuant to planning permission P/14/0857/CC until 25 October 2020. This date has also since been extended by way of The Business and Planning Act 2020 to 1 May 2021.
- 4.16 Details pursuant to the remaining pre-commencement conditions were submitted to Hampshire County Council for approval in January 2021 and have since been discharged. The planning permission for permanent aggregate recycling was acknowledged by Hampshire County Council as having been implemented on 13 April 2021 (please see Appendix 8). The site has subsequently, in planning terms, predominately formally become previously developed (brownfield) land.
- 4.17 Note there have been no minerals operations at the site and any changes to the landscape are as a result of land raising, not from extraction activities.

- 4.18 The main body of the site is currently safeguarded for aggregates recycling in the Hampshire Minerals & Waste Plan. Hampshire County Council have indicated that there is overcapacity for inert waste recycling at present. As such if the site was to be allocated for housing then the safeguarding status would be reviewed.
- 4.19 It should be noted that in its comments on the draft Plan 2020 (Regulation 18 Draft Local Plan 2036 Supplement) when the site was allocated for residential development, Hampshire County Council as Minerals and Waste Authority advised:

Hampshire County Council has concluded that sufficient aggregate recycling capacity is currently in place to deal with the additional waste and as such no objection to this allocation will be raised

Site Appraisal

- 4.20 It is noted that the site was found to be a developable housing site within the Fareham Local Plan 2036 Strategic Housing and Employment Land Availability Assessment (SHELAA) December 2019, but subsequently discounted as unsuitable in the Fareham Local Plan 2037 Strategic Housing and Employment Land Availability Assessment (SHELAA) September 2020 (and in the 2021 Update).
- 4.21 In considering the site developable, the SHELAA (2019) makes the following comments regarding suitability of the site:

'Overall suitable for housing development. Further work required to ascertain an appropriate development structure and net developable areas, having regard to site ground conditions, drainage, habitat surveys, movement connections and retention of existing cover of woodlands, trees and hedgerows. Eastern part of site has good pedestrian accessibility to existing local services. Potential scope to include a small convenience store to improve sustainability of main core of the site. Suitable highways improvements required, with linkages to surrounding movement networks. Potential impact of noise and air quality to be assessed and appropriately mitigated'.

- 4.22 In subsequently discounting the site, the SHELAA (2020) makes the following comment regarding reason for discounting the site as un-developable:

'Site topography and boundary likely to create isolated cul de sac development. Main developable area of the site is not well related to existing settlement and is relatively isolated from local services'.

4.23 The reasoning behind the change in conclusion reached by the SHELAA (2020) is unclear as there has been no substantive change in circumstances or new information related to the site not previously provided to the Local Planning Authority. Furthermore, the SHELAA (2020) attributes the same 8 out of 10 score for accessibility to facilities from the site as the SHELAA (2019), recognising the inherently sustainable location adjacent the urban area of Swanwick, the proximity to Swanwick Railway Station and nearby shops/amenities. As identified in the SHELAA (2019) suitability summary, if necessary, sustainability of the main core of the site could further be improved via development of a small convenience store in-situ.

4.24 Paragraph 4.28 of the SHELAA (2020) states that *'the information from the SHELAA forms an important part of the evidence base for the Local Plan 2037, providing a source of developable sites which are suitable for future development needs, available within the plan period and viably achievable. Developable sites which can be brought forward under the Council's development strategy will contribute to the housing and employment supply for the Local Plan 2037...'*

4.25 Paragraph 3.21 of the Publication Version of the Fareham Local Plan 2037 states:

'3.21 The development strategy proposed by the Local Plan includes:

Development allocations on previously developed land where available, and on greenfield land around the edges of existing urban areas in order to meet remaining housing and employment needs, but otherwise managing appropriate levels of development outside of urban areas'.

4.26 As the site should be considered to be previously developed/brownfield land, it is sequentially preferable for development based on the Council's Local Plan development strategy and the 'great weight' afforded to the redevelopment of previously developed land set out in the NPPF. Furthermore, paragraph 4.18 (Assessing Site Suitability) of the SHELAA (2020) states that 'sites outside the urban area will not necessarily be excluded as they could be

considered alongside a review of urban area boundaries as part of Local Plan development...’.

4.27 Paragraph 3.3 of the Background Paper: Settlement Boundary Review (September 2020) states that ‘the reasons for establishing settlement boundaries include:

- *Directing development to more sustainable locations in terms of accessibility and proximity to public transport, and in terms of being well served by existing essential services and facilities’....*
- *‘To assist in urban regeneration, by encouraging the re-use of brownfield land’.*

4.28 Considering the proximity of the existing Settlement Boundary to the site (approximately seven metres distance on the opposite (eastern) side of Botley Road), Rookery Farm site would represent an entirely reasonable and logical extension to the established urban area which would be in accordance with the development strategy contained within the Local Plan.

4.29 Cul de sac type development formats are well established and entirely functional residential layout present in the vicinity of the site. Discussion with the Council’s Policy and Urban Design Officers in July 2020 indicated that the Council was prepared to accept a cul-de-sac development. Such a development format would therefore reflect the prevailing development pattern and design vernacular and be sympathetic to existing communities. Indeed a number of the sites put forward in the current draft plan would potentially result in cul de sac developments, including:

FTC3 – Fareham Station (120 dwellings)

FTC4 – Fareham Station West (90 dwellings)

HA3 Southampton Road (348 dwellings)

HA4 Downend Road (350 dwellings)

4.30 The site presently benefits from permanent planning permission for development and use for aggregate recycling. This is significant in terms of both vehicle movements and future development potential. Current planning permissions contain conditions limiting HGV movements to 240 per day, all of which utilise the current site access point on Botley Road. These authorised HGV movements would be replaced by domestic vehicle movements, substantially mitigating any perceived increase in road traffic on Botley Road. In addition, the

imminent completion of the North Whiteley Link Road is anticipated to reduce vehicle movements on Botley Road. Without wanting to pre-empt the outcome of any Transport Feasibility Assessment, development of the site could also facilitate the development of the western end of the Rookery Avenue extension as there is space within the site to accommodate a roundabout.

- 4.31 Planning permission P/18/0978/CC includes for considerable earthworks to create extended and raised bunding to re-model the site and mitigate against noise impacts from the recycling use. A significant proportion of this re-modelling is on the south western boundary of the site. Such earthworks would be very similar in scale and form to those likely to be required to reduce noise levels from motorway traffic to appropriate levels for inhabitants of any future residential development on the site.
- 4.32 The Council has previously been furnished with a Phase 1 Contaminated Land Assessment and Slope Stability Assessment for the site, identifying that the embankment/land raise slope adjacent to the M27 is stable and that the site could be suitable for re-development in accordance with the indicative masterplan previously submitted.
- 4.33 Any future development scheme pursuant to an allocation would also include mitigation to address potential air quality concerns associated with proximity to the motorway. Such issues can be effectively managed through building design and layout amongst other techniques.
- 4.34 The site comprises circa 20 hectares of land with a net developable area of circa 10 hectares. Significant land is therefore available within the land ownership for biodiversity enhancement, on-site nitrate mitigation and dedication to public open space.
- 4.35 The following points detail the benefits of residential development on the Rookery Farm site:
- Now the permanent recycling permission has been implemented the site has become previously development land/brownfield and its development will reduce the need for more sensitive (greenfield) sites within the Borough;
 - The site is in a highly sustainable location in proximity to a railway station and amenities, is deliverable and would provide necessary housing capacity within the Plan;

- It should be noted that in its response to the draft 2020 Plan (Regulation 18 Draft Local Plan 2036 Supplement) showing the inclusion of Rookery Farm, the County Council responded as follows:

This allocation is close to Swanwick railway station. The County Council supports the opportunity for this site to provide high quality walking and cycling routes to Swanwick station. This may include a new active modes bridge over the motorway and enhanced interchange at Swanwick Station with new local bus services. The development brief also needs to include provision for off-site improvements to address the inadequate bus, walking and cycling connections to the Segensworth business parks.

- Provision of Public Open Space on a former land raise site and access to it from existing footpath routes;
- Removal of a 'heavy industry' use from an otherwise residential setting;
- Could facilitate the Rookery Avenue extension. This would provide better access to the motorway, the industrial area of Whiteley and Whiteley District Centre;
- Opens up pedestrian links across the motorway to Addison Road;
- The site would not be visually prominent and would form a logical urban extension. Development could enable biodiversity enhancements associated with long-term habitat management plans and the re-instatement of a pre-existing stream across the site;
- The development would be offset by the loss of 240 HGV vehicle movements a day.

4.36 Please see Appendices 4, 5 6 7 and 8 in respect of further information provided in respect of Rookery Farm.

5.0 Modifications Required to the Plan to Make it Sound

- 5.1 There is no need to revisit the arguments and issues which have been set out at length in the earlier sections and which demonstrate that the Plan as drafted is UNSOUND. The Plan as drafted will not and cannot deliver the Council's stated Vision set out at 2.10 and its Strategic Priorities at 2.12 and in particular the Strategic Priorities 1 and 2. The Development Strategy as set out in section 3 is flawed
- 5.2 The modifications required are set out below in bullet form. It will be immediately clear that the required work to ensure that the Plan is SOUND extends well beyond detailed amendments to drafted policy wording; a fundamental review of the Plan and the basis upon which it has been prepared is required.
- 5.3 The revised approach to the preparation of the Plan, with consequential implications for the redrafting of **Strategic Policy H1**, requires:
- a) The Duty to Co-operate has not been undertaken properly and thoroughly; Fareham has underprovided in terms of meeting the needs of the adjoining authorities who are struggling to meet their housing needs, including Portsmouth, Gosport and Havant all of which are geographically very constrained. The exercise needs to be undertaken again to ensure that Fareham properly plans to accommodate the needs arising from surrounding authorities.
 - b) The Council has a history of under delivery of housing figures and its 5 year housing land supply figure currently stands at under 3 years and potentially at under 1 year. On the basis that the NPPF and PPG are both clear that the housing provision numbers should be regarded as minimum, and reflecting the above position, Fareham requires to be considerably more ambitious in terms of its overall housing provision figures.
 - c) There is a very concerning over reliance on the achievability of so much of the housing provision from one site, namely Welborne Garden Village. The amount of reliance that can properly be placed on the delivery of housing numbers from this one development needs to be reviewed and significantly reduced.

- d) There is also a potential over reliance on windfalls to deliver a significant proportion of the overall housing figures; this requires to be revisited with a downward adjustment.
- e) The Council is in very real danger of not being able to meet its affordable housing requirements, given all the constraints identified. The housing numbers and potential affordable housing provision requires to be recalculated with the need to increase the overall housing numbers if the affordable housing needs are to be met.
- f) There is an over reliance on the allocation unsuitable greenfield sites, whilst suitable, available and achievable brownfield sites have been overlooked.

5.4 The Council also needs to review its approach to housing provision alongside its development objectives; the approach fails to meet its Vision and Strategic Objectives.

5.5 In addition to the above the Council also requires to re-address a number of its allocated housing sites, including at the very minimum **Sites FTC3, FTC4, FTC5, HA4, HA7, HA13, HA42, HA55, HA56 and BL1**. This reassessment in terms of suitability, achievability and availability is likely to reduce substantially the number of new dwelling units that can be achieved from these allocations.

5.6 The Council is clearly underproviding in terms of its overall housing numbers and the reliance it is placing on sites that face constraints and may not be achievable. The Council needs to make further allocations, and this should include Land at Rookery Farm which is suitable, available and achievable and subject to planning, deliverable within a 5 year period. The site has been considered suitable, available and achievable and was allocated in the Local Plan Supplement; the principal reason why it no longer appears as an allocation is because of the Council's unsound change in the methodology it is applying to calculate its housing numbers. **Rookery Farm should be reinstated as a housing allocation.**

5.7 The Council also needs to review the detailed wording of **Policy HP4** to bring it into line with government guidance in the NPPF.

5.8 It follows that the Plan cannot be made SOUND without a fundamental review of the main elements of the housing figures, including methodology and will require additional sites to be

allocated; Rookery Farm should be included as an allocation in the Plan, being suitable, available and achievable and, indeed, deliverable.



Appeal Decisions

Inquiry Held on 9-12, 16-19 and 23-25 February 2021

Accompanied site visit made on 13 April 2021

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th June 2021

Appeal A Ref: APP/A1720/W/20/3252180

Land at Newgate Lane (North), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Fareham Land LP against Fareham Borough Council.
 - The application Ref. P/18/118/OA, is dated 19 September 2018.
 - The development proposed is demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Appeal B Ref: APP/A1720/W/20/3252185

Land at Newgate Lane (South), Fareham,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bargate Homes Ltd. against Fareham Borough Council.
 - The application Ref. P/19/0460/OA, is dated 26 April 2019.
 - The development proposed is demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
-

Decisions

1. Appeal A is dismissed and the outline planning permission sought is refused.
2. Appeal B is dismissed and the outline planning permission sought is refused.

Procedural matters

3. In each case, the planning application subject of appeal is in outline, with all detailed matters except access reserved for future consideration. While the application subject of appeal B was with the Council for determination, the scheme was revised with the agreement of the Council by limiting the unit numbers to 'up to 115 dwellings', rather than 'up to 125 dwellings' as identified on the planning application form. The change was supported by amended plans. I have considered the appeal on the basis of the revised scheme and reflected the details in the summary information above.
4. Following the submission of the appeals, the Council's Planning Committee determined on the 24 June 2020 that, were it still in a position to do so,

it would have refused to grant planning permission in both cases. In support of its view, the Council cited 15 reasons for refusal in each case (a)-o)).

The reasons for refusal were the same with the exception of: appeal A reason e), which relates to the loss of best and most versatile agricultural land; and, appeal B reason i) related to the protection and enhancement of Chamomile. Prior to the Inquiry, the Council confirmed that, in each case, 3 of the other reasons for refusal had been satisfactorily addressed: appeal A reasons f), g) and i); and, appeal B reasons e), f) and h).

5. Each of the schemes is supported by a formally completed unilateral undertaking (UU): appeal site A-UUA; and, appeal site B-UUB, which seek to secure a number of financial contributions, Affordable Housing and sustainable travel measures. In addition, the appellants have provided a unilateral undertaking related to off-site mitigation for the loss of a low use Solent Wader and Brent Goose site (UUC). I have taken those UUs into account.
6. Reasons for refusal j) and k) relate to the absence of appropriate measures to mitigate likely adverse effects on the integrity of European Protected Sites. The appellants and the Council are content that those matters have now been satisfactorily addressed by mitigation measures secured by the unilateral undertakings. Nonetheless, there is no dispute that if I were minded to allow the appeals, I would need to re-consult Natural England and undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017*.
7. Reasons for refusal k)-o) relate to the absence of legal agreements to secure other necessary mitigation measures. However, the Council now considers that those reasons have been satisfactorily addressed by the submitted UUs or could be addressed through the imposition of suitable conditions.
8. Insofar as appeal A reason for refusal h) and appeal B reason for refusal g) relate to the capacity of the Newgate Lane East junction with Newgate Lane, the Council withdrew¹ that aspect of its case before the appellants presented their evidence on the matter². Therefore, I have not considered it further.

Main Issues

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

Reasons

10. Appeal site A comprises 3.95 hectares of agricultural land, which is bounded by a small area of agricultural land to the north, Newgate Lane to the west and Newgate Lane East to the east. The site shares a small proportion of its southern boundary with Hambrook Lodge and the remainder is shared with appeal site B. The appeal A proposal would involve the development of up to 75 dwellings within the site as well as other associated works. Appeal site B comprises 6.1 hectares of agricultural land, which is bounded by Woodcote Lane to the south, Newgate Lane to the west and Newgate Lane East to the

¹ Including the evidence given by Mr Whitehead.

² Inquiry document no. 23.

- east. Part way along its length, the northern boundary of the site wraps around the western, southern, and eastern boundaries of the grounds of Hambrook Lodge. Otherwise appeal site B shares its northern boundary with appeal site A. The appeal B proposal would involve the development of up to 115 dwellings within the site as well as other associated works.
11. Vehicular, cycle and pedestrian access to each site would be provided by an access road leading from Newgate Lane. A pedestrian/cycle route is also proposed from appeal site A through appeal site B to Woodcote Lane, leading to the proposed Toucan crossing of Newgate Lane East and Bridgemary. The proposed Toucan crossing would be funded through the provision of a contribution secured by UUB. The *Statement of Common Ground-Linked Delivery* (SoCGLD) has been agreed between the appellants and the Council. It indicates that it would be possible to ensure that the appeal A scheme cannot come forward independently of the appeal B scheme through the imposition of a Grampian condition, thereby ensuring the provision of those proposed access links.
 12. The appeal sites form part of an area of countryside situated between the urban settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north. The settlement referred to as Peel Common in the evidence of the main parties is limited to the residential and commercial properties located off Newgate Lane, Woodcote Lane and Albert Road, within the administrative area of Fareham Borough Council (the Council). Under the terms of the Development Plan, Peel Common does not have a defined settlement boundary and it is also situated in the area of countryside that includes the appeal sites. Furthermore, it does not include the 'Peel Common' housing estate located further to the east within Gosport Borough Council's administrative area. The closest urban boundary to the appeal sites is to the east and is associated with a number of areas within Gosport, such as Bridgemary, Woodcot and the 'Peel Common' housing estate. For simplicity, those areas have been jointly referred to in the evidence of the main parties as Bridgemary. I have taken the same approach in these decisions.
 13. Policy CS14 of the *Fareham Local Development Framework Core Strategy, 2011* (LP1) indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function. Policy DSP6 of *the Local Plan Part 2: Development Sites and Policies, 2015* (LP2) indicates that there will be a presumption against new residential development outside the defined urban settlement boundaries (as identified on the Policies Map) and that proposals should not result in detrimental impact on the character or landscape of the surrounding area.
 14. The area of countryside situated between the settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north also forms part of the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gap (Fareham-Stubbington Gap), shown on the LP2 Policies Map Booklet. LP1 Policy CS22 indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
 15. However, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

The reasoned justification for LP2 Policy DSP40 indicates that the Council is committed to delivering the housing targets in the Core Strategy, and so it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery. To that end, Policy DSP40 indicates that where it can be demonstrated that the Council does not have a five-year supply of land for housing, additional sites, outside the urban area boundary, within the countryside and Strategic Gaps, may be permitted where they meet a number of criteria (the DSP40 contingency). Those criteria are not as restrictive as the requirements of LP1 Policies CS14 and CS22 or LP2 Policy DSP6. To my mind, it follows that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced and would be outweighed by compliance with LP2 Policy DSP40.

Character and appearance of the area

16. Criterion (ii) of LP2 Policy DSP40 requires that the proposal is well related to the existing urban settlement boundaries and can be well integrated with the neighbouring settlement. To ensure that this is the case, the reasoned justification for the Policy indicates that sensitive design will be necessary. The Council and the appellants agree that the existing urban settlement boundary of Bridgemary is relevant in this context. Criterion (iii) of Policy DSP40 requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps. In this context the main parties agree that both Bridgemary and Peel Common are relevant neighbouring settlements. The reasoned justification for LP1 Policy CS22, which deals with development in Strategic Gaps, indicates that they do not have intrinsic landscape value but are important in maintaining the settlement pattern. I consider therefore, that the Strategic Gap designation is of little relevance to this particular main issue. I deal with the effect on the Fareham-Stubbington Gap later in this decision.
17. Peel Common would be the closest settlement to both appeal sites. The pattern of built development there is characterised, for the most part, by ribbon development that fronts onto the western side of Newgate Lane, with small spurs eastwards along the southern side of Woodcote Lane and westwards along Albert Road. Along Newgate Lane the ribbon of development only extends northwards to a point just beyond the alignment of the southern boundary of appeal site A on the opposite side of the highway. I consider that the only notable development to the west of appeal site A, on the western side of Newgate Lane, comprises: Peel Common Wastewater Treatment Works, which is set well back from the highway and is screened from view by landscaping; and, Newlands' Solar Farm, which is relatively low profile. Peel Common is described by the *Fareham Landscape Assessment, 2017* (FLA) as an isolated small settlement and, in my view, given its scale, pattern of development and location in the countryside, that is a reasonable assessment.
18. Both appeal sites are divided into an eastern and western section by the River Alver, which runs in a north-south direction through the sites. To the east of the river the land within the appeal sites is predominantly arable and to the west grassland. The latest Illustrative Masterplans submitted in support of the schemes indicate that, in both cases, the proposed dwellings would be clustered on the eastern side of the River Alver and the land to the west would comprise public open space. To my mind, the absence of residential

development from the western sections of the sites would be necessary, due to the environmental constraints associated with the land to the west of the river, and it could be secured by condition. The constraints include areas at high risk of surface water flooding and of particular ecological value.

19. As a result, and in stark contrast to the existing settlement pattern of Peel Common, none of the proposed residential properties would front onto Newgate Lane or be directly accessed from either Newgate Lane or Woodcote Lane. Links between appeal site B and Woodcote Lane would be limited to a pedestrian/cycleway connection. In each case, the main access to the proposed residential areas would comprise a single access road between Newgate Lane and the eastern section of each site. The sections of these roads through the proposed public open space, in the western sections of the sites, would be devoid of roadside development for the reasons set out above, which would further weaken the relationship between the proposed residential areas and the existing settlement. I understand that in terms of dwelling numbers, the appeal B scheme would be larger than the size of the existing settlement of Peel Common and the appeal schemes together would be approximately double its size. I consider that, with particular reference to their size and location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Peel Common, contrary to the aims of LP2 policy DSP40(iii). Furthermore, in my judgement, due to the site constraints, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
20. The area of Bridgemarky, which is situated to the east of the appeal sites, is primarily residential in character, with a variety of building styles generally of 1 to 2-storeys in height. A network of roads and footways provides for ease of movement within that residential area and closely integrates it with the much larger urban area of Gosport. The appeal proposals would also be residential in character and proposed buildings of a similar scale could be secured by condition. However, the appeal sites would be set well apart from that existing urban area, beyond agricultural fields and a recreation ground. The most direct access route between them would be along Woodcote Lane, across Newgate Lane East and along Brookes Lane; a route unsuitable for cars. In my judgement, the appeal schemes, whether considered on their own or together would comprise and would be perceived as islands of development in the countryside set apart from the existing urban settlements. They would not amount to logical extensions to the existing urban areas. I consider that, with particular reference to their isolated location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Bridgemarky. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemarky or well-integrated with it. In these respects, the proposals would conflict with LP2 Policy DSP40(ii) and (iii). In my judgement, due to the location of the sites, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
21. In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and

development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment.

22. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal sites are not the subject of any statutory or non-statutory landscape designations. Nonetheless, *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA)* by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued. Furthermore, insofar as it seeks to minimise any adverse impact on the countryside, I consider that LP2 Policy DSP40 is consistent with the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
23. As the planning applications the subject of these appeals are in outline, a full assessment of the landscape and visual impacts of the proposed schemes cannot be carried out at this stage. Nonetheless, the illustrative layout plans indicate that, in each case, the proposed dwellings would be set back from the perimeter of the site beyond relatively narrow areas of landscaping. To my mind, the scope for landscaping would be unlikely to be significantly greater, given the number of dwellings proposed and that it would not be reasonable to seek to use a condition to modify the developments to make them substantially smaller in terms of unit numbers than that which was applied for. In my view, that would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. Whilst the Design and Access Statements indicate that the proposed buildings may be up to 3-storeys in height, the appellants have indicated that they could be limited to 1-2 storeys, in keeping with the surroundings, through the imposition of conditions and without reducing the numbers of units proposed.

Landscape impact

24. GLVIA indicates that the assessment of landscape effects involves assessing the effects on the landscape as a resource in its own right. This is not just about physical elements and features that make up the landscape; it also embraces the aesthetic³, perceptual and experiential aspects of the landscape that make different places distinctive/valued.
25. Natural England's *National Character Assessment* places the appeal sites within the South Coast Plain National Character Area, the characteristics of which include that the plain slopes gently southwards towards the coast and there are

³ CD138 page 84 Box 5.1 'scenic quality...landscapes that appeal primarily to the visual senses', perceptual aspects...perceptual qualities, notably wilderness and/or tranquillity', 'experiential 'evidence that the landscape is valued for recreational activity where experience of the landscape is important'.

stretches of farmland between developed areas. At a county level, the sites form part of the Gosport and Fareham Coastal Plain Landscape Character Area, as identified by the *Hampshire Integrated Character Assessment 2012* (HICA), and within that area part of the Coastal Plain Open Landscape Type.

Its characteristics include, amongst other things, extensive and flat or gently sloping plain, often associated with arable land uses and some of the most densely developed areas in Hampshire have occurred in this landscape.

The HICA informed the *Fareham Landscape Assessment, 2017* (FLA), which was commissioned by the Council to inform emerging Local Plan policy.

26. The FLA identifies the area within which the appeal sites are situated as Landscape Character Area 8 (LCA 8), Woodcot-Alver Valley. LCA 8 forms part of the easternmost extent of the Fareham-Stubbington Gap and is divided into 5 Local Landscape Character Areas (LLCAs). More specifically appeal site A and the majority of appeal site B, with the exception of the strip of land to the west of the River Alver, fall within LLCA 8.1a. This area is generally bounded by Newgate lane to the west, Woodcote Lane to the south, the western edge of Bridgemary to the east and Speedfields Park Playing Fields to the north. Outside of this LLCA, to the west and south are the main residential sections of the Peel Common settlement, which fall within LLCA 8.2: *Peel Common and Alver Valley*, as does the western section of the appeal B site. Newlands' Solar Farm and Peel Common Wastewater Treatment Works, which are sited to the west of the appeal sites, fall within LLCA 7.1: *Fareham-Stubbington Gap*.
27. The FLA comments both on the character of LLCA 8.1a prior to the completion of Newgate Lane East and on the likely implications of that highways scheme.
28. Prior to the completion of Newgate Lane East, the FLA recognises that LLCA 8.1a is not covered by any current national or local landscape designation, its scenic quality is not exceptional and it is affected by some localised intrusion of urban features around its periphery. It indicates that LLCA 8.1a shares the typically flat, low-lying character of the coastal plain landscape and whilst it lacks the very open, expansive character of other parts of the coastal plain (including adjacent land within the Strategic Gap to the west), it nevertheless has a relatively open and large-scale character. More specifically, it is generally devoid of built development (apart from buildings at Peel Farm⁴), retains a predominantly open, rural, agricultural character, and tree belts along its boundaries to the north, east and south give the area a sense of enclosure from surrounding urban areas and contribute to its aesthetic appeal. The FLA indicates that overall, the landscape value of LLCA 8.1a is moderate to high. Furthermore, the FLA identifies that the landscape resource has a high susceptibility to change, as it has very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character. Whilst these judgements are not disputed, the Council and appellants disagree over the impact that the construction of Newgate Lane East has had.
29. Regarding Newgate Lane East, the FLA anticipated that as the road corridor would be relatively narrow, unaffected land within the rest of the area should be of sufficient scale to maintain its essentially rural character. In my view, this is the case notwithstanding that the roadside planting, which has the potential to reduce the visibility of the highway and associated fencing, has yet to

⁴ Around Hambrook Lodge.

mature. Furthermore, given the relatively low profile of the road scheme, the openness of the area is largely unaffected. Under these circumstances, I consider that whilst the landscape value of LLCA 8.1a has been reduced by the road scheme to medium, the susceptibility of the landscape to change remains high, rather than low/medium identified by the *Landscape and Visual Impact Assessments* submitted in support of the applications (LVIAs). Support for this judgement is provided by the FLA, which indicates that significant further development in addition to the road scheme would almost certainly have an overwhelming urbanising effect, potentially tipping the balance towards a predominantly urban character. Overall, I regard the sensitivity of the landscape resource within LLCA 8.1a to be medium/high, consistent with the Council's Landscape and Visual Assessment findings, and contrary to the low/medium findings set out in the LVIAs.

30. In both cases, the proposals would replace a significant proportion of the agricultural land within LLCA 8.1a with residential development. Whether single-storey or taller buildings are proposed, the massing of each development would add to the sense of enclosure of this LLCA, greatly diminishing its open character and the duration of the impact would be long term. Considering each scheme on its own, the size and scale of the change, taken together with the existing limited intrusion from surrounding urban influences and the effect of Newgate Lane East, would be sufficient in my judgement to tip the balance towards a predominantly urban character. I acknowledge that the impact would not extend beyond LLCA 8.1 to affect a wider area of landscape. Nonetheless, I judge the magnitude of change as medium and the significance would be moderate to moderate/major adverse, even after mitigation. In my view, the effect would not be as low as the minor/moderate or minor adverse significance of effect identified by the LVIAs, which the appellants suggest would be considered acceptable and would not constitute an overall 'harm' to the landscape.
31. As I have indicated, the only section of the appeal sites that falls within LLCA 8.2 is the western section of appeal site B, the development of which would be constrained by its ecological value. Therefore, I give little weight to the view set out in the FLA regarding LLCA 8.2 that there may be potential for some modest, small scale development associated with the existing built form at Peel Common.
32. I consider overall that the proposals would each cause significant harm to the landscape of the area.

Visual impact

33. There is no dispute that the area from which the proposed developments would potentially be visible, the visual envelope, would be limited. This is due to a combination of the flat topography of the surroundings and the effects of vertical elements such as neighbouring settlement edges and some tall vegetation. As a result, the visual receptors identified by the Council and the appellants are relatively close to the appeal sites and the associated assessments of visual effects provided by those parties are broadly comparable, finding a number of adverse impacts of moderate or greater significance.
34. As regards the users of Newgate Lane, I consider them to be of medium sensitivity to change, consistent with the position set out in the LVIAs and by

- the Council. However, the proposed development would significantly alter views eastwards. Currently long views can be enjoyed from some vantage points across relatively open countryside, Newgate Lane East being low profile infrastructure, towards the tree lined edge of Bridgemary and the 'big skies' noted by the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* (2020)(TR). As a result of either appeal scheme on its own, residential development would become a prominent feature in the foreground of such views, notwithstanding the proposed setback beyond an area of open space between the highway and the proposed dwellings. From some vantage points, the long rural view would be interrupted entirely, being replaced by a short suburban view of one of the appeal schemes, which would be likely to break the existing skyline and greatly reduce the sense of space. I regard the magnitude of impact as high and the significance of impact as major/moderate adverse, in common with the Council.
35. The LVIA's did not consider vantage points along Newgate Lane East, which was under construction when the assessments were undertaken. I consider users of Newgate Lane East to be of medium sensitivity to change, in common with users of Newgate Lane. It is anticipated that the proposed buildings would be set back from Newgate Lane East beyond a strip of landscaping, within the sites and along the edge of the highway. Nonetheless, given the likely scale and disposition of the built development, I consider it likely that it would still be visible to some extent from that neighbouring road. In my judgement, when travelling between the built-up areas to the north and south, the respite provided by the surrounding countryside along Newgate Lane East is of notable value. That value would be greatly diminished as a result of either scheme. Both would foreshorten views to the west and tip the balance from a predominantly rural to suburban experience. The magnitude of impact on that receptor would be medium and the significance of impact moderate adverse.
36. Overall, I consider that the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area.
37. The FLA sets development criteria to be met in order to protect the character and quality of landscape resources, views, visual amenity, urban setting and green infrastructure. Whilst the aim of LP2 Policy DSP40 is to minimise, rather than avoid, any adverse impact, I consider that they are of some assistance when judging the extent to which there would be an impact and whether it can be regarded as being minimised. I acknowledge, that in the context of making some provision for housing land supply in the countryside, it would be unrealistic to expect the open, predominantly agricultural and undeveloped rural character of area LLCA 8.1a to be entirely protected as the FLA suggests. However, the proposals would cause significant harm in that regard. Furthermore, rather than situating the proposed developments to the east of Newgate Lane East, next to existing urban areas, the schemes would amount to the creation of substantial new pockets of urbanising built development within existing open agricultural land.
38. I conclude that, in each case, the proposal would cause significant harm to the character and appearance of the area, having had regard to the location, disposition, likely scale and landscape treatment, each would fail to minimise the adverse impact on the countryside. The proposals would conflict with LP2 Policy DSP40(ii) and (iii).

Highway safety

39. The *Statement of Common Ground on Transport (SoCGT)*, agreed between the Council and the appellants, states it is agreed that the individual and cumulative impacts of the northern and southern sites would have a detrimental impact on the operation of the existing right turn lane priority junction between Newgate Lane and Newgate Lane East. Furthermore, this cannot be mitigated by priority junction improvements and so a signalised junction is proposed.
40. The proposed signalised junction would introduce a flare from 1 to 2-lanes on the northbound Newgate Lane East approach to the junction and a merge back to 1 lane some distance after the junction. Furthermore, the SoCGT indicates, in relation to southbound vehicles seeking to access Newgate Lane from Newgate Lane East across 2 lanes of on-coming traffic, the proposed signal method of control would be the provision of an indicative arrow right turn stage. Under the proposed signalling arrangement, right turn movements from Newgate Lane East into Newgate Lane could occur at three points in the cycle of the signals: firstly, turning in gaps in the free flowing northbound traffic; secondly, during the intergreen period when the northbound flow is stopped and before the Newgate Lane traffic is released; and, then if right turners are still waiting after the cycle, the indicative arrow would be triggered to allow them to turn unopposed. The SoCGT confirms that the appellants are proposing an indicative arrow arrangement rather than the provision of a fully signalised right turn stage, as the latter would operate unacceptably in terms of capacity.
41. The appellants' *Stage 1 Road Safety Audit (RSA)* identifies a potential problem with the proposed right turn lane arrangement, with reference to CD 123 of the *Design Manual for Roads and Bridges (DMRB)*. In the context of right turning traffic movements at signal-controlled junctions, CD 123 indicates that where the 85th percentile approach speed is greater than 45 mph, there is an increased risk of accidents between right-turning vehicles seeking gaps and oncoming vehicles travelling at speed. It confirms that where the 85th percentile approach speed is greater than 45 mph, right hand turns should be separately signalised. Against that background, the RSA raises the concern that higher northbound vehicle speeds (particularly in off-peak traffic conditions) may mean that gap acceptance by the drivers of right turning vehicles could lead to right-turn collisions or to sudden breaking and shunt type collisions. It recommends that, at detailed design stage, signal staging/phasing should incorporate a separately signalled right-turn into Newgate Lane and that it would be appropriate to measure northbound vehicle speeds to design signal staging and phasing arrangements accordingly.
42. DMRB CA 185 sets out the approach to vehicle speed measurement on trunk roads where existing vehicle speeds are necessary to set the basis for the design of signal-controlled junctions. CA 185 confirms that 85th percentile vehicle speeds shall be calculated where designs are to be based on measured vehicle speeds. It is common ground that, whilst this standard is intended for use in relation to trunk roads, in the absence of any other reference, it can be used to guide the measurement of vehicle speeds on other roads, such as Newgate Lane East.
43. The SoCGT identifies 3 speed surveys whose results are relevant to the consideration of northbound speeds on Newgate Lane East. They were

undertaken in: September/October 2018; February/March 2020; and November 2020. All three surveys include measurements undertaken at weekends, contrary to the CA 185 protocol which indicates that speed measurements shall not be undertaken at weekends. Nevertheless, they were not limited to weekend measurements. Each survey included measurements on other days of the week, and I have not been provided with any evidence to show that the 85th percentile speeds derived from the surveys are not reasonably representative of the weekdays surveyed. However, the last survey was carried out during a period affected by movement restrictions associated with the coronavirus pandemic and the recorded average flow rates are noticeably lower than those recorded at the same times of day in the other two surveys. I consider that, under these circumstances, greater weight is attributable to the results of the earlier two surveys.

44. CA 185 indicates that a minimum number of 200 vehicles speeds shall be recorded in the individual speed measurement period and speed measurements should be taken outside of peak traffic flow periods. The peak hours identified by the *Transport Assessments* submitted in support of the appeal planning applications are 08:00-09:00 hrs (AM peak) and 17:00-18:00 hrs (PM peak). Whilst CA 185 indicates that non-peak periods are typically between 10:00-12:00 hrs and 14:00-16:00 hrs, I share the view of the Highway Authority (HA) that this does not rule out consideration of other non-peak periods, so long as a minimum number of 200 vehicles speeds are recorded in the individual speed measurement period as required by CA 185. Having regard to the results of the September/October 2018 and February/March 2020 surveys for northbound traffic on Newgate Lane East, in addition to the typical periods identified above, the period from 05:00-06:00 hrs meets these criteria, falling outside of the peak hours and having a recorded average flow greater than 200 vehicles.
45. The September/October 2018 and February/March 2020 survey results record 85th percentile speeds in the periods 10:00-12:00 hrs and 14:00-16:00 hrs in the range 41 mph-44.8 mph when a wet weather correction is applied. The upper end of this range being only marginally below 45 mph. In the period 05:00-06:00 hrs the results exceeded 45 mph. CA 185 indicates that where there is a difference in the 85th percentile speeds derived from the individual speed measurement periods, the higher value shall be used in the subsequent design.
46. I give little weight to the view of the appellants that the introduction of traffic signals, as proposed, would be likely to result in drivers being more cautious and so reduce their vehicle speeds. Even if that were the case, it is not clear that it would reduce 85th percentile speeds in the period 05:00-06:00 hrs to below 45 mph or that this undefined factor should be taken into account in the design. The appellants have suggested that in the absence of any demand over-night, the signals would revert to an all red stage, which would further slow the speeds of vehicles. However, it appears that there would be likely to be demand in the period 05:00-06:00 hrs. Furthermore, the HA has confirmed, for a number of reasons, that is not the way multi-arm junctions are set up on its network. Firstly, for junction efficiency, the signals would be expected to rest on green on Newgate Lane East, allowing traffic to proceed unimpeded on the main arm. Secondly, this approach reduces the likelihood of drivers, who wrongly anticipate that the lights will turn from red to green on their approach,

- proceeding without slowing and colliding with others. In light of the HA's established approach, I give little weight to the appellants' suggestion.
47. I consider that the proposals, which would not include separate signalisation of the right-hand turn, would conflict with CD 123.
48. The operation of the existing priority junction involves some drivers turning right from Newgate Lane East into Newgate Lane across a single northbound lane and there is no dispute that at present the junction operates safely. However, the proposed junction arrangement would give rise to the possibility of right turning vehicles gap-seeking across 2 opposing lanes, a practice which the HA considers would be unsafe. I note that Rule 180 of the *Highway Code* indicates that right turning drivers should wait for a safe gap in oncoming traffic. However, the basis of the HA's concern is that a right turning driver may not be able to see an oncoming nearside northbound vehicle, due to screening by offside northbound vehicles, until it is too late to avoid a conflict. The Rule 180 illustration is of a single opposing lane and it does not grapple with the potential for unsighted vehicles in a two opposing lanes scenario. In support of its concern, the HA has identified other junctions where the frequency of accidents involving right turning vehicles has been reduced by moving from a situation where gap-seeking across 2 lanes is allowed to a fully signalised right turn phase.
49. With respect to the modified junctions drawn to my attention by the HA, I agree with the appellants that, in the absence of data with respect to traffic flows, speeds and percentage of right turners at those other junctions, it cannot be determined that they are directly comparable to the appeal junction in those respects. However, nor can it be determined that they are not. Nonetheless, the improved accident record at those other junctions following the introduction of a fully signalised right turn phase appears to me to support, for the most part, the HA assessment that the practice of gap-seeking across 2 lanes was previously a contributory factor to the incidence of accidents⁵. In relation to this matter, I give greater weight to the assessment of the HA, as it is likely to be more familiar with the historic operation of its network, than that of the appellants' highway witnesses.
50. The appellants consider that an arrangement which allows vehicles turning right across two opposing lanes by gap-seeking is common. In support of that view, they have identified 2 junctions in the area where the HA has not prevented right turning vehicles from crossing 2 lanes without signalling: A27/Ranvilles Lane; and, A27/Sandringham Road. However, the HA has indicated that there is a history of accidents associated with right turn manoeuvres at the A27/Ranvilles Lane junction, the most recent having occurred in 2020, and the junction will be taken forward on the HA's provisional list for safety remedial measures during 2021/2022. The A27/Sandringham Road junction is located close to the point at which the speed limit reduces from 40 mph to 30 mph on the A27. Furthermore, Sandringham Road is a cul-de-sac serving far fewer dwellings than would be the case at Newgate Lane as a result of either of the appeal A or B schemes, and so the number of daily or peak hour right turning movements associated with it would be likely to be much lower than the appeal junction. To my mind, the circumstances associated with these two junctions do not lend support to the appeal schemes.

⁵ Whether a 3-year or 10-year accident record period is considered.

51. The appellants argue that in circumstances where a vehicle is waiting at the proposed junction for an approaching northbound offside vehicle to pass before turning right onto Newgate Lane, it is likely that a nearside vehicle screened from view by that offside vehicle would also have passed when the waiting vehicle starts to cross the lanes. To my mind, that would not necessarily be the case, as it would depend on the degree to which the pair of northbound vehicles are staggered and their relative speeds. Some screened vehicles may be slowing to turn left into Newgate Lane causing a right turning vehicle to pause in the offside lane when that previously screened nearside vehicle comes into view and that would potentially bring it into conflict with other approaching offside vehicles. Furthermore, it is foreseeable that right turning drivers seeking gaps may be faced with a stream of traffic in both opposing lanes and with some variation in approach speeds. A nearside vehicle moving past an offside stream of traffic may be unsighted until a late stage and may be closing the gap faster than the right turning driver had anticipated, leading to conflicting movements.
52. With reference to the appellants' *Transport Assessment Technical Note-Junction Modelling Results (TATN)*, by the 2024 design year, the cumulative impact of each appeal scheme and other developments would be likely to result in a marked increase in the total number of right turning vehicles into Newgate Lane. Furthermore, the appellants' traffic modelling predicts that in the AM peak there would not be any suitable gaps in free-flowing northbound traffic for right turning vehicles to cross. However, the proposed signalling arrangement would not prevent drivers from gap-seeking and they may still attempt to do so, if they thought that they could get across, rather than waiting for the intergreen period or the indicative arrow. The modelling predicts that in the PM peak almost all of the right turning traffic would cross in gaps in free-flowing northbound traffic.
53. Against this background, I share the concern of the HA that right turning vehicles gap-seeking to cross 2 oncoming lanes at the proposed junction poses a far greater risk of collisions than the existing arrangement and a significant risk to highway safety.
54. I conclude that the proposed junction arrangement, whether one or both of the appeal schemes were to proceed, would have an unacceptable impact on highway safety. Furthermore, in my view, this harm could not be reduced to an acceptable level through the imposition of a condition(s). As I have indicated, the Council and appellants agree that a fully signalised right turn stage would operate unacceptably in terms of capacity. The proposals would conflict with LP2 Policy DSP40(v), which seeks to ensure that development would not have any unacceptable traffic implications, and it would not fit well with the aims of LP1 Policy CS5(3) insofar as it supports development which does not adversely affect the safety of the local road network. These Policies are consistent with the Framework, which indicates that development should only be prevented or refused on highway grounds in limited circumstances, including if there would be an unacceptable impact on highway safety. This weighs very heavily against the schemes.

Sustainably located, with reference to accessibility

55. LP1 Policy CS15 indicates that the Council will promote and secure sustainable development by directing development to locations with sustainable transport

- options. LP1 Policy CS5 indicates that development proposals which generate significant demand for travel and/or are of high density, will be located in accessible (includes access to shops, jobs, services and community facilities as well as public transport) areas that are or will be served by good quality public transport, walking and cycling facilities. LP2 Policy DSP40(ii) seeks to ensure that proposals are sustainably located adjacent to the existing urban settlement boundaries.
56. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and identifies that this should be taken into account in decision-making. I acknowledge that the appeal sites are in the countryside. However, they are situated in a relatively narrow countryside gap between urban areas, rather than a larger rural area where opportunities for sustainable transport could reasonably be expected to be limited. In any event, consistent with Development Plan Policies CS15, CS5 and DSP40, the Framework also indicates that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
57. The appeal sites are not near to, but are set well apart from: the western, urban area boundary of Bridgemary, as defined by the *Gosport Borough Local Plan 2011-2029 Policies Map*, which is to the east of the appeal sites on the far side of an area of agricultural land that adjoins the eastern side of Newgate Lane East; and, further from the southern settlement boundary of Fareham, which is defined by the LP2 Policies Map Booklet and is located some distance further north at the edge of HMS Collingwood and Speedfields Park. Peel Common does not have a defined urban settlement boundary. As such, I consider that the sites are not adjacent to any existing urban settlement boundary, contrary to the requirement of LP2 Policy DSP40(ii).
58. I acknowledge that the Council appears to have taken a flexible approach to the 'adjacency' requirement in a number of other cases. However, in the cases drawn to my attention, with the exception of the site to the south of Funtley Road, development has taken place or been approved between the application site and the nearest existing urban settlement boundary. In the case of the site to the south of Funtley Road, it abuts a highway on the opposite side of which is some of that other development and the site boundary is a relatively short distance across undeveloped land from an existing urban settlement boundary. The circumstances are not directly comparable to those in the cases before me, in relation to which the sites would be set further apart across undeveloped land from the nearest existing urban settlement boundary. In any event, each case must be considered primarily on its own merits and in my view, the Council's approach elsewhere would not justify harmful development of the appeal sites. I give little weight to those decisions of the Council. Furthermore, appeal decision Ref. APP/L3625/X/16/3165616 considered adjacency in the context of the relationship between a highway and gates set back from it by around 1 metre. The circumstances are not comparable to those in the cases before me and are of little assistance.
59. I turn then to consider the accessibility of the sites with reference to modes of transport. The *National Travel Survey, 2019* (NTS), identifies, amongst other things, the average trip length and duration in England by all modes of travel for the trip purposes of: commuting; education; personal business; shopping; sport (participate); and, entertainment/public activity. There are a range of

- employment, education, retail, health, sport, and leisure uses well within those average distances and durations of the appeal sites. This indicates that there are likely to be some opportunities for residents of the proposed developments to travel less when compared to the national average journey distances and durations, and in this context, the locations of the appeal sites limit the need to travel. However, the NTS 'all modes of travel' includes, amongst other modes, car travel and so it does not automatically follow that the proposed developments would be served by good quality public transport, walking or cycling facilities.
60. The *Manual for Streets* indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 800 metres walking distances of residential areas which residents may access comfortably on foot. However, it indicates that this is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres. This is echoed by the Department for Transport *Local Cycling and Walking Infrastructure Plans (2017)*, which indicates that for walking, 'the distances travelled are generally...up to 2 kilometres'.
61. The Institute of Highways and Transportation's (now CIHT) *Guidelines for Providing for Journeys on Foot, (2000)* (PfJoF) gives more detailed guidance, setting out, with reference to some common facilities, suggested desirable, acceptable and preferred maximum walking distances which range up to a preferred maximum of 2 kilometres for some facilities. The approach is consistent with CIHT's more recent *Planning for Walking, April 2015* (PFW), which indicates that most people will only walk if their destination is less than a mile away (equivalent to around 1.6 kilometres) and about 80% of journeys shorter than 1 mile are made wholly on foot, the power of a destination determining how far people will walk to get to it. To illustrate the point it indicates that while for bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point, people will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.
62. Having regard to the Department for Transport's NTS (Table NTS0303-2020 update), there have been no significant changes in the average walking trip length in the period 2002-2019. To my mind, this indicates it is unlikely that attitudes towards walking trip length have altered to any great extent since the publication of PfJoF. This is consistent with the position taken by my colleague who dealt with appeal Ref. APP/A1720/W/19/3230015, which related to a site elsewhere, in Portchester. I am content therefore, that the PfJoF guidance on acceptable walking distances is not out of date and it provides a reasonable basis for the assessment of whether, having regard to the locations of the appeal sites, walking can be regarded as a genuine choice of transport modes. In addition, PFW indicates that propensity to walk is not only influenced by distance, but also by the quality of the experience, having regard to factors such as the attractiveness and safety of the route.
63. I note that the Council's position regarding the accessibility of the sites is not based on an objection in relation to that matter raised by the Highway Authority, but rather an assessment undertaken by a planning professional with reference to PfJoF, amongst other things. In my view, it does not follow that the weight attributable to the Council's assessment should be reduced. As reported by the appellants, the PfJoF states it is the task of the professional

- planner or engineer to decide if a lower standard is acceptable in given circumstances.
64. There is no dispute that there are a range of services and facilities within 2 kilometres of the appeal sites. However, to my mind, in the absence of any consideration of the 'power of the destinations' and the quality of the experience that is of little assistance. Applying the PfJoF approach, which reflects the 'power of destination', facilities and amenities within its 'acceptable' walking distances of the southern and linked appeal sites are limited to a primary school, a church, and a recreation ground. Within its 'preferred maximum' walking distances there are additionally a college campus (CEMAST), a limited number of small shops and a pub in Bridgemary, an employment area (HMS Collingwood) and four other schools.
 65. However, the appeal sites only fall within the catchment area of one of the five schools, Crofton Secondary School, which is barely within the preferred maximum walking distance. Whilst I understand that Crofton Anne Dale Infant and Junior School, which would serve the appeal sites, is within the maximum walking distances for schools identified by the Department for Education, it falls outside the PfJoF preferred maximum walking distances.
 66. Although PFW indicates that in residential areas, 400 metres has traditionally been regarded as a cut-off point, the CIHT's more recent *Buses in Urban Developments, January 2018* (BUD) provides more detailed guidance. It identifies maximum walking distances between developments and bus stops with the intention of enabling the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability. It recommends a maximum walking distance of 300 metres to a bus stop served by a service which is less frequent than every 12 minutes.
 67. The SoCGT indicates that the closest bus stop to the appeal sites is on Newgate Lane East and only the southern site would meet that BUD recommendation. Furthermore, the buses return approximately with a frequency of every 75 minutes in each direction and the first northbound bus in the morning, towards Fareham, departs from the bus stop at 09:12 hrs. Notwithstanding that the bus trip duration to the train station may be shorter than the national average trip time by local bus of 36 minutes, to my mind, the start time and frequency of the service would limit the attractiveness of the service as far as northbound commuters are concerned. Whilst there is a bus stop on Tukes Avenue served by a more frequent service, it is significantly further away from the sites than the maximum walking distance for high frequency services recommended by BUD.
 68. The SoCGT indicates that the closer of the 2 appeal sites is some 3.7 kilometres from Fareham Railway Station, a distance well beyond the 800 metres identified by PFW.
 69. I note that the PfJoF was one of the documents that informed the accessibility standards set out in the Council's *Fareham Local Plan 2037 Background Paper: Accessibility Study 2018*, the application of which in the cases before me appears not to result in a significant difference in outcome compared with the application of the PfJoF guidance.
 70. The appellants have applied a Walking Route Audit Tool to the local walking routes, which assesses the attractiveness, comfort, directness, safety, and

coherence of the routes. Whilst a number of the findings are disputed by the Council, I consider that the current condition of the likely route east of the sites to the limited number of shops and the pub referred to in Bridgemaury is of greatest concern. That walking route would involve crossing Newgate Lane East and walking along Brookers Lane. However, difficulties crossing Newgate Lane East, due to the speed and volume of traffic, would be satisfactorily addressed by the proposed provision of a Toucan crossing, funded by a contribution secured by the UUB. Currently, the character of the initial section of Brookers Lane would be likely to dissuade users, due to a lack of street lighting and the potential for people to conceal themselves from view from approaching walkers in trees along the southern side of the route, giving rise to potential safety concerns. However, I consider that these matters could be satisfactorily addressed through the provision of unobtrusive lighting and fencing along the southern side of the route, which would be unlikely to have a material adverse impact on the character or appearance of the locality and could be secured by condition. I acknowledge that these improvements may be of some benefit to the wider community, not just residents of the appeal sites, to which I attribute limited weight.

71. In my judgement, the quality of local walking routes could be made acceptable. However, applying the PfJoF and more recent BUD guidance on walking distances to destinations, the number and range of facilities and amenities within the ranges identified would be limited. I consider overall that the accessibility of the area by walking would be poor and, for the most part, walking cannot be regarded as a genuine choice of transport mode.
72. The site subject of previous appeal decision Ref. APP/A1720/W/19/3230015, was found to satisfy LP2 Policy DSP40(ii). However, the factors taken into consideration in relation to that matter included, amongst other things, that the site was well related to the existing urban settlement boundary for Portchester and close to many other dwellings in Portchester, and accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Those circumstances are not directly comparable to those in the cases before me. The appeal sites are not well related to an existing urban settlement boundary or close to dwellings within one. Whilst accessibility to local services and facilities would be similar for existing residents of Peel Common, it is a small settlement relative to which each of the appeal schemes would be larger in terms of households. Under the circumstances, I consider that the policy finding of the previous appeal decision is of little assistance in these cases.
73. Within 5 kilometres of the appeal sites, which is a distance commonly regraded as reasonable cycling distance, there is a much greater range and number of services, facilities, amenities, and employment sites. Furthermore, there are shared cycle pedestrian/cycle routes in the vicinity of the appeal sites which would facilitate access by bicycle to the areas to the north, south, east, and west of the sites. I consider therefore that the sites would be served by good quality cycling facilities and cycling could be regarded as a genuine choice of transport modes. However, having regard to the NTS for 2019, in comparison with 250 trips per person per year associated with walking, only 16 trips per person per year were associated with cycling. To my mind, it is likely therefore, that relatively few future residents of the appeal sites would cycle, reducing the weight attributable to this factor.

74. As I have indicated, the bus services available within the maximum walking distances recommended by BUD are very limited and the nearest train station is located well outside the PfJoF preferred maximum walking distance. I acknowledge that the sites would be within reasonable cycling distances of Fareham Train Station and residents could drive there by car. Nonetheless, I consider overall that the sites would not be well served by good quality public transport, the accessibility of the area by public transport would be poor and, for the most part, it cannot be regarded as a genuine choice of transport modes.
75. The Framework indicates that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location. A Travel Plan for each site has been agreed by the HA. However, in my view, it does not automatically follow that the appeal sites would be sustainably located with reference to accessibility. The *Planning Practice Guidance* (PPG) indicates that the primary purpose of a Travel Plan is to identify opportunities for effective promotion and delivery of sustainable transport initiatives, for example walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes.
76. The proposed Travel Plan measures include, amongst other things, the provision of: information to promote sustainable modes of travel; electric vehicle charging/parking facilities on the sites; a Travel Plan Coordinator as well as contributions towards: the improvement of the Newgate Lane East crossing at Woodcote Lane/Brookers Lane; the provision of shared pedestrian/cyclist infrastructure along parts of the routes between the appeal sites and local schools; and, supporting the use (travel vouchers for residents) and operation of the existing limited bus service in the vicinity of the sites for a number of years. Having regard to these matters, I am satisfied that a number of appropriate opportunities to promote sustainable transport modes have been provided for, in accordance with the aims of LP1 Policy CS15 and the Framework. However, as identified above, I consider that the attractiveness of the existing bus service to commuters would be limited and, in my view, this casts significant doubt over the indicative Travel Plan target which anticipates an increase in bus service use, notwithstanding some provision for travel vouchers.
77. I conclude that the appeal sites would be in a location with some, albeit limited, sustainable transport options and in this respect would accord with LP1 Policy CS15. However, the limitations are such that they would not be in an accessible area, with particular reference to public transport and walking facilities, and I do not regard the sites as being sustainably located adjacent to an existing urban settlement boundary. Insofar as they seek to ensure that development is sustainably located with reference to accessibility, I consider overall that the proposals would conflict with LP1 Policy CS5, LP2 Policy DSP40 and the Framework.

Spatial development strategy

78. The reasoned justification for LP1 Policy CS22 indicates that gaps between settlements help define and maintain the separate identity of individual

settlements. It states that Strategic Gaps do not have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. The Policy indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

79. The appellants place some reliance on the proposed allocation of land for development in the Fareham-Stubbington Gap in the Regulation 18 consultation draft of the emerging *Fareham Local Plan 2036* (LPe). This included allocation HA2 for residential development on land between Newgate Lane East and Bridgemary, within the Fareham-Stubbington Gap. Whilst the Regulation 19 draft of the LPe did not include that allocation, it was based on the assumed imposition of Government's proposals to introduce a new Standard Method, which was not subsequently supported. However, going forward, there is no certainty that the proposed allocation of HA2 will be reinstated by the Council. Furthermore, even if it were, that proposed allocation was the subject of objections at the earlier stage and there is no dispute that the emerging plan is at a relatively early stage towards adoption. Under the circumstances, I give little weight to the possibility that proposed allocation HA2 would form part of the LPe when adopted.
80. The appeal sites fall within the Fareham-Stubbington Gap. The TR indicates that the purpose of this gap is to avoid coalescence between the settlements of Fareham and Bridgemary with Stubbington and Lee-on-the-Solent. Drawing a straight line east-west across the gap between Stubbington and Bridgemary, the appellants have estimated that the appeal schemes would reduce the gap from some 1.6 km to around 1.1 km. However, to my mind, that cross-country approach does not represent the manner in which the gap is likely to be experienced and, as a result, generally understood.
81. Consistent with the TR, I consider that a key vehicle route between the settlements of Fareham and Stubbington from which the Strategic Gap is experienced is along Newgate Lane East (between Fareham and Peel Common Roundabout)/B3334 Gosport Road (between Peel Common Roundabout and Marks Road, Stubbington). Along that route travellers leave behind the urban landscape of Fareham at HMS Collingwood and Speedfields Park and travel to the edge of Stubbington, via Peel Common Roundabout, through an area which includes the appeal sites and is predominantly characterised by undeveloped countryside. The Strategic Gap designation washes over some development, which includes Newlands' Solar Farm, Peel Common Wastewater Treatment Works (WWTW) and the settlement of Peel Common. However, along the route identified, intervening planting prevents the WWTW from being seen and limits views of the low-profile solar farm to glimpses. Furthermore, I consider that, when seen from those highways to the east and south, Peel Common is easily understood as comprising, for the most part, a small, isolated ribbon of development within the gap between the larger settlements of Fareham, Stubbington and Gosport.
82. In each case, the proposals would involve substantial development to the east of Peel Common and, as identified above, it would be sufficient to tip the balance of the character of the area between Peel Common, Bridgemary and Fareham from predominantly rural to suburban. Whilst Fareham, Peel Common and Bridgemary would remain physically separate, the contribution of this area

to the sense of separation provided by the Strategic Gap would be greatly diminished. I acknowledge that the proposals would not materially alter the experience of the Strategic Gap along the B3334 Gosport Road, between Peel Common and development at Marks Road, as they would not be visible from there. However, the appellants have estimated that the distance between the two is as little as 560 metres and, in my view, the limited sense of separation it provides is likely to be eroded by the Stubbington Bypass, which is under construction there. The FLA recognises that the role played by the area between Peel Common and Bridgemary in preventing coalescence between Stubbington and Gosport is likely to become more significant as a result of developments along Gosport Road, such as the bypass.

83. I consider overall that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of settlements, with particular reference to the experience of travellers along the Newgate Lane East section of the Newgate Lane East/B3334 Gosport Road key route, contrary to the aims of LP1 Policy CS22.
84. Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap. The proposals would fail to minimise any adverse impact on the Strategic Gap, contrary to the aim of LP2 Policy DSP40(iii).
85. There is no dispute that the proposals would accord with criterion (i) of LP2 Policy DSP40, being relative in scale to the demonstrated five-year housing land supply shortfall. Turning then to criterion iv), which requires a demonstration that the proposals would be deliverable in the short term. The current tenant of appeal site A has suggested that the formal procedures associated with the surrender of the agricultural tenancy may delay implementation of that scheme. However, based on the timeline and formal procedures for obtaining possession outlined by the appellants, it appears to me that delivery in the short term would be possible⁶. In any event, this matter could be satisfactorily addressed, in relation to both sites, through imposition of conditions that required reserved matters applications to be made within 12 months of the grant of planning permission and the commencement of development within 12 months of the approval of reserved matters, as suggested by the appellants. Under the circumstances, I am satisfied that the proposals would not conflict with criterion iv) of LP2 Policy DSP40. Nonetheless, they would conflict with criteria ii), iii) and v) and I consider overall that each proposal would conflict with LP2 Policy DSP40 taken as a whole.
86. I conclude that each of the schemes, which would conflict LP1 Policy CS22 and LP2 Policy DSP40, would not accord with and would undermine the Council's Spatial Development Strategy.

Housing land supply

87. The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated

⁶ Michelmores LLP letter dated 20 January 2021 and Lester Aldridge LLP letter dated 3 February 2021.

against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

88. A significant proportion of the difference between the supply figures of the Council and the appellants is associated with applications with a resolution to grant planning permission (709 units) and allocations (556 units).
89. In respect of the majority of the sites with resolutions to grant planning permission, which date from 2018, it remains necessary, before planning permission could be granted in each case, for the Council to complete Appropriate Assessment (AA) to establish whether the scheme would have a significant effect upon European Protected Sites. To inform the AA, it is necessary for the developers to demonstrate that their schemes would not increase the levels of nitrates entering the Solent. In order to facilitate that process, in September 2020, the Council established a legal framework through which developers/applicants can purchase nitrate credits associated with land use at Little Duxmore Farm (LDF). However, at the Inquiry, the Council was unsure whether there would be sufficient capacity at LDF to provide mitigation in relation to all the identified sites and whilst it is seeking to secure additional capacity elsewhere, the associated negotiations are not yet complete. Furthermore, since September 2020, only a relatively small number of dwellings have been taken through this process culminating in the grant of planning permission. With respect to the other sites, which together account for over 500 units, I consider that in the absence of favourably completed AAs there is significant doubt about the deliverability of housing within the five-year period on those sites. Furthermore, AA is not the only issue. In a number of the cases, while some progress has been made, necessary planning obligations have yet to be formally secured. This adds to the uncertainty.
90. The Welborne allocation accounts for 450 units included in the Council's assumed supply figure. The site was subject to a resolution to grant outline planning permission for up to 600 dwellings in October 2019, subject to planning obligations being secured. Although the Council expected the planning obligations to be secured pursuant to section 106 of the *Town and Country Planning Act 1990* by the end of the summer 2020, this was not achieved. In December 2020, the developer submitted amended plans for the site. Whilst in January 2021, the Council resolved to grant planning permission for the revised scheme, it would also be subject to planning obligations and a pre-commencement condition would be imposed to ensure that funding had been secured for the improvement of junction 10 of the M27. At the Inquiry, the Council confirmed that whilst funding sources have been identified, not all the necessary agreements are in place to secure the funds. In light of the limited progress made since October 2019 and the outstanding areas of

uncertainty, I consider it likely that housing delivery on that site within the five-year period will fall well short of that assumed by the Council.

91. Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic⁷.
92. The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come.
93. The appellants anticipate that around 123 of the 190 proposed appeal dwellings could be completed within the current five-year period. Against this background, I consider it likely that each of the appeal schemes would make a modest contribution towards reducing the significant shortfall in housing land supply. Having had regard to other appeal decisions drawn to my attention⁸, I give those contributions substantial weight.

Other matters

Planning obligations

94. Each of the schemes is supported by a formally completed unilateral undertaking: appeal site A-UUA; and appeal site B-UUB. Amongst other things, they include provisions for: a Solent Recreation Mitigation Strategy contribution; on-site open space and play area provision and maintenance contributions; an education contribution; provisions to secure on-site Affordable Housing delivery, sustainable travel measures as well as the implementation of a Travel Plan. UUB also makes provision for: the implementation of a Chamomile Management Plan, for the purpose of conserving the ecological features in the Chamomile and Meadow areas of the site, consistent with the aims of LP2 Policy DSP13; and, a Toucan crossing contribution. Having had regard to the Council's *Community Infrastructure Levy Regulations Compliance Statement, February 2021*, I consider that the UUs would accord with the provisions of Regulation 122 of the *Community Infrastructure Regulations 2010* and the tests of obligations set out in the Framework. Furthermore, I conclude that the infrastructure provisions referred to above would accord with the aims of LP1 Policy CS20.
95. With reference to the ecological assessments submitted in support of the applications, the appellants have indicated that, subject to mitigation measures which would be secured either by the submitted UU's or by condition, the schemes would each provide moderate ecological benefits for the sites, consistent with LP1 Policy CS4 and LP2 Policy DSP13. Furthermore, measures would be incorporated in the design of the schemes to limit energy and water consumption as well as carbon dioxide emissions, which could be secured by condition and would amount to minor environmental benefits, consistent with

⁷ Statements of Common Ground, January 2021 (paragraphs 7.14).

⁸ Such as APP/A1530/W/19/3223010, APP/G1630/W/18/3210903, APP/E5900/W/19/3225474, APP/N1730/W/18/3204011 and APP/G1630/17/3184272.

LP1 Policy CS16. I have no compelling reason to take a different view. However, in my judgement, they do not weigh significantly in favour of the schemes, as the benefits would be only moderate/minor and the Framework commonly requires the provision of net gains for biodiversity, minimisation of energy consumption and the prudent use of natural resources.

96. UUC would secure off-site mitigation for the loss of a low use Solent Wader and Brent Goose site. Having regard to the measures secured by UUA, UUB and UUC and with reference to the 'Shadow Habitat Regulations Assessments' submitted in support of the applications, the appellants have indicated that the proposals would not have an adverse effect on the integrity of any European Protected Sites, consistent with the aims of LP2 Policies DSP14 and DSP15, and this would weigh as neutral in the planning balance. These matters are not disputed by the Council.
97. It is common ground that there is an unmet Affordable Housing need in Fareham Borough. The shortfall appears to be sizeable. Looking forward, the Council's adopted *Affordable Housing Strategy (2019)* identifies a need for broadly 220 Affordable Homes per annum over the period to 2036. This can be compared to the delivery of an average of 76 Affordable Homes per annum in the period 2011-2019, well below the need identified for that period by the Council's *Housing Evidence: Overview Report (2017)*. 40% of the proposed dwellings in each case would comprise Affordable Housing, consistent with the requirements of LP1 Policy CS18. Furthermore, I understand that the commercial profits of Bargate Homes Ltd, which is owned by Vivid and has contractual control of both sites, are reinvested in Vivid's wider Affordable Housing Programme. I consider that the proposals would amount to meaningful contributions towards addressing the identified need and the Affordable Housing benefits attract substantial weight in each case.
98. The Council considers that the public open space provision shown on the illustrative masterplans submitted in support of the applications would be sufficient to meet the requirements of LP1 Policy CS21 and I have no reason to disagree. Whilst I acknowledge that the proposed public open space may be of some value to existing local residents, given the accessibility of the countryside thereabouts, I consider that any benefit in that regard would be small and I give it little weight.

Economic benefits

99. The Framework gives encouragement to development that would support economic growth. The proposals would be likely to give rise to a range of economic benefits. For example, the appellants have estimated that the proposed households would be likely to generate expenditure in the region of £6.4 million per annum, some of which would be spent locally. Furthermore, the proposals could support an estimated 191 jobs during the three-year build programme and could generate an additional £33.8 million of gross value added for the regional economy during that period. The proposals would help to support the growth of the economy, which has been adversely affected by the current coronavirus pandemic. I give the economic benefits likely to result from the proposals in each case substantial weight.

Best and most versatile agricultural land

100. Appeal site B contains land classified as best and most versatile (BMV) agricultural land, which would be lost as a result of the scheme, contrary to the aims of LP1 Policy CS16, which seeks to prevent the loss of such land. However, with reference to the Framework, which indicates that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land, I consider that LP1 Policy CS16 is unduly onerous. Furthermore, as BMV agricultural land makes up only a very small proportion of the site, I share the view of the appellants that the weight to be given to the loss is very limited.

Privacy

101. At present, Hambrook Lodge occupies an isolated position in the countryside, set well apart from other dwellings. In this context the proposed developments on land adjacent to that property would be likely to have some effect on the privacy of the existing residents. However, the elevations of the dwelling that contain the majority of its habitable room windows are set back from the boundaries shared with the appeal sites. I consider that it would be possible to ensure, through careful design and layout of the schemes controlled at the reserved matters stage, that reasonable levels of privacy would be maintained in keeping with the aims of LP1 Policy CS17.

Community services and facilities

102. I do not share the concerns raised by a number of residents of the Borough of Gosport that the proposals would adversely affect their community services and facilities. As indicated above, it is likely that spending associated with the schemes would benefit the local economy. As regards facilities, I understand that the appeal sites are not within the catchment area of Gosport schools. Whilst some future residents may wish to use the recreation ground situated to the southeast on the other side of Newgate Lane East, there is no compelling evidence before me to show that the numbers would be large or that such activity would be problematic.

Planning balance

103. The Framework indicates, with reference to succinct and up-to-date plans, that the planning system should be genuinely plan-led. For decision making this means approving development proposals that accord with an up-to-date Development Plan without delay. The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and so in these cases the relevant policy for determining the acceptability of residential development on the site is LP2 Policy DSP40. I consider that each of the schemes would conflict overall with LP2 Policy DSP40. However, in these cases, that is not the end of the matter.
104. LP1 Policy CS2 sets out the housing development needs in the plan period, and Policy CS6 establishes the settlements and allocations to deliver development needs. However, Policy CS2, which pre-dated the publication of the Framework, does not purport to represent an up-to-date Framework compliant assessment of housing needs. The housing requirement set out in the Development Plan has not been reviewed within the last 5 years and so the

five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This generates a higher figure. To my mind, it follows that LP1 Policies CS2 and CS6 are out-of-date. Furthermore, against this background, I consider that the weight attributable to conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6, which place strict controls over development outside settlement boundaries, is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements⁹.

105. Furthermore, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, under the terms of paragraph 11 of the Framework it follows that the policies which are most important for determining the appeals are deemed out of date. The Framework indicates that decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, this means granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This approach is reflected in LP2 Policy DSP1.
106. Under these circumstances, I consider that little weight is attributable to the identified conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6. This is reinforced by my earlier finding that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced.
107. LP2 Policy DSP40 is also deemed out of date for the purposes of paragraph 11 of the Framework. However, I consider, for a number of reasons, it does not automatically follow that conflicts with this Policy also attract little weight, contrary to the approach of my colleague who dealt with appeal decision Ref. APP/A1720/W/18/3209865.
108. Firstly, the DSP40 contingency seeks to address a situation where there is a five-year housing land supply shortfall, by providing a mechanism for the controlled release of land outside the urban area boundary, within the countryside and Strategic Gaps, through a plan-led approach. I consider that in principle, consistent with the view of my colleague who dealt with appeal Ref. APP/A1720/W/18/3200409, this approach accords with the aims of the Framework.
109. Secondly, consistent with the Framework aim of addressing shortfalls, it requires that (i) the proposal is relative in scale to the demonstrated supply shortfall and (iv) it would be deliverable in the short-term.
110. Thirdly, criteria (ii) and (iii) are also consistent with the Framework insofar as they: recognise the intrinsic character and beauty of the countryside by seeking to minimise any adverse impact on the countryside; promote the creation of high quality places and having regard to the area's defining characteristics, by respecting the pattern and spatial separation of settlements;

⁹ CDK5-Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37, para 63.

and, seek to ensure that development is sustainably located. They represent a relaxation of the requirements of Policies LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6 in favour of housing land supply. However, I consider that the shortfall in the Framework required five-year housing land supply, which has persisted for a number of years and is larger than those before my colleagues¹⁰, indicates that the balance they strike between those other interests and housing supply may be unduly restrictive. Under these circumstances, in my judgement, considerable, but not full weight is attributable to conflicts with LP2 Policy DSP40(ii) and (iii).

111. Fourthly, insofar as LP2 Policy DSP40(v) seeks to avoid an unacceptable impact on highway safety, with particular reference to traffic implications, it is consistent with the Framework and conflict with that requirement would be a matter of the greatest weight.
112. Whilst the proposals would accord with criteria i) and iv), they would conflict with criteria ii), iii) and v), causing significant harm to the character and appearance of the area, having an unacceptable effect on highway safety, they would not be sustainably located with reference to accessibility and they would fail to minimise any adverse impact on the Strategic Gap. I have found that the proposals would conflict with LP2 Policy DSP40, undermining the Council's Spatial Development Strategy. I consider overall that these matters weigh very heavily against each of the proposals.
113. In each case the proposals would provide a mix of housing types and styles. They would make meaningful, albeit modest, contributions towards addressing the shortfall in the five-year supply of deliverable housing land as well as the need for Affordable Housing supply. The appeal schemes would also be likely to provide employment opportunities and economic benefits to the area. In these respects the proposals would be consistent with the Framework, insofar as it seeks to significantly boost the supply of homes, provide for the size, type and tenure of housing needed for different groups in the community and to support economic growth. I give those benefits substantial weight. I give little weight to other identified benefits, such as the proposed measures to secure net gains for biodiversity, the minimisation of energy consumption and the prudent use of natural resources. Although I give a number of the benefits substantial weight, in my judgement, it would fall well short of the weight attributable to the harm identified.
114. I consider on balance that, in each case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the schemes would not represent sustainable development under the terms of either LP2 Policy DSP1 or the Framework. In light of these findings, it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued, it would not have affected the planning balances or my conclusions on these appeals.

Conclusions

115. Whilst acknowledging that appeal scheme A would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case

¹⁰ APP/A1720/W/18/3199119, APP/A1720/W/18/3200409

would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal A should be dismissed.

116. Whilst acknowledging that appeal scheme B would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal B should be dismissed.

I Jenkins

INSPECTOR

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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

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

**The future of the
planning system in
England**

First Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 27 May 2021*

Housing, Communities and Local Government Committee

The Housing, Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Housing, Communities and Local Government.

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*)

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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.

Publication

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You can follow the Committee on Twitter using [@CommonsHCLG](https://twitter.com/CommonsHCLG)

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Summary

This report considers the Government's proposed reforms to the planning system announced in August 2020. It also builds on our predecessor committee's report into land value capture. We will continue to examine future proposals for reforming the planning system, and stand ready to undertake pre-legislative scrutiny of the Planning Bill.

We heard consistently in our evidence that there was a need for greater detail about how the Government's proposed reforms would work. There were concerns about the omission of various important issues relating to housing and to non-housing elements of the planning system.

The Government's three areas proposal

The Government has proposed that local areas will be divided (through Local Plans) into three parts: growth, renewal and protected, with different planning rules applying in each. We have sympathy with the Government's wish to enhance the importance of Local Plans, but we are unpersuaded that the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system.

The Government should reconsider the case for the three areas proposal.

If the Government does proceed with the principle of the three areas proposal, consideration should be given to the inclusion of additional categories. Further details also need to be provided—particularly around how much detail will be needed in Local Plans, the impact of the three areas proposal on vital infrastructure, and who will be determined if Local Plan requirements have been met.

Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people.

Public engagement and reforms to Local Plans

The Government proposes to shift public engagement from individual planning applications to the Local Plan stage. We found that far more people engage with individual planning proposals and fear that the proposed change will reduce public involvement in the planning process.

All individuals must still be able to comment and influence upon all individual planning proposals.

To ensure that public engagement throughout the planning process is facilitated we welcome the Government's plan to expand the role of digital technology. The benefits of virtual planning meetings have been demonstrated during the Covid-19 pandemic and

should be retained. This needs to sit alongside exploring new methods of interaction such as citizens assemblies; ensuring the public is consulted about the draft Local Plan before rather than concurrently with Secretary of State; and through retaining more traditional methods of notification about planning proposals such as signs on lampposts.

We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area.

We welcome the introduction of a statutory obligation that requires that all local authorities have a Local Plan. We also support a timeframe for introducing the new Local Plans. But we heard it would be impractical to deliver them within the Government’s proposed thirty-month timeframe, and in particular for statutory consultees to comment on each plan during its development. To ensure there is effective cooperation between local authorities the Government also needs to explain how it plans to replace the duty to cooperate that places a legal duty on councils to work together on planning issues that cross their borders.

The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation.

Housing formula

In August 2020 the Government proposed reforms to the current formula (the ‘Standard Method’) used to determine housing demand in each local authority. Whilst our evidence endorsed the principle of having a nationally set formula, the majority disapproved of this new proposed formula. In December 2020 the Government announced a new approach, preserving the existing formula whilst adding an ‘urban uplift’ to the demand figures for twenty major town and cities. This would greatly increase the numbers in those areas. We would like clarity from the Government on how these major towns and cities can deliver the housing demanded given restrictions on the availability of land, both in terms of brownfield sites and constraints posed by seas, rivers and protected green spaces.

We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice.

Housing delivery

To meet the Government’s 300,000 housing unit target there is a need to speed up the delivery of housing. The problem of ‘build out’ rates needs to be tackled, with a mixture of carrots and sticks needed to achieve this.

The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

To command public support there also needs to be greater clarity on why and how the housing target needs to be delivered, including why relying on brownfield sites alone would be insufficient.

The Government should lay out the evidential basis for its 300,000 housing units a year target and how it will achieve it, both by tenure and by location.

We support measures to promote specialist, affordable and social housing. Given the failure of the previous Starter Homes programme, a clear timeframe is also needed for delivering First Homes without adversely affecting other housing tenures. To reflect local circumstances, local authorities should have discretion over what proportion of affordable houses must be First Homes.

Funding infrastructure

The Government has proposed replacing the current Section 106 and Community Infrastructure Levy with a national infrastructure levy. We find that there is a case for replacing the latter, but not the former. Preserving Section 106 will protect against a possible loss of affordable housing. We think that the proposals of the 2017 review into the Community Infrastructure Levy and our predecessor committee's recommendations for greater land value capture represent the best way of ensuring sufficient revenue. If the Government does proceed it will need to charge various local rates and provide additional funding for the infrastructure that will not be met out of the levy revenues.

Resources

There is a need for additional resources for planning departments, and specialist skills. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as local planning authorities are also operating the current system.

The Ministry for Housing, Communities and Local Government should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

Design and beauty

We welcome the Government's commitment to enhance the place of design and beauty in the planning system. It was emphasised to us that this enhancement needs to consider

a broader definition of design than one focused on aesthetics, important though that is. This should include ensuring innovations in design are not unduly stifled and the subjective nature of beauty is recognised.

Green Belt, and environmental and historical protections

One of the most contentious issues in planning is the status of the Green Belt. We heard passionate defences of it; whilst also hearing calls for a review of its status.

A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate.

A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.

We recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites.

1 Our current planning system

Our inquiry

1. Against the backdrop of the COVID-19 pandemic the Government has proposed reforms to the planning system in England. The Ministry of Housing, Communities and Local Government (MHCLG) launched six consultations in August 2020, including a new White Paper,¹ and consultations on significant changes to the planning system.²

2. Given the strong public and planning sector interest in this subject we decided to hold an inquiry to inform the development of government planning policy. Our aims were to assess the Government's proposed reforms and to take stock of the planning system. The inquiry was launched on 8 October 2020. It built on previous committee inquiries into land value capture and social housing.³ We received 154 pieces of written evidence and held three virtual oral evidence sessions. We heard from fourteen different witnesses representing stakeholders from across the planning system; and our third and final oral evidence session involved questioning the Minister of State for Housing, the Rt Hon Christopher Pincher MP, and the Director of Planning at MCHLG, Simon Gallagher. We also wanted to hear the views of the wider public, knowing how important planning is to many individuals. Accordingly, we undertook a survey to provide a snapshot of wider public views on planning and held an online public engagement event. The findings from these activities are set out in the appendices to this report. We are grateful to everybody who has contributed to this inquiry. We are also grateful for the support and advice throughout this inquiry from our two specialist advisors, Christine Whitehead, Emeritus Professor of Housing Economics at the London School of Economics and Political Science, and Kelvin MacDonald, Senior Fellow at the Department of Land Economy, University of Cambridge.

3. The remainder of Chapter 1 deals with views about the current planning system and the Government's proposed reforms. Chapter 2 then concentrates on the Government's three areas proposal. Chapter 3 scrutinises the Government's proposals for reforms to Local Plans alongside the wider question of planning that crosses local authority boundaries. Chapter 4 considers the potential impact of reforms on public engagement. Chapter 5 examines the Government's proposals for reform of the housing formula and the housing delivery target. Chapter 6 then considers the Government's commitment to deliver 300,000 housing units a year. Chapter 7 turns to consider omissions from the White Paper, particular the non-residential aspects of the planning system. Chapter 8 looks at the Government's proposed replacement for the Community Infrastructure Levy (CIL) and Section 106 agreements.⁴ Chapter 9 examines the argument for additional

1 MHCLG, [White Paper: Planning for the Future](#), August 2020. Although termed a White Paper it was not presented to Parliament and does not have the customary command number.

2 MHCLG, [Changes to the current planning system](#), August 2020

3 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766; Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173

4 Planning obligations, also known as Section 106 agreements (based on that section of the Town & Country Planning Act 1990) are private agreements made between local authorities and developers and can be attached to a planning permission to make the development acceptable. The agreement refers to the land which is being developed and must be directly relevant to the proposed development. The agreements can prescribe the nature of the development (e.g. requiring a proportion be affordable housing), they can compensate for the loss or damage caused by the development (e.g. the loss of open space), and to mitigate the impact of the development (e.g. through increasing public transport provision).

resources and specialist skills in local planning authorities (LPAs). Chapter 10 focuses on the potentially enhanced role for design and beauty in the planning system. Chapter 11 considers the future of the Green Belt. Chapter 12 examines historical and environmental protections.

Attitudes to the current planning system

4. The Government’s White Paper laid out nine criticisms of the current system:

- “It is too complex”,
- “Planning decisions are discretionary rather than rules-based”,
- “It takes too long to adopt a Local Plan”,
- “Assessments of housing need, viability and environmental impacts are too complex and opaque”,
- “It has lost public trust”,
- “It is based on 20th-century technology”,
- “The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear”,
- “There is not enough focus on design, and little incentive for high quality new homes and places”,
- “It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest.”⁵

5. The current planning system received some praise and support in the evidence. Specific aspects of the planning system that witnesses singled out for praise included neighbourhood plans,⁶ the “flexibility and democratic accountability” of the planning system,⁷ and the protection of the natural and historic environment.⁸ Hackney Council declared that “The UK’s planning system is the envy of many other countries. At its core are the principles of sustainable development, social equality and cohesion and balance and fairness.”⁹ Planning lawyer Claire Dutch defended aspects of the current system and argued against wholesale reform:

Since I have been in planning, everybody always criticises the planning system, but it is robust. We have a robust legal framework in this country and, by and large, it works. It is not resourced properly ... Some of it needs to be simplified. We do not need to throw the baby out with the bath water. The main things is resourcing to make the current system work.¹⁰

5 MHCLG, [White Paper: Planning for the Future](#), pp 10–12

6 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Locality ([FPS0086](#))

7 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

8 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#))

9 London Borough of Hackney ([FPS0091](#))

10 [Q91](#) (Claire Dutch)

6. There were also stinging criticisms of the current planning system. PricedOut declared that “Our planning system is broken.”¹¹ The specialist housing provider Anchor Hanover declared: “the current planning system is not fit for purpose. It is often convoluted, varies wildly in policy-terms from area to area, and results in outcomes and decisions that are often questionable.”¹² Several submissions argued that the failure of the planning system was demonstrated by the housing crisis and a lack of house building to address it.¹³ The system was criticised for not delivering enough affordable housing,¹⁴ and housing for disabled people.¹⁵ It was blamed for having reinforced economic imbalances, favouring London and other high growth areas.¹⁶ Other criticisms included that it had failed to provide sufficient replacement minerals;¹⁷ that it incentivised car dependence;¹⁸ provided only imperfect protection for the environment;¹⁹ and did not ensure clean air.²⁰ Our public engagement survey also highlighted unhappiness at a perceived lack of effective enforcement of planning conditions.²¹

7. Another strand of criticisms in the written evidence concentrated on local authorities, with submissions arguing that Local Plans were either absent or outdated,²² that there was a lack of regional and strategic planning,²³ that the system was excessively politicised,²⁴ and that local planning authorities (LPAs) were under-resourced.²⁵ The process of the planning system also attracted the ire of some. There were allegations of a fixation with process,²⁶ and widespread complaints that the system was too complex, obscure and slow.²⁷ Accessible Retail stated that: “The three characteristics most associated by our members with the current system are cost, delay and uncertainty, all of which impact deleteriously

-
- 11 PricedOut ([FPS0129](#))
- 12 Anchor Hanover ([FPS0074](#))
- 13 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)) Homes for the South West ([FPS0070](#)) Adam Smith Institute ([FPS0085](#)) PricedOut ([FPS0129](#))
- 14 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))
- 15 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 16 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 17 CLA ([FPS0049](#)), Mineral Products Association ([FPS0050](#)) Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 18 Cycling UK ([FPS0123](#)) Sustrans ([FPS0151](#)). This echoed concerns expressed in the final report of the Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 13–15
- 19 David Eagar ([FPS0009](#)) Woodland Trust ([FPS0045](#)) Water UK ([FPS0140](#))
- 20 Clean Air in London ([FPS0087](#))
- 21 See also Mrs Allyson Spicer ([FPS0162](#)) who commented “It has become apparent what LPAs are actually doing is not enforcement but mitigation.”
- 22 Tamworth Borough Council ([FPS0013](#)) South Worcestershire Councils ([FPS0015](#)) Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))
- 23 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#)), UK2070 Commission ([FPS0128](#))
- 24 Liam Clegg (Lecturer at University of York) ([FPS0019](#)), Peel L&P ([FPS0094](#)), Land Promoters and Developers Federation ([FPS0138](#)), [Q90](#) (Steven Quartermain)
- 25 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Bartlett School of Planning, University College London ([FPS0097](#)), [Q.90](#) (Steve Quartermain)
- 26 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 27 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Accessible Retail ([FPS0053](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Hills Homes Developments Ltd ([FPS0084](#)), Lifestory Group ([FPS0116](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), Land Promoters and Developers Federation ([FPS0138](#)), GL Hearn ([FPS0141](#)), National Housing Federation ([FPS0158](#)), [Q.65](#) (Philip Waddy)

on the development industry's ability to provide the buildings the nation needs."²⁸ The consequence of these problems, according to Midland Heart, is that planning applications for large and complex sites that should take 13 weeks to resolve can take up to a year.²⁹

8. Criticisms of the current system sometimes incorporated criticism of the Government's past measures and new proposals.³⁰ The expansion of permitted development rights and permissions in principle received particular censure.³¹ Highgate Society described it as "the disastrous widening of permitted development which means that "planning" for communities is almost impossible."³² Other critiques of recent changes argued there had been an excessive focus on housing delivery.³³ Furthermore, the result of proposals supposed to simplify and speed up the planning system had been to make it more complicated.³⁴ This view was supported at our public engagement event, where we were told:

Our experience is that the system is complex, though that is largely due to a decade and more of ill-considered bolt-on legislation, particularly the widening of permitted developments, which has made a basically sound system hugely more complex, certainly for communities and local authorities, through making it much more difficult for them to holistically plan their areas. (*Participant B, Room 2*)

9. Our public engagement survey and event included various assertions that the system was biased towards developers.³⁵ This was reflected in several submissions.³⁶ We were also told a reason for the slowness of the current system were the "overly long or incomplete documentation submitted by developers."³⁷ There were complaints that the system favoured homeowners and secure tenants.³⁸ Our engagement event heard complaints that councillors lacked expertise; and that Planning Inspectors had become more risk averse, for instance through demanding more documentation and rejecting more planning proposals at appeal.

10. These various criticisms suggest that there can be improvements to the planning system. At the same time, in considering the Government and others' proposals for changes, we also bear in mind the salutary warning made by Pocket Living: "Planning is a highly complex eco-system and the history of planning reform includes well-intentioned reforms leading to unintended consequences."³⁹

28 Accessible Retail ([FPS0053](#))

29 Midland Heart ([FPS0152](#))

30 Tenterden Town Council ([FPS0003](#)), Mark Stevenson ([FPS0083](#))

31 Tamworth Borough Council ([FPS0013](#))

32 The Highgate Society ([FPS0155](#))

33 Ashford Borough Council ([FPS0016](#))

34 NALC ([FPS0021](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Paul G. Tucker QC ([FPS0153](#)), The Highgate Society ([FPS0155](#))

35 See Appendix 1 Para 10; Appendix 2 Para 5

36 London Borough of Hackney ([FPS0091](#)) London Tenants Federation ([FPS0112](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

37 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

38 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

39 Pocket Living ([FPS0023](#))

The Government's proposed reforms

11. The Government's reforms to the planning system have taken two forms. The first set of reforms took place during and resulted from the Covid-19 pandemic. There were immediate changes to certain aspects of planning policy. These included extensions to permitted development rights, permitting the demolition and rebuilding of unused buildings for residential or commercial purposes, and the extension of new homes. The stated aim was to revive high streets and town centres.⁴⁰

12. The second, longer-term, set of reforms were proposed in the six consultations the Government launched in 2020–21.⁴¹ Key proposals in the White Paper and associated consultations include:

- Moving to a threefold designation of land as growth, renewal, and protected areas.
- Quicker, simpler Local Plans produced to a statutory deadline, with the duty to cooperate abolished.
- A National Design Guide and a “fast track to beauty” of “high quality developments where they reflect local character and preferences.”
- Replacing Section 106 and the Community Infrastructure Levy (CIL) with a nationally set value-based charge, the Infrastructure Levy.
- Greater use of digital technology in the planning process.
- ‘Streamlining’ the opportunity for consultation at the planning application stage.

13. The extent to which the changes represented a revolutionary overhaul was a matter of disagreement. Planning lawyer Claire Dutch said:

There are the bare bones of what the White Paper is saying. We still have plans. We still have planning applications. We still have permitted development rights. The bare bones are still there, but what is being proposed is radical. It is almost utopian. It is broad-brush. It is quite crude and simplistic.⁴²

In contrast, Ingrid Samuel from the National Trust remarked that “I do not think it is particularly revolutionary. It is still based on local planning and local decision-making.”⁴³

40 [“New laws to extend homes upwards and revitalise town centres”](#), MHCLG Press Notice, 21 July 2020. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 ([SI 2020/755](#)); Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 ([SI 2020/756](#))

41 MHCLG, [White Paper: Planning for the Future](#), August 2020; MHCLG, [Changes to the current planning system](#), August 2020; MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020; MHCLG, [Raising accessibility standards for new homes](#), August 2020; MHCLG, [Supporting housing delivery and public service infrastructure](#), December, 2020; MHCLG, [National Planning Policy Framework and National Model Design Code](#), January 2021

42 [Q91](#) (Claire Dutch)

43 [Q93](#) (Ingrid Samuel)

14. There was considerable criticism of the lack of detail about elements of the Government’s proposals, which we expand upon in Chapter 5.⁴⁴ Several submissions claimed that the White Paper was more akin to a Green Paper, a discussion document rather than a document detailing proposed legislation.⁴⁵ This lack of detail led former Chief Planner Steve Quartermain to comment that it was unclear what the Government considered to be the purpose of planning.⁴⁶ When this was raised with the Minister, he stated the planning system should be “able to engage communities effectively”, that it should work “speedily and efficiently ... ensure that design and quality are embedded ... so that it can deliver the numbers of houses that our country needs”. He was challenged that planning involved more than housing. This he accepted this whilst reaffirming the main focus on housing: “[t]here are a great many considerations other than housing, but housing is the central aim of the White Paper that we are producing.”⁴⁷

15. The Minister acknowledged that would need to be legislation, for instance to make Local Plans compulsory.⁴⁸ The Bill was subsequently announced in the Queen’s Speech in May 2021.⁴⁹ We asked the Minister about the timetable for a possible Planning Bill to make the necessary changes to primary legislation required to implement the proposed reforms. He answered that “We will need to work with the business managers to work out the appropriate timetabling of the Bill. It will be a big Bill and I suspect, therefore, it will take some time.” Asked about pre-legislative scrutiny, he said that would be a matter for those business managers in the two Houses of Parliament, “but I note the appetite of the Committee for its work.”⁵⁰ In January 2021 the Government published a revised draft of the National Planning Policy Framework (NPPF), whilst acknowledging that “A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.”⁵¹

16. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen’s Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.*

44 St Albans Civic Society ([FPS0057](#)), Civic Voice ([FPS0076](#)), [Q84](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel), [Q111](#) (Steve Quartermain)

45 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Shelter ([FPS0154](#))

46 [Q 90](#) (Steve Quartermain)

47 [Qq118–119](#) (The Minister)

48 [Q123](#), [Q134](#), [Q141](#), [Q173](#) (The Minister)

49 HM Government, [The Queen’s Speech 2021](#), 11 May 2021, pp 9, 61–2

50 [Qq173–174](#) (The Minister)

51 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021

2 The Government's three areas proposal

17. A key part of the Government's proposal is that every local authority, through its Local Plan, would allocate land into three areas: growth, renewal, and protected areas. These are defined as:

- *Growth areas* are places “suitable for substantial development”, including “land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites ... [and possibly] sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses.” Proposals in these areas “would automatically be granted outline planning permission for the principle of development ... Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.” The Government also stated that detailed planning decisions would be delegated to planning officers.
- *Renewal areas* are places “suitable for development”, including “gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as growth or protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area”. Pre-specified forms of development that meet the design and other conditions of the Local Plan would then receive automatic consent. Other proposed developments would have a faster planning application, being judged against the Local Plan and NPPF, or could be agreed through a local or neighbourhood development order.
- *Protected areas* are places “which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability ... such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space ... it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas.” Proposals would continue to come through the same planning application process as presently, except where there permitted development rights or development orders.⁵²

18. There was some support for the three areas proposal. The Centre for Cities praised the proposals because they could end the housing shortage and unaffordable prices in cities and large towns.⁵³ Other arguments advanced in favour of the proposals were that it would facilitate the construction of housing on brownfield sites,⁵⁴ could support self and

52 MHCLG, [White Paper: Planning for the Future](#), pp 24, 29, 32

53 Centre for Cities ([FPS0144](#))

54 National Grid ([FPS0088](#))

custom built housing,⁵⁵ ensure quicker and better quality planning proposals,⁵⁶ and could help (through strict rules) to reduce polluted air and ensure low carbon emissions.⁵⁷ The Adam Smith Institute commented that:

The White Paper has rightly concluded that transitioning to a more predictable and efficient rules-based system—with locally-selected zones of different kinds—can reduce the costs of development, and that strengthening design quality can help build popular support for a good supply of homes.⁵⁸

19. However, the majority of our submissions expressed opposition to the proposals. The Town and Country Planning Association (TCPA) were among those who expressed outright opposition to the proposals. They stated that

we do not support the overall proposals for a three zone system in England. The implementation of these three zones will not necessarily improve outcomes for people but they will be highly disruptive to deliver and will, along with other measures outlined in the White Paper, reduced democratic accountability.⁵⁹

The Local Government Association (LGA) reflected a wider body of opinion when they said that the proposed areas “are too restrictive and do not reflect the complexity of the areas that Local Plans need to plan for.”⁶⁰ Southwark, Bristol and Newcastle councils all argued there were particular problems in cities owing to the complex nature of their neighbourhoods.⁶¹ To resolve these issues, Pocket Living suggested that there could be an ‘urban regeneration’ area. This would capture small brownfield sites where infills could be included in otherwise protected parts of urban areas.⁶² London School of Economics (LSE) London noted that whilst the Government is proposing to rely on 4 or 5 pages of rules, in America, with its zonal system, the design code can run to 1,410 pages.⁶³ Consequently, several submissions suggested that there might need to be a great number of areas or sub-categories to cope with the diverse situation on the ground.⁶⁴

20. Four other sets of problems with the three areas proposals were expressed to us. First, various organisations argued that the proposed reforms would not address the

55 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

56 Association of Convenience Stores ([FPS0069](#))

57 Clean Air in London ([FPS0087](#))

58 Adam Smith Institute ([FPS0085](#))

59 TCPA ([FPS0034](#))

60 Local Government Association ([FPS0056](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

61 Southwark Council ([FPS0110](#)), Bristol City Council ([FPS0119](#)), Newcastle City Council ([FPS0159](#))

62 Pocket Living ([FPS0023](#))

63 LSE London ([FPS0139](#))

64 Woodland Trust ([FPS0045](#)), CLA ([FPS0049](#)), Historic England ([FPS0092](#)), Aldersgate Group ([FPS0120](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#)), [Q4](#) (Philip Barnes)

housing shortage and high houses prices, and might be counter-productive by raising land prices and delaying the bringing forward of housing developments.⁶⁵ Secondly, some submissions wished to know how the reforms would interact with, and avoid hindering, other priorities such as promoting sustainable transport,⁶⁶ and bolstering town centres.⁶⁷ Thirdly, the planning lawyer Claire Dutch told us that the level of detail that would be given in the prospective Local Plans would be insufficient for developers. It would be less than that currently given for outline permission. Consequently, developers feared the plans “might have a bare outline. They think the plans might be too conservative,” forcing them to resort to the alternative option of proceeding by traditional planning permission.⁶⁸ Fourthly, there is need to clarify the role of statutory consultees and vital infrastructure. The National Grid warned the removal of existing checks would “increase the likelihood of incompatible development being allowed”.⁶⁹ The Nuclear Legacy Advisory Forum emphasised that nuclear legacy sites “may not respect zonal boundaries” and that it is unclear how they would be addressed in the new system.⁷⁰ Similarly, Water UK highlighted concerns that the frontloading of processes in growth areas would make it hard to assess issues such as integrated water management.⁷¹ This reflects the fact that the statutory consultees who must be consulted for planning permissions of certain types or in certain locations,⁷² do not have to be consulted at the Local Plan stage. LPAs only need to consult those bodies they “consider may have an interest in the subject of the proposed local plan”.⁷³

Growth areas

21. Developers, the Royal Town Planning Institute (RTPI), and Centre for Cities all expressed support for the Government’s proposed automatic permission in principle in growth areas, as this could provide “greater certainty.”⁷⁴ One benefit highlighted was that it would encourage self-builders, particularly through the proposal to permit LPAs to identify sub-areas for self-build.⁷⁵

65 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Woodland Trust ([FPS0045](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Rutland County Council ([FPS0071](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)) London Borough of Hackney ([FPS0091](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Southwark Council ([FPS0110](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Housing Federation ([FPS0158](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

66 The Smith Institute ([FPS0038](#)), London Gypsies and Travellers ([FPS0067](#)), Association of Convenience Stores ([FPS0069](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q6](#) (Kate Henderson)

67 Association of Convenience Stores ([FPS0069](#))

68 [Q95](#) (Claire Dutch)

69 National Grid ([FPS0088](#))

70 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

71 Water UK ([FPS0140](#)) see also Anglian Water ([FPS0146](#))

72 MHCLG, [Consultation and pre-decision matters](#), December 2020, Table 2

73 The Town and Country Planning (Local Planning) (England) Regulations 2012 ([SI 2012/767](#)), Part 6, Regulation 18 para 2(a)

74 Peel L&P ([FPS0094](#)), Stonewater ([FPS0103](#)), Royal Town Planning Institute ([FPS0113](#)), Centre for Cities ([FPS0144](#))

75 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

22. On the other hand, we were told that land placed in growth areas would have higher prices, making affordability of housing harder, and favouring large developers over smaller builders.⁷⁶ Another set of objections focused on the outline planning permission envisaged for growth areas. Pocket Living worried that were the same level of evidence and assessments currently needed for outline planning permission required under the new system it would “slow down the preparation of local plans.”⁷⁷ Alternatively, it feared that less information would be required from developers and once an area was designated “there appears to be no democratic method of stopping an unsuitable development.”⁷⁸ This loss of information tied to fears about the consequences of such developments. The Oxfordshire Neighbourhood Plans Alliance argued that:

the proposed ‘Growth’ category is so broad, it removes all nuance and ignores the individual nature of different places which might fall into that category by, for example, being unfortunate enough to be near a university or ‘urban extension site’.⁷⁹

The LGA suggested further consultation on the consolidation of the different existing routes for permission⁸⁰

23. Evidence suggested that other specific issues which may need further consideration by Government include the impact on cultural sites,⁸¹ and on data centres.⁸² The Canal and River Trust were anxious to ensure their continued involvement in the granting of Local Development Orders by local authorities, which is one way detailed consent in a growth area could be permitted.⁸³

24. Giving evidence, the Minister argued one of the benefits of the “zoning” approach would be that, by removing “the capricious element” of planning permission, it would reduce incentives for developers to landbank. He also maintained it would let communities decide on non-housing areas too—for example the site of commercial developments.⁸⁴ One contributor to our public engagement survey had said that “a zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled”. We put this comment to the Minister. He denied this—with developers, “we are trying to cut through the garble and the gobbledygook of the present system to make one that is much more transparent, speedy, and frankly, engaging of local people.”⁸⁵

Renewal areas

25. Similar concerns were voiced about aspects of renewal areas as for growth areas. The LGA argued renewal areas would involve wide-ranging permitted development powers and weaken the oversight of local authorities. They feared it would lead to a dual approach where applicants would either use permitted developments rights following a national

76 Mark Stevenson ([FPS0083](#)), Greater London Authority ([FPS0149](#))

77 Pocket Living ([FPS0023](#))

78 Rother Association of Local Councils (RALC) ([FPS0012](#))

79 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

80 Local Government Association ([FPS0056](#))

81 WMCA (Cultural Leadership Board) ([FPS0029](#))

82 Ark Data Centres ([FPS0063](#))

83 Canal & River Trust ([FPS0048](#))

84 [Q131](#), [Q133](#) (The Minister)

85 [Q137](#) (The Minister)

pattern book or apply on the basis their proposal matched Local Plan requirements. They suggested establishing sub-areas where “local areas and guidelines should take precedence over national guidelines.”⁸⁶ We were also warned by Urban Vision Enterprise & D2H Land Planning Development that renewal designation would reduce individuals’ ability to influence planning decisions in their neighbourhood. They proposed instead “complex areas”, which would be

where change is taking place, but proper planning scrutiny is essential, including the ability for people and businesses to influence proposals at the planning application stage. Such areas could include town and city centres, residential, business and commercial areas, conservation areas and designated neighbourhood areas.⁸⁷

Other submissions voiced fears about the loss of cultural assets,⁸⁸ and that renewal areas would lead to the loss of green spaces in villages.⁸⁹

26. The RTPI expressed support for growth and protected areas but thought renewal areas were “too simplistic” and “what is left over when the other two designations are determined.”⁹⁰ Richard Blyth, Head of Policy at RTPI, argued in oral evidence that “Renewal embraces a vast range of types of existing built-up areas. ... it certainly would need to be much more fine-grained if it was going to work.” He suggested there could be a pilot or staged approach for different types of renewal areas. These could include areas of industrial change, a resident-led approach to densification, and a separate approach for town and city centres.⁹¹

27. We raised this criticism with the Minister. He argued that renewal areas could help with levelling up. He stated that renewal zones could be areas where smaller development is going to take place. These could include “a smaller rural area or a town centre, where, essentially, you are looking to regenerate existing buildings.” These could operate through the upfront rules whilst a more bespoke proposition that does not fit those requirements would proceed through a planning application. He summed up “[t]hat is how we see renewal zones: a zone where, essentially, you are renewing what is already there, to make best use of existing assets for the present and future generations.”⁹² It has subsequently been reported that Ministers are undecided on whether to include this renewal area in their final proposals.⁹³

Protected areas

28. Opinions were divided about what protected areas would do and should do. This included whether they would permit too many or too few developments. The LGA welcomed the idea of individual planning proposals continuing in protected areas, but commented it was unclear what would be the criteria for including land and buildings within it.⁹⁴ They were not alone in wanting further details—there were calls for more

86 Local Government Association ([FPS0056](#))

87 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

88 WMCA (Cultural Leadership Board) ([FPS0029](#))

89 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

90 Royal Town Planning Institute ([FPS0113](#))

91 [Qq66–67](#) (Richard Blyth)

92 [Qq138–9](#) (The Minister)

93 “[Boris Johnson to relax rules on building new homes](#)”, The Times, 10 May 2021

94 Local Government Association ([FPS0056](#))

details on the definition of greenfield sites such as golf courses, parks, and playing fields;⁹⁵ on whether national parks would be included (and how they would be affected by adjoining land designated growth or renewal status);⁹⁶ and the treatment of ancient woodland in city centres.⁹⁷ Tenterden Town Council stressed the unresolved questions about whether Green Belt land would be included in protected areas, and urged that “The community needs faith that these protected areas mean protection with no development.”⁹⁸

29. There were countervailing fears that protected areas would be too restrictive. The Federation of Master Builders, who represent many small builders, were concerned that ‘windfall sites’ designated in protected areas would face additional delays compared to those in growth and renewal areas, which “risks further pricing SMEs out of the market.”⁹⁹ We were told that conservation areas (especially in town centres), and river and canal areas needed to be able to adapt.¹⁰⁰ Fears were also raised that protected areas would stifle growth in rural areas, through excessive restrictions on building,¹⁰¹ and discourage developments of energy and water infrastructure.¹⁰² Savills worried blanket inclusion of Green Belt in protected areas would stymie development in local authorities with over 40% of their land designated as Green Belt.¹⁰³

30. The perceived lack of detail fed into proposals to amend the Government’s proposals. It was proposed that separate designations should be created for places already protected (e.g. National Parks or Areas of Outstanding Natural Beauty) or land use was set locally (Green Belt).¹⁰⁴ The National Trust suggested reframing ‘Protected Areas’ as ‘Areas for Protection and Enhancement’ “in order to promote positive change.”¹⁰⁵ The Woodland Trust wanted a “highly protected area”, which would be specified in planning documents and include a 50 metre buffer zone, as an additional safeguard, a proposal echoed by the Aldersgate Group.¹⁰⁶ Contrastingly, Hackney Council argued the protected areas were unnecessary as existing environmental and historical protections are sufficient.¹⁰⁷

31. We asked the Minister how he intended to satisfy the divergent wishes for thorough protections and for development in protected areas. He replied: “Essentially, it is for local authorities to designate what they want their protected zones to be. We will need to define up front some national rules, which can then be localised.” He recognised that preservation can permit change, when it is “well thought through”, and thus protected areas would need appropriate rules in place. The Ministry was still considering the consultation responses and would welcome the Committee’s views on striking the right balance.¹⁰⁸

95 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#))

96 Campaign for National Parks ([FPS0043](#)) They also proposed requiring planning permission for the conversion of a property to second home use.

97 City of London Corporation ([FPS0148](#))

98 Tenterden Town Council ([FPS0003](#))

99 The Federation of Master Builders (FMB) ([FPS0125](#))

100 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Canal & River Trust ([FPS0048](#)), Rutland County Council ([FPS0071](#)), Locality ([FPS0086](#)), Historic England ([FPS0092](#))

101 CLA ([FPS0049](#)), Royal Town Planning Institute ([FPS0113](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

102 National Grid ([FPS0088](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))

103 Savills ([FPS0101](#))

104 Land Promoters and Developers Federation ([FPS0138](#))

105 National Trust ([FPS0157](#))

106 Woodland Trust ([FPS0045](#)), Aldersgate Group ([FPS0120](#))

107 London Borough of Hackney ([FPS0091](#))

108 [Q140](#) (The Minister)

32. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.*

33. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*

- *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the Local Plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
- *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.*
- *The Government should consider the proposals for sub-areas within the 'renewal area', where permission in principle would not apply and individual planning permission would be required.*
- *The Government should implement a 'highly protected' alongside a 'protected' area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
- *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
- *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning*

applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns.

34. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government's proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects.*

3 Local Plans

35. Local Plans are prepared by LPAs, laying out planning policies in their area. They must be consistent with national policy, including the National Planning Policy Framework. They were initially introduced for district councils in 1965. The current process was laid down in 2012.¹⁰⁹ Our predecessor committees have long called for reform of Local Plans. In 2002 it was recommended that a strict timeframe for Local Plans, with appropriate penalties to enforce them, be implemented.¹¹⁰ In 2014 the then Committee called for a consultation into making Local Plans a statutory requirement on local councils, with a three-year timeframe to put them in place.¹¹¹ That same report called for reduced complexity and an increased accessibility of Local Plans, and that local authorities should be encouraged and enabled to carry out reviews of aspects of their Local Plans to ensure they were up to date.¹¹² In 2018 our predecessor Committee reiterated calls for Local Plans to be up to date and a statutory duty upon local authorities.¹¹³

Views on current Local Plans

36. The majority of the evidence criticised existing Local Plans. The criticisms focused on the absence of up-to-date plans across the whole of the country.¹¹⁴ Furthermore, the CPRE pointed out that only 30% of Local Plans meet the current NPPF requirements to be ‘up to date’, because the plans are either more than five years old or no longer identify sufficient land for five years of housing development.¹¹⁵ Other criticisms were that the Local Plans did not properly reflect local views,¹¹⁶ that they had neglected people in caravans and houseboats,¹¹⁷ and favoured larger stakeholders.¹¹⁸ They were thought to take too long to complete and involved too much documentation.¹¹⁹ The Royal Institution of Chartered Surveyors (RICS) pinpointed two further problems: “After spending years participating in the plan making process the local community still has little or no idea about what is going to be built in their area” and that “[a]fter spending a lot of time and money developers are often still very unsure about what the outcome of a planning application will be.”¹²⁰ We were told greater resources and stability in legislation and policy, and permitting incremental updating of plans were needed to ensure they were up to date.¹²¹

109 Town and Country Planning (Local Planning) (England) Regulations 2012 ([S.I. No. 767](#))

110 Transport, Local Government and the Regions Committee, Thirteenth Report of the Session 2001–2, [Planning Green Paper](#), HC 476-I, para. 61

111 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, para 40

112 *Ibid*, paras 32, 43

113 Housing, Communities and Local Government Committee, Tenth Report of the Session 2017–19, [Land Value Capture](#), HC 766, para 110

114 South Worcestershire Councils ([FPS0015](#)), Home Builders Federation ([FPS0073](#)), British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

115 CPRE the countryside charity ([FPS0077](#))

116 Mr Richard Gilyead ([FPS0022](#)), Dennis Elsey ([FPS0145](#)), Robert Rush ([FPS0163](#))

117 London Gypsies and Travellers ([FPS0067](#))

118 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

119 Institute of Historic Building Conservation ([FPS0044](#)), Stonewater ([FPS0103](#)), Oneill Homer ([FPS0111](#)), GL Hearn ([FPS0141](#))

120 Royal Institution of Chartered Surveyors ([FPS0065](#))

121 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), City of London Corporation ([FPS0148](#))

Reforms to Local Plans

37. We have already considered aspects of the Government’s reforms to Local Plans, namely the three areas proposal. The next chapter will consider the greater use of technology. Other important proposed reforms are:

- Local Plans would be developed over 30-months, with two points of public engagement. Local councils would work to enhance public engagement in the creation of Local Plan.
- The White Paper also suggested one option of reforming the current examination process of Local Plans which would include removing the ‘right to be heard’ and having the planning inspector determine attendance at the hearings.
- There should be more focused and shorter Local Plans.
- Local Plans would be subject to a single statutory ‘sustainable development’ test. This would replace the four criteria ‘tests of soundness’ that are currently laid down in the NPPF.¹²²

38. We heard support for many of these proposals. There was widespread support for the idea that all LPAs must have an agreed Local Plan.¹²³ There was some support for the principle of “simpler, standardised and faster” Local Plans,¹²⁴ for nationally set development management policies (albeit not always as part of the NPPF).¹²⁵ There was some support for a simpler sustainable development test;¹²⁶ but far greater reservations about the lack of detail and public understanding of the phrase.¹²⁷

39. However, it was thought that Local Plans would lack the necessary detail to adequately cover local circumstances, or to guide developers clearly enough.¹²⁸ The Urban Mobility Partnership argued the current and proposed system would not enable Local Plans to be “living documents” that were up to date. They proposed letting supplementary documents to the core Local Plan be subject to rapid and individual revision.¹²⁹

122 These are: (1) That the Local Plan provides a strategy that at least meets the area’s objectively assessed needs and takes account of agreements with neighbouring areas to meet their unmet need. (2) There is an appropriate strategy which had considered reasonable alternatives and is based on proportionate evidence. (3) It was deliverable over the time period and is based on cross-boundary matters having been dealt with rather than deferred. (4) The Plan is consistent with national policy laid down in the NPPF.

123 Tenterden Town Council ([FPS0003](#)), Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), The Smith Institute ([FPS0038](#)), Rentplus-UK Ltd ([FPS0047](#)), Home Builders Federation ([FPS0073](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

124 Pocket Living ([FPS0023](#)), Homes for the South West ([FPS0070](#))

125 Pocket Living ([FPS0023](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), National Grid ([FPS0088](#))

126 Pocket Living ([FPS0023](#))

127 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Cllr John Crawford ([FPS0008](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Just Space ([FPS0115](#)), Greater London Authority ([FPS0149](#))

128 Tenterden Town Council ([FPS0003](#)), Mr Richard Gilyead ([FPS0022](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Cycling UK ([FPS0123](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q95](#) (Claire Dutch)

129 Urban Mobility Partnership ([FPS0122](#))

40. A second strand of objections resulted from these proposals perceived impact on public involvement. We were told the new approach “squeezes out the local community who have the local knowledge of their specific parish.”¹³⁰ The District Councils Network noted that public involvement at the end of the Local Plan process, concurrent with the plans going to the Secretary of State, would be too late for the public to influence the development of Local Plans.¹³¹ Claire Dutch was doubtful the community would suddenly be involved in Local Plans, and too broad brush an approach to the plans would mean “we are not going to get that level of community engagement that we would get with the application side of things.”¹³² There was also objections to the possible abolition of the ‘right to be heard’ at the examination stage of Local Plan formation.¹³³

The role of statutory consultees

41. Another area of specific concern concerned statutory consultees. We were told that statutory consultees were often very slow to engage with developers.¹³⁴ This reflects a long-standing complaint.¹³⁵ Simon Gallagher said that consultees “find quite a lot of the individual case-by-case decision-making quite reactive, whereas they would like to get involved earlier in shaping the places and working out how they can best mitigate their concerns.”¹³⁶

42. Existing statutory consultees, notably the Canal and River Trust, emphasised that they needed to be involved in all types of proposed developments likely to affect their waterways, “to limit the potential for catastrophic infrastructure failure and consequential harm to people and property.” The National Grid explained that they are not a statutory consultee but wish to be so when their infrastructure is affected. This applies both for Local Plans and individual proposals. They argued that currently, if they miss a notification and their assets are affected, it can impact on public safety and prove expensive to fix.¹³⁷ This wish for a strengthening of statutory consultees’ role in plan making received support in our written and oral evidence, especially given the challenge of every local authority trying to produce a Local Plan in thirty months and requiring input from statutory consultees.¹³⁸

A timeframe for Local Plans

43. A major area of debate was over the viability of the Government’s proposed 30-month statutory timescale, including the proposed six-week consultation phase. Developers were among those welcoming this move.¹³⁹ In contrast, during our oral evidence, local authority representatives were sceptical about the timeframe. Andrew Longley told us:

130 Tenterden Town Council ([FPS0003](#)), NALC ([FPS0021](#))

131 District Councils’ Network ([FPS0082](#))

132 [Q94](#) (Claire Dutch)

133 WMCA (Cultural Leadership Board) ([FPS0029](#)), The Smith Institute ([FPS0038](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Just Space ([FPS0115](#))

134 Abri ([FPS0078](#))

135 Public Accounts Committee, Thirty-third report of session 2008–09, *Planning for Homes: Speeding up planning applications for major housing developments in England*, HC236, paras 14–5

136 [Q145](#) (Simon Gallagher)

137 National Grid ([FPS0088](#))

138 WMCA (Cultural Leadership Board) ([FPS0029](#)), [Q69](#) (Paula Hewitt)

139 Anchor Hanover ([FPS0074](#)), Abri ([FPS0078](#)), Peel L&P ([FPS0094](#))

There is a huge frontloading involved here and I cannot foresee that being achieved in 30 months. We will certainly try to rise to the challenge. Previously, where the Government have given incentives through a planning-delivery grant or other sources of funding for authorities that are really trying to push it and get to certain targets, that is always useful, but I would be extremely worried if there were any sort of sanction involved in not meeting an imposed timescale.¹⁴⁰

Lisa Fairmaner said “On the 30 months, we do not believe that that is anywhere close to being adequate. One of the reasons for that is that good engagement is an iterative process and it takes time.”¹⁴¹ This echoed written evidence that we had received.¹⁴² The National Fire Chiefs Council and the Canal and River Trust were worried that stakeholders comments would not be given due regard given “unrealistic” timeframes. The latter suggested that a “more phased introduction could be appropriate.”¹⁴³ The GLA warned us that the timescale would not permit enough time for the increased focus on beauty and design that the Government wanted.¹⁴⁴

The Minister’s views

44. The Minister robustly defended the timeframe for producing Local Plans. He argued that as it was thirty months from when the legislation coming onto the statute book, “Local authorities will have a lot of time to think about this.” He argued it was in the interest of Local Authorities to have an up-to-date plan and he encouraged them to continue working on their plans. Regarding statutory consultees, he agreed “it may be effort that they need to undertake” but he pointed to environmental assessment processes and argued that if communities could produce plans in thirty months, statutory consultees could do their part. Simon Gallagher did acknowledge, regarding smaller consultees such as the Canal and River Trust, that “There is a good bit of work for us to do about how that can work through most effectively, but most of the larger statutory consultees would welcome getting involved a bit earlier and a bit more in the plan-making process.”¹⁴⁵ The Minister also argued that “The right to be heard is not being withdrawn. Local people will be able to—in fact, I am very keen that they do—get involved in the design of their communities”.¹⁴⁶

45. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch.*

140 [Q42](#) (Andrew Longley)

141 [Q43](#) (Lisa Fairmaner)

142 Daventry District Council ([FPS0011](#)), Local Government Association ([FPS0056](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#))

143 National Fire Chiefs Council ([FPS0040](#)), Canal & River Trust ([FPS0048](#))

144 Greater London Authority ([FPS0149](#))

145 [Q141](#) and [Q145](#) (The Minister), [Q145](#) (Simon Gallagher)

146 [Q152](#) (The Minister)

The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans.

46. We sympathise with the Government’s wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the ‘right to be heard’.*

47. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales.

Neighbourhood planning

48. An MHCLG commissioned review of the impact of neighbourhood plans was published in May 2020. It concluded that neighbourhood plans increased housing supply, improved the designs of houses, helped enhance consideration of housing for specific societal groups, improved local engagement with LPAs and contributed to place-making beyond land use planning. Although they did not speed up the delivery of housing, they did foster greater acceptance by the community. Neighbourhood plans are less likely to be found in urban areas and northern parts of England. 865 neighbourhood plans have been formally agreed and further 16 more have passed the referendum that is a precondition of agreement. The vast majority were led through parish or town councils rather than dedicated forums.¹⁴⁷ The White Paper committed to including neighbourhood plans in the formation of local design guides and codes and wanted the plans to be more focused, to reflect the reforms to Local Plans and to harness digital tools.¹⁴⁸

49. There was some scepticism in our evidence about the value of neighbourhood plans. For instance, Hill Homes Developments Ltd stated that “If anything public engagement is already too high, the introduction of neighbourhood plans more often than not has muddied the water.” They opined the plans did not allocate enough land for developments.¹⁴⁹ Moreover, neighbourhood planners tended to be predominantly people with greater wealth and time on their hands.¹⁵⁰ This scepticism was however countered by

147 Prof. Gavin Parke, Dr Matthew Wargent, Dr Kat Salter, Dr Mark Dobson, Dr Tessa Lynn and Dr Andy Yuille, [Impacts of Neighbourhood Planning in England](#), May 2020, pp. 3–13

148 MHCLG, [White Paper: Planning for the Future](#), pp 25, 36, 44

149 Hills Homes Developments Ltd ([FPS0084](#))

150 Centre for Ageing Better ([FPS0055](#))

a louder chorus of praise. Neighbourhood plans were singled out for their effectiveness in engaging local communities.¹⁵¹ Lisa Fairmaner explained how existing plans created very local planning frameworks and encouraged public engagement in London.¹⁵² We raised with her the reputed lack of support in London for neighbourhood plans mentioned by Neighbourhood Planners London.¹⁵³ She acknowledged that different boroughs had been mixed in their responses.¹⁵⁴

50. Consequently, there was strong criticism of the Government's perceived downgrading of neighbourhood plans.¹⁵⁵ Particularly singled out was the loss of involvement in development management, as threatening community engagement and confidence.¹⁵⁶ The Government's reforms to Local Plans were seen likely to squeeze out neighbourhood plans; and there was worry that neighbourhood plans would not apply where planning applications would no longer be required for development.¹⁵⁷

51. Seeking to strengthen neighbourhood plans, the National Association of Local Councils stated that neighbourhood plans should also cover historical assets as well as land use. They also stressed the importance of certainty, noting that many communities had been "crushed" when their plans were overturned for providing insufficient housing land or numbers.¹⁵⁸ We were also told plans needed to be put in place more quickly and cheaply.¹⁵⁹ We raised the uncertainty over the role of neighbourhood plans with the Minister. He stated: "I am very keen on it", whilst noting that there were fewer neighbourhood plans in the north and in urban areas. He added that the Government were looking at making them "a more effective network of plans rather than a patchwork of plans as they perhaps tend to be at the moment."¹⁶⁰

52. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.

151 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

152 [Q43](#) (Lisa Fairmaner)

153 Neighbourhood Planners London ([FPS0032](#))

154 [Q45](#) (Lisa Fairmaner)

155 The Smith Institute ([FPS0038](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

156 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)). See also Rother Association of Local Councils (RALC) ([FPS0012](#)), Kent Association of Local Councils ([FPS0028](#))

157 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

158 NALC ([FPS0021](#)),

159 Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#))

160 [Q144](#) (The Minister)

Strategic infrastructure and the duty to cooperate

53. The duty to cooperate was defined in the Localism Act 2011. This abolished the previous approach whereby England was sub-divided into nine regions and each region produced a regional spatial strategy. It is defined as a legal duty on LPAs and county councils to engage constructively, actively and on an ongoing basis with other authorities to maximise the effectiveness of a Local Plan in the context of strategic cross boundary matters.¹⁶¹ One of our predecessors, in 2011, expressed reservations about the draft version of the duty to cooperate, noting its lack of definition and sanctions for a lack of cooperation, clarity on resolving conflicts between local authorities or requirement to cooperate.¹⁶² In 2014 the same committee recommended giving combined authorities the power to oversee local authorities' duty to cooperate.¹⁶³ The same year they recommended encouraging local authorities to group together to produce joint core strategies, and that where they exist combined authorities should coordinate these endeavours.¹⁶⁴ The Government rejected this idea in their response.¹⁶⁵ In 2016 a House of Lords committee found mixed evidence about the effectiveness of the duty to cooperate. It was not thought to be an adequate substitute for regional spatial strategies; but there were good examples of coordination.¹⁶⁶

54. These conclusions were repeated in our evidence. We were told that the duty to cooperate had been ineffective in ensuring strategic planning “partly because at any one time planning authorities are at different stages of plan making.”¹⁶⁷ The County Council Network opined that:

Since being implemented, the duty has proven to be a rather blunt tool and seen as a tick-box exercise rather than a mechanism that promotes constructive engagement. Of course, in some areas it has worked, but this has been the exception rather than the rule. Much of the time, the duty gets stuck in conversations around housing numbers, rather than wider matters such as infrastructure provision and delivery.¹⁶⁸

55. We were given specific examples of its failings in different council areas across England, such as the collapse of St Albans' Local Plan.¹⁶⁹ The LGA said that the duty “has had mixed success and does not always guarantee a successful outcome from the process.”¹⁷⁰ The negative consequences of the duty were that it was “piecemeal and fragmented”,¹⁷¹ had not effectively delivered infrastructure, mineral supply and waste

161 Localism Act 2011, [Section 110](#)

162 Communities and Local Government Committee, Second Report of the Session 2010–11, [Abolition of Regional Spatial Strategies: a planning vacuum](#), HC 517, para 69

163 Communities and Local Government Committee, First Report of the Session 2014–15, [Devolution in England: the case for local government](#), HC 503, para 97

164 Communities and Local Government Committee, Fourth Report of the Session 2014–15, [Operation of the National Planning Policy Framework](#), HC 190, paras 47–8

165 HM Government, *Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework*, [Cm 9016](#), February 2015, para 56

166 House of Lords, *Building better places*, Select Committee on National Policy for the Built Environment, Session 2015–16, [HL Paper 100](#), paras 407–10

167 Daventry District Council ([FPS0011](#)). See also [Q97](#) (Ingrid Samuel)

168 County Councils Network ([FPS0121](#))

169 [Q100](#) (Claire Dutch), South Staffordshire Council ([FPS0142](#))

170 Local Government Association ([FPS0056](#))

171 National Grid ([FPS0088](#))

management,¹⁷² discouraged urban councils from maximising their own land before calling on neighbouring rural councils whilst lengthening the time taken for Local Plan examinations,¹⁷³ and that it delayed the delivery of new plans and housing sites.¹⁷⁴

56. The lack of sub-national or regional planning was seen to weaken the English planning system, “hindering the wider consideration of growth, economic development, dealing with environmental change and providing an important mechanism for communities to shape the long-term development of their areas.”¹⁷⁵ We were told every other European country has a spatial plan system.¹⁷⁶ The White Paper was thought not to have provided sufficient information about it.¹⁷⁷ The benefits of strategic planning for infrastructure was particularly stressed. It could support sustainable transport,¹⁷⁸ tackle infrastructure challenges such as water provision, minerals, meeting net-zero, and create “communities where people want to live, work and relax.”¹⁷⁹

57. However, the duty is clearly working in some places. We were told it has been operating successfully in north Northamptonshire,¹⁸⁰ between Newcastle and Gateshead,¹⁸¹ and “in the south-west, in Norfolk and beyond, which have been produced specifically to address some of these questions around infrastructure”.¹⁸² Examples of regional planning cited to us included the Oxford–Cambridge Arc,¹⁸³ the Oxfordshire Growth Board,¹⁸⁴ and Greater Manchester combined authority (all of which divided opinion).¹⁸⁵ The spatial plans in Glasgow and the Clyde Valley, and Cambridgeshire and Peterborough Combined Authority were also praised.¹⁸⁶

What should replace the duty to cooperate?

58. Despite the criticism of the duty, there was concern about its proposed abolition without clarity on what would replace it.¹⁸⁷ Abolishing it might hinder the delivery of

172 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#))

173 South Staffordshire Council ([FPS0142](#))

174 Bristol City Council ([FPS0119](#))

175 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

176 [Q98](#) (Steve Quartermain)

177 British Property Federation ([FPS0127](#)), National Housing Federation ([FPS0158](#))

178 Bus Users UK Charitable Trust Ltd ([FPS0026](#))

179 Institution of Civil Engineers ([FPS0035](#)), Mineral Products Association ([FPS0050](#))

180 [Q37](#) (Andrew Longley)

181 [Q31](#) (Philip Barnes)

182 [Q135](#) (Simon Gallagher)

183 Daventry District Council ([FPS0011](#)), [Q37](#) and [Q52](#) (Andrew Longley) were positive. [Q77](#) (Philip Waddy) noted the problems, particularly with Buckinghamshire Council pulling out.

184 Savills ([FPS0101](#)) were positive. Paul G. Tucker QC ([FPS0153](#)) highlighted difficulties with it.

185 UK2070 Commission ([FPS0128](#)) and [Q31](#) (Kate Henderson) were positive. Paul G. Tucker QC ([FPS0153](#)) instead stressed its lack of progress.

186 UK2070 Commission ([FPS0128](#))

187 Kent Association of Local Councils ([FPS0028](#)), Institution of Civil Engineers ([FPS0035](#)), Civic Voice ([FPS0076](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), British Property Federation ([FPS0127](#))

infrastructure projects,¹⁸⁸ and a lack of consideration of infrastructure had created challenges for the Oxford–Cambridge Arc.¹⁸⁹ There were numerous proposals on how to enhance co-operation. Some favoured retaining the existing duty.¹⁹⁰ or a strengthened or compulsory requirement for LPAs to work together.¹⁹¹ There was support for using pre-existing bodies, such as sub-national transport bodies (STBs),¹⁹² devolved administrations with elected mayors making use of spatial development strategies,¹⁹³ Local Nature Recovery Strategies,¹⁹⁴ and organisations such as the Northern Powerhouse.¹⁹⁵ UK2070 Commission proposed building on these organisations by establishing a similar body for London and the wider south east.¹⁹⁶ Spatial frameworks, drawing on the Oxford to Cambridge Arc idea, was also cited as an alternative approach.¹⁹⁷ Subsequently the Government has published an introduction to the spatial framework for the Arc.¹⁹⁸

59. Others urged the creation of a national spatial strategy.¹⁹⁹ Some advocates of this linked it with developing a framework for regional and sub-regional planning accompanied by either networks of Local Plans,²⁰⁰ or regional planning bodies.²⁰¹ There were calls for a “sub-national strategic planning mechanism”,²⁰² including regional associations either directly elected or composed of local councillors.²⁰³ Ireland’s model of regional authorities were also cited as a possible model.²⁰⁴ CPRE argued increased strategic planning had to come with “statutory safeguards for public engagement, scrutiny, and accountability” and large amounts of autonomy for local authorities.²⁰⁵ However, there was also resistance to reverting to regional spatial strategies, which were described as a “resource-heavy, hungry layer of complexity”.²⁰⁶ There was also disagreement over the Government’s suggestion of greater use of Development Consent Orders under the Nationally Significant Infrastructure Projects regime for new towns.²⁰⁷ This was supported by the Institution of Civil Engineers,²⁰⁸ but vigorously opposed by the LGA.²⁰⁹

60. The Minister acknowledged there “is a strong case for looking at how local authorities co-operate across boundaries”, and noted that political, economic, and physical geographies did not always co-align. He suggested that possible routes might include using mayoral combined authorities, and development corporations, and stressed

188 Institution of Civil Engineers ([FPS0035](#)), Water UK ([FPS0140](#))

189 Stonewater ([FPS0103](#))

190 Institution of Civil Engineers ([FPS0035](#)), The Smith Institute ([FPS0038](#)), [Q100](#) (Claire Dutch)

191 NALC ([FPS0021](#))

192 England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#))

193 Greater London Authority ([FPS0149](#)), National Housing Federation ([FPS0158](#)), [Q31](#) (Kate Henderson)

194 Wildlife & Countryside Link ([FPS0075](#))

195 The Chartered Institute of Building ([FPS0096](#))

196 UK2070 Commission ([FPS0128](#))

197 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

198 MHCLG, [Planning for sustainable growth in the Oxford-Cambridge Arc: An introduction to the Oxford-Cambridge Arc Spatial Framework](#), February 2021

199 Home Builders Federation ([FPS0073](#)), UK2070 Commission ([FPS0128](#))

200 Civic Voice ([FPS0076](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

201 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

202 Water UK ([FPS0140](#)), Anglian Water ([FPS0146](#)), [Q77](#) (Philip Waddy)

203 Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Royal Town Planning Institute ([FPS0113](#)), County Councils Network ([FPS0121](#))

204 The Chartered Institute of Building ([FPS0096](#))

205 CPRE the countryside charity ([FPS0077](#))

206 [Q100](#) (Claire Dutch) See also [Q31](#) (Philip Barnes and Brian Berry)

207 MHCLG, [White Paper: Planning for the Future](#), p 30

208 Institution of Civil Engineers ([FPS0035](#))

209 Local Government Association ([FPS0056](#))

he wanted a system “where sub-regional planning works more effectively than it does presently, while retaining—and this is important—the building block of local planning, which is the democratically accountable local authority.”²¹⁰

61. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.*

4 Public engagement

62. A crucial element of the planning system is the involvement of members of the public. Whether that is putting in a planning application, responding positively or negatively to another's application, or contributing to a Local Plan, this has been a mainstay of the system since 1947. The Government's proposals could potentially impact on public involvement in a significant way. Therefore, we were keen to examine the current rates of engagement, the possible impact of the Government's reforms, and how to ensure a strong public voice in the future planning system.

Current rates of public engagement

63. The Government does not routinely collect data on public involvement in the planning system. This makes it hard to determine how many people participate, let alone the characteristics of those individuals. The Government White Paper argued that the current system "allows a small minority of voices, some from the local area and often some not, to shape outcomes." This meant those likely to benefit from developments, such as young people, being amongst those less involved.²¹¹ Giving evidence to us the Minister twice cited figures of 3% and 1% for the proportion of the public involved in individual planning proposals and in Local Plan formation respectively.²¹² But these figures originated from an article published by Sue Manns on the RTPI website, not from nationwide figures.²¹³

64. We received evidence that argued members of the public felt disenchanted by the planning system and held low opinions of developers and local authorities.²¹⁴ The Government's view that participation was skewed towards particular groups, with younger people less likely to participate, also had some support.²¹⁵ Priced Out argued that young people were failed and local campaign groups, disproportionately made up of older and homeowner residents, dominated the system.²¹⁶ Save Greater Manchester Green Belt complained that:

Participation in planning currently doesn't feel like it is accessible to all. The systems are complex, and the language and systems seem to be from a bygone age. The White Paper is just adding to this inequality by not including the community at an early stage of participation. People with money, education, access, and time can navigate the system making it inequitable.²¹⁷

The Department of Urban Studies and Planning, University of Sheffield however stated that:

There are, however, significant dangers in justifying reductions in opportunities to participate on this basis. The dominance of unrepresentative

211 MHCLG, [White Paper: Planning for the Future](#), pp 11, 16

212 [Q128](#), [Q151](#) (The Minister)

213 Sue Manns '[Planning and public engagement: the truth and the challenge](#)', 10 May 2017

214 Civic Voice ([FPS0076](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#))

215 CLA ([FPS0049](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Mr Simeon Shtebunaev (Doctoral Researcher at Birmingham City University) ([FPS0072](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Centre for Cities ([FPS0144](#))

216 PricedOut ([FPS0129](#))

217 Save Greater Manchester Green Belt ([FPS0132](#)). See also the evidence from The Beaconsfield Society (Civic Society) ([FPS0130](#))

minorities in public and democratic life is certainly not restricted to the planning process and would not be accepted as a reason to abandon democracy in other spheres. Rather it should be understood as a reason to deepen and extend engagement amongst under-represented groups.²¹⁸

65. Numerous submissions argued that individuals mainly became involved in individual planning decisions rather than at the Local Plan stage. We were told that people's interest in planning issues results from nearby development.²¹⁹ This was because:

It is inevitable people are often more motivated to give up their time to engage on individual schemes where they can see a direct impact upon them [rather] than on plans which may influence development in years to come.²²⁰

66. Doubt was expressed that the disproportionate involvement of existing residents ends up blocking development.²²¹ Instead, the sense that planning proposals are agreed to despite local objections was frequently voiced in our survey. There were also worries that the changes would involve a missed opportunity: "There is much detail missing about how this will work in practice and a real risk that the opportunity for future proofing planning to be more age-friendly and foster connections will be missed."²²²

67. We compared the Minister's figures with other data about public involvement in the planning system. Polling by YouGov for Social Communications, shared with us, showed that 26% of people claim to have responded to a Local Plan. Polling of 16–18 year olds by Grosvenor found that 8% stated they had been involved in a survey about the future of their neighbourhood run by their local council or a property developer.²²³ Polling by Opinium in 2019 for the think-tank Demos found that 44% of those surveyed had engaged with the planning system—that is searched the council register for permissions in their local area, submitted, objected to or supported a planning application, campaigned to stop a development, or spoke at a committee or meeting about planning applications). They found those over 55 were most likely to have engaged (50% said they had), whilst 34–54-year olds had the lowest rate of involvement (43%). Homeowners, residents in London were more likely than renters and residents outside of London to have been involved.²²⁴

The Government's proposed reforms

68. The Government's proposals to public engagement flow from the changes to how the planning system will work. The Government emphasised that there would be public

218 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

219 Tenterden Town Council ([FPS0003](#)), South Worcestershire Councils ([FPS0015](#)), Neighbourhood Planners London ([FPS0032](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Locality ([FPS0086](#)), Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

220 Bartlett School of Planning, University College London ([FPS0097](#))

221 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

222 Centre for Ageing Better ([FPS0055](#))

223 Grosvenor, [I Live here too: Why young people want a stake in the future of their neighbourhood](#), October 2020, p 6

224 Demos, [People Powered Planning: How to better involve people in planning to get more homes built](#), September, 2019, pp 15–6

engagement at two points during the Local Plan stage: first, the LPA would call for suggestions for how areas should be designated as growth, renewal or protected. Secondly, the LPA would submit a draft Local Plan for public comment simultaneous with it being submitted to the Secretary of State for examination. A wider range of people will be engaged with the system, through the greater use of technology, such as social media and their phones. The Government also stated “we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes.” This included making the 8–13-week time limits firm deadlines for completing applications; alongside greater use of digital technology and software, of data, and of standardised process.²²⁵

69. There was support in some evidence for the reforms. Homes for the South West commented that:

Community engagement at the local plan stage should be a basis to move plans forward, with local consent. However, further community engagement when more detailed plans are brought forward can confuse a process when they fall back on the fundamental principle of a development. Instead, community engagement at the design stage should identify and address specific issues around homes that will be delivered for local communities.²²⁶

70. Other arguments advanced in favour of the changes were that they would reduce public disappointment at applications being overridden on appeal because of existing Local Plans,²²⁷ cause the system to work more efficiently by reducing political interventions that prioritise local resistance to development,²²⁸ and enable proper discussion of the trade-offs “rather than playing whack-a-mole with residents’ objections.”²²⁹

71. The majority of our evidence however thought that the proposals were likely to reduce public involvement. This would chiefly be through abolishing the ability of people to comment on individual planning applications in growth areas and other extensions to

225 MHCLG, [White Paper: Planning for the Future](#), pp 16, 32–5

226 Homes for the South West ([FPS0070](#)). See also [Q3](#) (Philip Barnes)

227 Adam Smith Institute (FPS085), Centre for Cities ([FPS0144](#))

228 Peel L&P ([FPS0094](#))

229 Centre for Cities ([FPS0144](#))

permission in principle.²³⁰ Historic England stated “we would like to see more evidence to demonstrate how the proposed changes will enable greater public participation in the planning system.”²³¹ The scale of the change being proposed was laid out by the RTPi:

it is still an enormous challenge to overturn 70 years of people’s expectations that they can be involved in individual planning decisions. At the very least, it will require a national campaign of education plus significant extra resources for community engagement at local level.²³²

72. Local authority representatives argued that “a lot of local authorities” go “to considerable lengths at the moment in their engagement to reach out to people who would not normally participate.” Their involvement at the Local Plan stage could feed into wider engagement.²³³ It was also stated by Andrew Longley from North Northamptonshire that:

Typically, on our plans, you will get in the low hundreds of people involved in the plan-making process who make formal representations, whereas, when it comes to the planning application, you can easily have thousands of representations on a controversial application. That is notwithstanding that those same sites—I have some in mind—were part of the local plans that have been subject to a process, but people really only engage when there is the immediacy of a planning application.²³⁴

73. We raised the concerns about reducing public engagement during our oral evidence session with the Minister. When asked about the criticism of the reduction in public involvement, he responded:

I do not agree with the proposition that we are reducing accountability or democratic involvement. We are shifting it forward, where we think it really ought to be, so that it can be about the upfront strategic design of communities rather than the reactive response to a particular application,

230 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), North Southampton Community Forum (FPS018), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), Neighbourhood Planners, London ([FPS0032](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), The Smith Institute ([FPS0038](#)), Woodland Trust ([FPS0045](#)), Mineral Products Association ([FPS0050](#)), The Heritage Alliance ([FPS0066](#)), Rutland County Council ([FPS0071](#)), Wildlife & Countryside Link ([FPS0075](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), Abri ([FPS0078](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Southwark Council ([FPS0110](#)), Just Space ([FPS0115](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), Commonplace ([FPS0136](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Sustrans ([FPS0151](#)), The Highgate Society ([FPS0155](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), National Trust ([FPS0157](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))

231 Historic England ([FPS0092](#))

232 Royal Town Planning Institute ([FPS0113](#))

233 [Q38](#) (Andrew Longley and Lisa Fairmaner)

234 [Q42](#) (Andrew Longley), [Q94](#) (Claire Dutch)

often where very few people get involved and it is rather difficult to navigate and understand what is being proposed. I do not recognise that characterisation of our proposals.²³⁵

74. He thought digitalisation could help get people involved in Local Plans, citing the recent 4,500 virtual viewings of the South Oxfordshire Local Plan examination (although this involvement did not appear to have caused significant alterations to be made to the plan). He explained that planning proposals that do not meet the “preordained strategic plan” (the Local Plan) in growth and renewal areas could still be brought forward through the present planning process.²³⁶ We raised with the Minister the absence of references to councillors in the White Paper.²³⁷ He assured us that “That is not by any means or in any way a desire to exclude local councillors”, and that he had spoken to councillors both individually and through bodies such as the LGA and District Council Network.²³⁸

Planning and the legal system

75. The evidence we received emphasised there would potentially be an increase in legal challenges, through judicial review, as a result of the Government’s reforms.²³⁹ Claire Dutch, a planning lawyer, told us that there was likely to be an initial flurry of judicial reviews. She expected once the system was established there would be fewer judicial reviews, but they would be directed against Local Plans. This, she warned, would be “more debilitating” because a successful review “can stop it [the Local Plan] in its tracks and stymie development generally in that area ... The JRs [judicial reviews] against plans does worry me.” She also emphasised that planning appeals would continue, as developers would proceed through the standard planning process when they thought the Local Plan’s requirements would not permit them the necessary “density, height, scale, massing, et cetera” in their proposals.²⁴⁰ The Smith Institute feared this potential increase in legal challenges “would be a major disaster—especially at this very difficult time.”²⁴¹ We were also warned that the changes would take time to bed in as new legal precedents were established.²⁴² The changes could also lead to a diversion of “resources into fighting off five-year housing-land-supply appeals”.²⁴³ One specific change likely to increase recourse to judicial review, highlighted by the Canal and River Trust, is the possible abolition of the ‘examination stage’.²⁴⁴ That is one option proposed by the Government in its consultation.²⁴⁵

76. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and*

235 [Q154](#) (The Minister)

236 [Q128](#) (The Minister)

237 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

238 [Q153](#) (The Minister)

239 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), The Smith Institute ([FPS0038](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Commonplace ([FPS0136](#))

240 [Q110](#) (Claire Dutch)

241 The Smith Institute ([FPS0038](#))

242 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#))

243 [Q33](#) (Andrew Longley)

244 Canal & River Trust ([FPS0048](#))

245 MHCLG, [White Paper: Planning for the Future](#), pp 35–6

publishing of statistics about public involvement in Local Plans and in individual planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged.

77. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the Local Plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.*

78. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications. *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.*

Technology

79. Another significant part of the Government's proposed reform involved increasing the use of digital technology in the planning process. The main proposal was that "Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template." It was proposed that all development management policies and codes would be written in a machine-readable format. Furthermore, there should be greater digitalisation and standardisation of processes, including making data more easily available, using digital template for planning notices, the use of 3D mapping, and the delegation of detailed planning decisions to planning officers where the principle of development has been established. The Government argued this would draw in a younger audience, making information more easily available on a national level, and bolster the PropTech sector.²⁴⁶

80. The overwhelming majority of our evidence voiced criticisms of the current state of technology in the planning system. The Home Builders Federation described the current situation as "antiquated processes to engage the public."²⁴⁷ The Institute of Historic Building Conservation stated: "There is scope to utilise more digital technology in planning."²⁴⁸ We were told that there was a lack of access to datasets.²⁴⁹ Likewise, the CPRE argued that the sheer number of development plan documents made it hard for the public to know which were current and relevant.²⁵⁰ We also received complaints about an existing digital system called Planning Portal. This is a digital planning and building resource for England and Wales, which covers c.90% of planning applications, along with advice and guidance. It was founded by MHCLG but does not now receive taxpayers' money.²⁵¹ We were told that it was "not user friendly and should be revamped."²⁵²

246 MHCLG, [White Paper: Planning for the Future](#), pp 16, 33–4

247 Home Builders Federation ([FPS0073](#))

248 Institute of Historic Building Conservation ([FPS0044](#))

249 PortalPlanQuest Limited ([FPS0030](#))

250 CPRE the countryside charity ([FPS0077](#)). See also Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

251 PortalPlanQuest Limited ([FPS0030](#))

252 National Organisation of Residents Associations ([FPS0005](#)), North Southampton Community Forum ([FPS0018](#))

81. We were informed that parts of the current system do already make use of electronic and digital tools in plan-making, decision-making, and in sharing information about applications.²⁵³ There was praise for email notifications about applications on a street-level basis, and the use of virtual planning committee meetings introduced during the COVID-19 pandemic.²⁵⁴ It was noted those with care responsibilities and mobility problem had been able to participate.²⁵⁵ However the CPRE did note that even more people would have been engaged had meetings been recorded; and that the virtual format removed the opportunity for informal conversations with participants, leading “to a rather stale format rather than constructive conversation.”²⁵⁶ It was also suggested that direct subscriptions to get notifications of planning application should become commonplace.²⁵⁷

82. There was support for increasing the amount of digitalisation in the planning system, including maps and open data. It was thought likely to increase the involvement of younger people in the process, addressing their lower engagement at present,²⁵⁸ alongside retailers and prospective homeowners.²⁵⁹ It was also thought likely to increase the pace and efficiency of the system.²⁶⁰ There was support for the better collection of data with a creation of national data standards and templates;²⁶¹ and for 3D maps.²⁶² We were told information gathered through the planning system could help with building safety through fostering a golden thread of building information,²⁶³ and that digital technology could facilitate planning across local authorities.²⁶⁴ London was cited as an example of good practice that others aspired to. There social media has helped to bolster engagement, there is more open data available in a public format and on a single website, different 3D models are available, and data on strategic house land available can be collected live rather than through a rolling programme.²⁶⁵

253 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), National Organisation of Residents Associations ([FPS0005](#)), District Councils’ Network ([FPS0082](#)), Southwark Council ([FPS0110](#)), Greater London Authority ([FPS0149](#))

254 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

255 Just Space ([FPS0115](#))

256 CPRE the countryside charity ([FPS0077](#))

257 Home Builders Federation ([FPS0073](#))

258 South Worcestershire Councils ([FPS0015](#)), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))

259 Association of Convenience Stores ([FPS0069](#)), Sage Housing ([FPS0090](#))

260 Pocket Living ([FPS0023](#)), PortalPlanQuest Limited ([FPS0030](#)), Historic England ([FPS0092](#)), [Q2](#) (Brian Berry)

261 PortalPlanQuest Limited ([FPS0030](#)), Locality ([FPS0086](#)), Water UK ([FPS0140](#)), GL Hearn ([FPS0141](#)), City of London Corporation ([FPS0148](#))

262 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

263 National Fire Chiefs Council ([FPS0040](#))

264 [Q116](#) (Steve Quartermain)

265 [Q61](#) (Lisa Fairmaner and Andrew Longley)

83. The general support for enhanced technology was coupled with wanting a continuation of existing, non-digital methods of communication.²⁶⁶ We were told that surveys had found 5.3 million people adults in the UK had not accessed the internet in the preceding three months,²⁶⁷ that 9 million people in the UK struggle to use the internet independently,²⁶⁸ and that 11.9 million people lack the digital skills needed to go online.²⁶⁹ The changes might adversely affect people living in rural areas (because of a less reliable connection to broadband),²⁷⁰ the elderly,²⁷¹ the poor,²⁷² those in manual occupations,²⁷³ those without English as a first language,²⁷⁴ disabled people,²⁷⁵ and Gypsy and Traveller communities.²⁷⁶ It was suggested, drawing on experience from neighbourhood plans, that IT was often the less successful way of engaging local people.²⁷⁷ The poor record of central government in delivering IT solutions was also emphasised.²⁷⁸

84. The possible automation of aspects of the planning process also attracted scepticism.²⁷⁹ Friends of the Earth argued it would lead to a tick-boxes approach devoid of consideration of the context of applications.²⁸⁰ The Civic Voice feared using digital technology to decide

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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.”²⁸¹ The Wildlife and Countryside Link argued that using simplified and digitised Local Plans would “undermine the role of local people in identifying and protecting natural spaces and in scrutinizing development applications and the planning process.” They wanted a continuation of ‘traditional’ Local Plans alongside the shorter digital ones.²⁸² The Canal and River Trust shared these concerns about arbitrary page limits, and added that “Machine-readable/automated approach and use of prescriptive technical standards not appropriate for issues most relevant to the Trust.”²⁸³

85. Consequently, there were calls for the preservation of existing methods of advertising planning applications and Local Plan consultations through signs on lampposts, walk in ‘town hall’ events, face to face engagement (e.g. through workshops), hard copy documentation, and notices in local newspapers. We were told that this helped to ‘push’ information to the public.²⁸⁴ The techniques of neighbourhood planning were recommended as a way to enhance public engagement.²⁸⁵ The News Media Association stressed to us the harmful impact on local newspapers that would result from withdrawing statutory notices.²⁸⁶ It was suggested in both written and oral evidence that a review of the role of local newspapers might be due.²⁸⁷

86. Several submissions suggested that citizens assemblies might have a role to play in planning.²⁸⁸ They were particularly recommended as a means to draw in hitherto under-represented members of a community.²⁸⁹ The CPRE saw it as a way to reduce the adversarial culture of planning.²⁹⁰ On the other hand, one individual from a borough reputedly already engaged in citizens assemblies expressed strong criticism of them and a preference for residents associations.²⁹¹

87. We put to the Minister the concerns raised about how greater use of digital technology could disadvantage certain people and communities. He argued that “as the years roll on, more and more people will have access to digital tools”. But he added that local authorities could decide to use other methods such as publishing adverts in local papers. Asked whether local authorities would be required to put notices on lampposts and in local newspapers the Minister said the Government would reflect on the consultation responses and that it was for authorities “to work out what they may need to do themselves to communicate with their constituents.” He suggested the Government might wish to see how the new method of mailing out Local Plans necessitated by COVID-19, rather than having them available in libraries or local authority buildings, played out.²⁹²

281 Civic Voice ([FPS0076](#))

282 Wildlife & Countryside Link ([FPS0075](#))

283 Canal & River Trust ([FPS0048](#)). See also Homes for the South West ([FPS0070](#)), Bristol City Council ([FPS0119](#))

284 Tenterden Town Council ([FPS0003](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

285 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

286 News Media Association ([FPS0068](#))

287 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), [Q60](#) (Lisa Fairmaner)

288 NALC ([FPS0021](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), UK2070 Commission ([FPS0128](#))

289 CLA ([FPS0049](#))

290 CPRE the countryside charity ([FPS0077](#))

291 Robert Rush ([FPS0163](#))

292 [Qq158–160](#) (The Minister)

88. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.*

5 The housing formula

89. This chapter chiefly focuses on the housing ‘formula’, sometimes called the ‘algorithm’, used for determining housing need. It considers the arguments for and against such a formula (the current formula, or ‘Standard Method’ was introduced in 2018); the reforms to the formula proposed in August 2020 (which we refer to as the “proposed formula”); and the subsequent revised formula announced by the Government in December 2020 (which we refer to as the “revised formula”). This revised formula involved retaining the 2018 formula but with the addition of an ‘urban uplift’ applied to twenty major towns and cities.

The current situation

90. Attempts by central Government to introduce targets for housing output in local areas have long proven contentious.²⁹³ The previous practice of having local authorities decide at the Local Plan stage was criticised for having been time-consuming and for worsening the affordability of housing.²⁹⁴ In July 2018 the current method for determining housing need, called the ‘Standard Method’, was introduced. This has three steps:

- The starting point, or baseline, is the 10-year average of the 2014-based household growth projections in England.
- The household growth figure is then adjusted based on the affordability of property in an area. Where average house prices exceed four times the average earnings of someone working in the area the figure is adjusted upwards. Consequently, where prices exceed income by eight times there will be 25% more housing above the household growth figure.
- A 40% cap then limits the increase an individual local authority can face over a ten-year period.²⁹⁵

91. The housing need calculated by the standard method feeds into the housing requirement for an area that is agreed to in Local Plans, joint and strategic plans.²⁹⁶ Performance by local authorities in achieving their required housing is measured on a yearly basis by the Housing Delivery Test, which shows the percentage of net homes delivered against the number of homes required over a rolling three-year period. From November 2020 LPAs have needed to meet 75% of the target; otherwise a presumption in favour of sustainable developments applies for planning applications in that authority.²⁹⁷

92. In September 2018 the Office for National Statistics (ONS) released 2016-based household projections, which showed much lower projections compared to those based on 2014.²⁹⁸ In October 2018 the Government held a consultation about possible changes to the ‘standard method’ partly in response to the ONS data. It argued the 2016-based

293 The Smith Institute ([FPS0038](#))

294 Sage Housing ([FPS0090](#))

295 MHCLG, [Changes to the current planning system](#), August 2020, p 10

296 MHCLG, *National Planning Policy Framework*, CP48, February 2019, paras 60, 65.

297 MHCLG, [National Planning Policy Framework Annex 1: Implementation](#), para 215; MHCLG, [Housing Delivery Test Measurement Rule Book](#), July 2018

298 ONS, [Household projections in England: 2016-based](#), September 2018. Figure 1 shows the comparison of the two projections.

projections did not mean there was a need for fewer houses and proposed to retain the 2014-based projections.²⁹⁹ These views were reiterated in February 2019.³⁰⁰ In June 2020 the ONS released 2018-based household projections, with results very similar to the 2016-based projections.³⁰¹

93. In August 2020 the Government justified moving to a new formula by pointing to criticisms of the household projection figures. These were that the projections are too volatile and have underestimated housing need in places of overcrowding and suppressed housing demand. It also argued the ‘Standard Method’ underestimated demand in the Northern Powerhouse, and would not deliver the target 300,000 housing units a year in England by the mid-2020s.³⁰² Homes for the North argued that the ‘Standard Method’ had resulted in the assessed housing need for the north of England requiring 13,340 fewer homes than previously agreed in existing Local Plans, thereby undermining the levelling up agenda.³⁰³

The Government’s initial proposal

94. In August 2020, the Government outlined its proposed reforms to the housing formula—which we refer to in this Chapter as the “proposed formula”:

- The baseline would either be the latest household projections, or an increase of 0.5% on the area’s current housing stock.
- The affordability adjustment would take account of changes in the affordability ratio over the last ten years. This would mean higher figures for areas where affordability had worsened; and a downward adjustment where prices were lower than four times higher than earnings.
- There would be no cap on housing need figures.

The Government estimated this would produce a total demand of 337,000 housing units.³⁰⁴ The Housing Delivery Test would remain in place, with the housing requirement made binding, and resulting from the standard method.³⁰⁵ In December 2020 the Government proposed revisions to this approach which we discuss later.

Do we need a standard method?

95. Our evidence fell into three categories: those who supported the Government’s proposed formula, those who approved of the principle of a standard method formula but dissented from the proposed formula, and those who disagreed with the method and wanted decisions on housing need determined locally. Our predecessor committees have previously expressed support for introducing a new standardised methodology, and for encouraging LPAs and the Planning Inspectorate to take account of it.³⁰⁶

299 MHCLG, [Technical consultation on updates to national planning policy and guidance](#), October 2018, pp 8–12

300 MHCLG [Government response to the technical consultation on updates to national planning policy and guidance](#), February 2019, pp 7–8

301 ONS, [Household projections for England: 2018-based](#), June 2020

302 MHCLG, [Changes to the current planning system](#), August 2020, pp 10–11. The mid-2020s timescale is given in National Audit Office, [Planning for new homes](#), [HC 1923](#), February, 2019, p 6

303 Homes for the North ([FPS0107](#))

304 MHCLG, [Changes to the current planning system](#), August 2020, pp 11–16

305 MHCLG, [White Paper: Planning for the Future](#), pp 27–8; Lichfields, [‘Setting a higher standard – a new method for assessing housing needs’](#), 7 August 2020

306 Communities and Local Government Committee, Fourth Report of the 2014–15 Session, [Operation of the National Planning Policy Framework](#), HC 190, para 70; Communities and Local Government Committee, Tenth Report of the 2016–17 Session, [Capacity in the homebuilding industry](#), HC 46, para 75

96. Various submissions, including from local authorities and other local groups, expressed the view that determining housing need should be predominantly or exclusively decided by local bodies. They were best placed to take account of local circumstances.³⁰⁷ Newcastle City Council thought

the national Local Housing Need formula [should] be withdrawn, as since its introduction it has led to uncertainty of planning for new homes targets in local plans, and invariably leads to at best crude estimates of need, and at worst would require authorities to plan for homes that are not needed.³⁰⁸

South Worcestershire Council, among others, favoured reverting back to LPAs using local evidence to calculate housing need and including it in Local Plans.³⁰⁹ There was also support for a regional approach.³¹⁰ Some did acknowledge there were merits to a standardised approach whilst ultimately still wanting decisions taken locally.³¹¹ The LGA said:

It is our view that assessment of local housing need, including overall numbers and tenure mix, should be determined locally based on the relevant, most up to date evidence, because what might be the optimum tenure mix in one place, will not be in another. Any proposed new method should be optional to use for local planning authorities where it is appropriate for the housing market that they operate within.³¹²

97. Some organisations supported the principle of a standard method, whilst wanting proper consideration of local circumstances and revisions to the proposed approach.³¹³ Kate Henderson, representing the National Housing Federation, supported having a transparent methodology for the standard method. But she added “we need a methodology that balances broader criteria. It needs to take into account both local and sub-regional expertise and judgment. There is going to need to be a backstop in the process as well.” She identified the current approach as lacking consideration of levelling up and differences between urban and rural areas.³¹⁴

307 National Organisation of Residents Associations ([FPS0005](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Tamworth Borough Council ([FPS0013](#)), North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Greater London Authority ([FPS0149](#)), London Borough of Hackney ([FPS0091](#)), Mrs Allyson Spicer ([FPS0162](#))

308 Newcastle City Council ([FPS0159](#))

309 South Worcestershire Councils ([FPS0015](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Royal Town Planning Institute ([FPS0113](#))

310 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Civic Voice ([FPS0076](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), Bristol City Council ([FPS0119](#)), Just Space ([FPS0115](#)), GL Hearn ([FPS0141](#))

311 Daventry District Council ([FPS0011](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Abri ([FPS0078](#)), District Councils’ Network ([FPS0082](#)), Locality ([FPS0086](#)), Stonewater ([FPS0103](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#)), [Q35](#) (Lisa Fairmaner and Andrew Longley).

312 Local Government Association ([FPS0056](#))

313 Ashford Borough Council ([FPS0016](#)), National Trust ([FPS0157](#))

314 [Q7](#) (Kate Henderson). See the National Housing Federation ([FPS0158](#))

98. There was also support for a more thoroughgoing national approach.³¹⁵ For example, South Staffordshire Council favoured a statutory duty to meet housing targets laid down nationally, which would ensure local authorities cooperated with one another.³¹⁶ The British Property Federation also argued that ensuring “sufficient housing is something that national governments should be held accountable for,” and thus they supported “the need for up-to-date local plans, standard methodology, and housing delivery test.”³¹⁷ Claire Dutch argued there needed to be a standard method, that communities coming up with the figure “has not really worked”. The current algorithm had not produced the right figures, and therefore she favoured a “top-down approach” with fine-tuning of the algorithm.³¹⁸

Views of the Government’s proposed formula

99. There was support, including from organisations linked to housing development and delivery, for the Government proposed new formula announced in August 2020. This was sometimes tempered by a wish for further details.³¹⁹ Pocket Living called for binding housing targets and clear penalties for under-delivery, an idea which was supported in oral evidence by Philip Barnes on behalf of Barratt.³²⁰

100. However, there was also considerable hostility towards the proposed formula. Tenterden Town Council called it “a weapon of “Mass Destruction” of unprecedented scale.” They argued this would squeeze out “the local community who have local knowledge of their specific parish.”³²¹ This was echoed in our public engagement event: “the planning white paper is proposing a tyranny of algorithm as well as of numbers.” (Participant D, Room 2)³²² Our evidence also included claims it would have a negative impact on the countryside, and preferences for local decision-making.³²³

101. A strong strand of criticism of the Government’s proposed formula was its impact on levelling up. It was seen to be increasing housing in London and south-east, whilst reducing the targets for housing in the north of England. We were warned the proposed

315 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Centre for Cities ([FPS0144](#)), Shelter ([FPS0154](#))

316 South Staffordshire Council ([FPS0142](#))

317 British Property Federation ([FPS0127](#))

318 [Q115](#) (Claire Dutch)

319 McCarthy & Stone ([FPS0061](#)), Homes for the South West ([FPS0070](#)), Home Builders Federation ([FPS0073](#)), Civic Voice ([FPS0076](#)), Peel L&P ([FPS0094](#)), PricedOut ([FPS0129](#)), GL Hearn ([FPS0141](#)), South Staffordshire Council ([FPS0142](#)), Anglian Water ([FPS0146](#)), Midland Heart ([FPS0152](#))

320 Pocket Living ([FPS0023](#)), [Q2](#) (Philip Barnes)

321 Tenterden Town Council ([FPS0003](#))

322 The proposed reforms to the housing formula to determine housing need were actually outlined in a separate consultation document from the White Paper.

323 Tenterden Town Council ([FPS0003](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), NALC ([FPS0021](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Local Government Association ([FPS0056](#)), St Albans Civic Society ([FPS0057](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), London Borough of Hackney ([FPS0091](#)), Bristol City Council ([FPS0119](#)), Cycling UK ([FPS0123](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), LSE London ([FPS0139](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

formula risked “directing development away from areas of potential growth.”³²⁴ These objections were to remain pertinent when evaluating the Government’s revised formula announced in December 2020.

102. The strong emphasis in the formula on household projections were seen as obliging councils that had already delivered high rates of housebuilding to continue doing so.³²⁵ There was criticism of the quality of the household projection data.³²⁶ Alan Wenban-Smith included a discussion of the issues posed by calculation of household projections and highlighted how “Around 90% of the housing market is turnover of existing stock”. Therefore, he argued “meeting housing needs is not simply a matter of new build equalling or exceeding the growth in the number of households.”³²⁷

103. Consequently, there were various ideas for amending the proposed formula. We were told that rather than using a house price to workplace earnings ratio, the use of a house to price to residence-based earnings would be more suitable in commuter areas.³²⁸ There were proposals to include natural population growth and exclude net migration in and out of an area,³²⁹ to include data on hidden households and local housing needs (particularly social housing),³³⁰ and that the formula should take account of median pension earnings to ensure housing for the elderly.³³¹ The CLA wanted to ensure settlements of under 3,000 houses were included in housing needs assessments.³³² Homes for the North proposed scrapping the household projections and starting instead with a 1% increase in existing housing, because this would encourage greater housebuilding in the north and focus growth in urban areas, alongside having the LPA lead on using past delivery rates, regeneration, vacancy and second home rates, and specific types of housing to determine local housing need, which would be validated by the Government and Planning Inspectorate.³³³ The Federation of Master Builders suggested greater use of developer forums to determine and agree local need, citing the example of North East Lincolnshire.³³⁴

104. The Adam Smith Institute called for more detail to be included on how the new target would work “including adjustments for constraints such as Green Belt, Metropolitan Open Land—much of which comprises irreplaceable parks—Conservation Areas and Areas of Outstanding Natural Beauty.”³³⁵ It was also proposed that the National Parks should be exempt from the method.³³⁶ The Centre for Cities wanted a greater emphasis placed on

324 The Smith Institute ([FPS0038](#)), Stonewater ([FPS0103](#)), Homes for the North ([FPS0107](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), [Q7](#) (Kate Henderson), [Q92](#) (Nigel Wilson)

325 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

326 LSE London ([FPS0139](#)), Rother District Council and Burwash: Save our Fields ([FPS0143](#))

327 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

328 Hever Parish Council ([FPS0007](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Cycling UK ([FPS0123](#))

329 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

330 TCPA ([FPS0034](#))

331 Anchor Hanover ([FPS0074](#))

332 CLA ([FPS0049](#))

333 Homes for the North ([FPS0107](#))

334 The Federation of Master Builders (FMB) ([FPS0125](#))

335 Adam Smith Institute ([FPS0085](#))

336 Campaign for National Parks ([FPS0043](#))

affordability and prices to ensure sufficient housing supply in prosperous areas.³³⁷ Attaching significance to affordability was championed by other submissions.³³⁸ This contrasted with Lisa Fairmaner, representing the GLA, who said that the affordability criteria created volatile housing targets, and that London does “not have the capacity to deliver”. Using it prevented ‘levelling up’ and meant building where there was no infrastructure.³³⁹ Andrew Longley, from North Northamptonshire Joint Planning and Delivery Unit, argued that the higher targets would not bring affordable housing, and “Relying on past household projections moving forward really just bakes in past performance”.³⁴⁰ There was wider support for the view that London needed to be treated differently, and that the number of houses for London in the new formula could not realistically be built.³⁴¹

105. The Minister explained that in devising reforms to the formula, the “first approach was to look at affordability”, because of the problems of very high house prices and demand exceeding supply “for far too long”. He then stated other considerations “such as brownfield regeneration and city centre regeneration, and levelling up ... These are all considerations we had to make as we were designing the methodology.”³⁴² He later added “We take levelling up into consideration when we look at the housing need and how that applies to different elements of the country.”³⁴³ He reiterated previous commitments to reconsidering the figures—foreshadowing the subsequent revised proposals.

The Government’s revised formula

106. On 16 December 2020 the Government published its response to the consultation on the proposed formula.³⁴⁴ The Government proposed to abandon the proposed formula and instead retain the current standard method. But this would be with the addition of a 35% ‘urban uplift’ to the post-cap number for 20 major towns and cities. These were London, Birmingham, Liverpool, Bristol, Manchester, Sheffield, Leeds, Leicester, Coventry, Bradford, Nottingham, Kingston upon Hull, Newcastle upon Tyne, Stoke-on-Trent, Southampton, Plymouth, Derby, Reading, Wolverhampton, and Brighton and Hove. It also published data for each local authority.³⁴⁵

107. The Government argued that the 20 major towns and cities subject to the uplift could better utilise existing infrastructure to support new housing, use former retail and commercial properties and brownfield sites, and building there would reduce high-carbon travel. It emphasised that the increase in new housing would be met by urban centres not by their surrounding areas, although LPAs would be expected to cooperate. It explained that the urban uplift in London would only be applicable once the recently agreed London Plan is subject to further revision towards the end of its five-year duration in 2026. The Government explained it would continue to use the 2014 rather than

337 Centre for Cities ([FPS0144](#))

338 Bartlett School of Planning, University College London ([FPS0097](#)), Savills ([FPS0101](#))

339 [Q33](#) [Q35](#) (Lisa Fairmaner)

340 [Q35](#) (Andrew Longley). See also North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

341 Historic England ([FPS0092](#)), Savills ([FPS0101](#)), Southwark Council ([FPS0110](#)), Land Promoters and Developers Federation ([FPS0138](#)), Greater London Authority ([FPS0149](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q7](#) (Philip Barnes), [Q35](#) (Lisa Fairmaner)

342 [Q129](#) (The Minister)

343 [Q130](#) (The Minister)

344 MHCLG, [Government response to the local housing need proposals in “Changes to the current planning system”, December 2020.](#)

345 See MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. Lichfields published their own estimates: [‘How many homes? The new Standard Method’](#) (no date)

2018-based household projections, because a change would cause a “substantial change in the distribution of housing need”. They preferred to continue to use a workplace-based rather than the residence-based earnings ratio proposed by those concerned about the impact of higher earners in commuter areas. This was because “people typically choose to live close to where they work—and therefore [the workplace-based earnings ratio] is a proxy for demand within the housing market.” The Government’s proposal also meant the removal of the downward adjustment where the affordability ratio was below 4.

Opinions on the revised formula

108. As the Government announced its revised formula after our final oral evidence session, we only received supplementary evidence about it from Homes in the North. They noted that the figures published by the Government when announcing the revised formula in December 2020 were lower than the number of houses delivered in the last three years in many rural and suburban areas of the north of England. But this was not so in Manchester, Leeds, Bradford, or Sheffield. They also stated there might be insufficient brownfield land in those cities to avoid having to encroach on the Green Belt.³⁴⁶ There has been criticism of the practicality of the proposed uplift by members of Leicester, Southampton, and Barking and Dagenham councils, and from the Mayor of London’s office.³⁴⁷ Analysis by Lichfields have shown the difference between existing building level and the revised formula. We note that the average delivery over the last three years has been higher than the revised formula (the standard method with urban uplift) in the West Midlands, the East Midlands, North West, North East, and Yorkshire and the Humber. This is not so for all the local authorities subject to the urban uplift in those regions.³⁴⁸

Table 1: Difference between current delivery and new formula

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
North East of England	9,816	6,625	-3,191	-32.51%
Newcastle upon Tyne	1,867	1,399	-468	-25.07%
North West of England	29,844	22,057	-7,787	-26.09%
Liverpool	2,500	2,103	-397	-15.88%
Manchester	3,108	3,527	419	+13.48%
Yorkshire and the Humber	19,930	18,851	-1,079	-5.41%
Bradford	1,415	2,300	885	+62.54%
City of Kingston upon Hull	940	536	-404	-42.98%
Leeds	3,014	3,763	749	+24.85%
Sheffield	2,454	2,877	423	+17.24%

346 Homes for the North ([FPS0166](#))

347 “[Councils hit out at government’s ‘unrealistic’ new planning formula](#)”, Inside Housing, 24 February 2021

348 Lichfields, [‘Mangling the mutant: change to the standard method for local housing need’](#), 16 December 2020

Region and Urban Area	Dwellings per year (2017–2020)	Standard Method with urban uplift (dwelling per year)	Difference in Dwellings	% Difference
East Midlands	22,454	21,679	-775	-3.45%
Derby	645	1,189	544	+84.34%
Leicester	1,490	1,341	-149	-10.00%
Nottingham	1,552	1,551	-1	-0.06%
West Midlands	23,777	21,960	-1,817	-7.64%
Birmingham	3,696	4,829	1,133	+30.65%
Coventry	1,612	2,325	713	+44.23%
Stoke on Trent	905	675	-230	-25.41%
Wolverhampton	769	1,013	244	+31.73%
East England	26,655	34,089	7,434	+27.89%
London	36,686	93,579	56,893	+155.08%
South East	40,668	50,188	9,520	+23.41%
Brighton and Hove	461	1,247	786	+170.50%
Reading	710	876	166	+23.38%
Southampton	967	1,353	386	+39.92%
South West	26,006	28,210	2,204	+8.47%
City of Bristol	1,535	1,247	-288	-18.76%
Plymouth	1,010	841	-169	-16.73%

Source: Data derived from Lichfields, 'Mangling the mutant: change to the standard method for local housing need', 16 December 2020. They derived the average dwellings data from MHCLG, [Live tables on housing supply: net additional dwellings](#), November 2020. The data for the standard method with the urban uplift is from MHCLG [Indicative local housing need \(December 2020 revised methodology\)](#), December 2020. The calculations on changes in numbers and percentages undertaken by the Committee. The data on each local authority with an urban uplift is underneath the figure for the whole of its respective region.

109. The outstanding issues resulting from this revised formula are sixfold. First, there is the question of the viability of the proposals, especially in London. As the table above shows average delivery in 2017–20 in London had been 36,686 dwellings per year. The new Government approach would require 93,579 dwellings per year—an increase of over two and half times the current number of dwellings being delivered. Secondly, there are important variations in the size of local authorities, with places such as Birmingham, Bristol, Liverpool, Brighton and Newcastle having tight boundaries and limited available land.³⁴⁹ There are also constraints posed by seas, rivers (with their flooding risk) and protected green spaces such as the South Downs National Parks. Thirdly, there are questions of whether there is sufficient brownfield land and the impact of using it.³⁵⁰ Fourthly, there is the continuing use of household projection figures from 2014, and not the latest figures as proposed in the August 2020 consultation. The recent findings of the Office for Statistics Regulation's report into ONS population estimates highlighted that estimates for small cities with large student populations had tended to be larger than local evidence suggested. Various recommendations were made to improve the reliability of

349 A point highlighted by Rutland County Council ([FPS0071](#)), National Trust ([FPS0157](#))

350 Rutland County Council ([FPS0071](#)) commented "the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered".

these statistics.³⁵¹ Fifthly, the decision to use workplace-based rather than residence-based earnings in the affordability ratio. Sixthly, whether it serves the objective of “levelling up” to have a reduction in the expected housing provision that is often lower than that provided in the last three years in certain local authorities.

110. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area.

111. We think the Government’s abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government’s revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres. *The Government should:*

- *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*
- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work.*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands.*

112. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should*

351 Office for Statistics Regulation, [Review of population estimates and projections produced by the Office for National Statistics](#), May 2021, pp 9, 19–20

also take account of criticisms of the existing 'standard method' and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.

- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority's assessment could then be evaluated by the Planning Inspectorate.*

6 How to deliver new homes

The challenge

113. The Government is committed to increasing the annual delivery of housing units in England to 300,000 units per year, enabling the supply of at least a million new homes by the end of the Parliament in 2024.³⁵² This is an immense challenge. During the 1930s there were several years when 300,000 housing units were completed. But since the Second World War in only six years (all in the 1960s) has this amount of housing been completed in England. This has only been achieved through extensive building of various types of housing, including social housing.³⁵³ The Government’s justification for the 300,000 new homes target is that “the result of long-term and persisting undersupply is that housing is becoming increasingly expensive.”³⁵⁴

114. There has been strong criticism of the failure of the Government to explain how it will deliver their target of 300,000 housing units. The Public Accounts Committee lamented in November 2020 that the Government had not clarified how it would achieve this target.³⁵⁵ Our report into *Building more social housing* in July 2020 called for targets for social rent, affordable rent, intermediate rent, and affordable homeownership. We argued that at least 90,000 social rent properties were needed.³⁵⁶

Views about the housing target

115. We received divided views about the 300,000 housing units target. Civic Voice told us that their survey of members found the majority accepted new housing, with strong support for the 300,000-unit target.³⁵⁷ Representatives from North Northamptonshire and the GLA supported it.³⁵⁸ The Adam Smith Institute thought 500,000 or a million homes a year should be produced given current prices.³⁵⁹ In contrast, other submissions stated that the 300,000 figure was “not based on any evidence”,³⁶⁰ or was “arbitrary.”³⁶¹ There was a questioning of the idea that increasing housing supply would automatically lower prices.³⁶² Having received doubts about whether the construction industry could deliver 300,000 units,³⁶³ we raised these concerns with developers. They assured us they could, although Philip Barnes noted that skills could be a barrier given the shortages of bricklayers and joiners.³⁶⁴

352 The Conservative and Unionist Party, [Get Brexit Done: Unleash Britain’s Potential](#), November 2019, p 31.

353 House of Commons Library, [Tackling the under-supply of housing in England](#), March 2020. See Tables 2.1 and 2.3 in the accompanying spreadsheet. The figures for the 1930s are from England and Wales, but the total number of completions exceeds the highest number of post-war completions in Wales. The calculation in the 1930s is from 1 April to 31 March, whereas post-war figures use the calendar year.

354 MHCLG, [White Paper: Planning for the Future](#), p 12. See also Oral evidence taken on 12 March 2018, HC (2017–19) 830, [Q3, Q11](#) (Dominic Raab MP)

355 Public Accounts Committee, Thirty First Report of the 2019–21 Session, [Starter Homes](#), HC88, para 3

356 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 53

357 Civic Voice ([FPS0076](#))

358 [Q36](#) (Andrew Longley and Lisa Fairmaner)

359 Adam Smith Institute ([FPS0085](#))

360 District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#))

361 South Worcestershire Councils ([FPS0015](#))

362 Mark Stevenson ([FPS0083](#)), London Tenants Federation ([FPS0112](#))

363 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

364 [Qq17–18](#) (Philip Barnes). This skills problem was also identified in Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, [Cm 9720](#), October 2018, p 9

116. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location.*

Build out

117. Much of the evidence dealing with housing delivery focused on the question of ‘build-out’ rates. This is the speed with which developments with planning permission are being completed. The Letwin Review, published in October 2018, examined build out rates on very large sites. It recommended increasing the number of mixed sites, with different types and tenures of housing, to tackle the problem.³⁶⁵

118. The Letwin Report’s conclusions were regularly cited by those attributing the slow delivery of new houses to developers rather than the planning system. It was also emphasised that one million planning permissions have been granted but not completed, and that nine out of ten planning applications are granted.³⁶⁶ Rutland County Council referred to remarks in 2017 by the then Minister for Housing, Alok Sharma MP, urging greater transparency about build-out rates.³⁶⁷ The council concluded that “Three years later no such action has been taken.”³⁶⁸ These complaints connected to the idea that local authorities were being unfairly blamed for not delivering housing and being penalised

365 Sir Oliver Letwin, *Independent Review of Build Out: Final Report*, Cm 9720, October 2018, p 9

366 Tenterden Town Council (FPS0003), Cllr John Crawford (FPS0008), Daventry District Council (FPS0011), Rother Association of Local Councils (RALC) (FPS0012), Tamworth Borough Council (FPS0013), South Worcestershire Councils (FPS0015), North Southampton Community Forum (FPS0018), Liam Clegg (Lecturer at University of York) (FPS0019), Mr Richard Gilyead (FPS0022), Kent Association of Local Councils (FPS0028), TCPA (FPS0034), The Smith Institute (FPS0038), Campaign for National Parks (FPS0043), Institute of Historic Building Conservation (FPS0044), Oxfordshire Neighbourhood Plans Alliance (FPS0052), Local Government Association (FPS0056), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) (FPS0060), Rutland County Council (FPS0071), Wildlife & Countryside Link (FPS0075), Civic Voice (FPS0076), CPRE the countryside charity (FPS0077), Friends of the Earth England, Wales and Northern Ireland (FPS0081), Hills Homes Developments Ltd (FPS0084), Locality (FPS0086), London Borough of Hackney (FPS0091), Historic England (FPS0092), The Chartered Institute of Building (FPS0096), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) (FPS0108), Southwark Council (FPS0110), Royal Town Planning Institute (FPS0113), Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Aldersgate Group (FPS0120), Alan Wenban-Smith (Proprietor at Urban & Regional Policy) (FPS0124), The Beaconsfield Society (Civic Society) (FPS0130), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallant (FPS0131), Rother District Council and Burwash: Save our Fields (FPS0143), North Northamptonshire Joint Planning and Delivery Unit (FPS0147), City of London Corporation (FPS0148), Greater London Authority (FPS0149), Shelter (FPS0154), London Forum of Amenity & Civic Societies (FPS0156), National Trust (FPS0157), Action with Communities in Rural England (ACRE) (FPS0161)

367 Oral evidence taken on 1 November 2017, HC (2017–19) 494, Q90 (Alok Sharma MP)

368 Rutland County Council (FPS0071)

through the housing delivery test when slow build out rates were the true cause.³⁶⁹ Participants at our public engagement event also complained that developers were too slow at building out:

The government has been putting pressure on local authorities to get more houses built, but when you look at the number of sites that already have planning permission, there is no pressure on developers to build more next year than they built last year and to catch up on those sites. (Participant B, Room 1)

Our written evidence also highlighted that the retirement sector,³⁷⁰ and small builders tended to deliver faster build out rates because of the smaller scale of their development.³⁷¹ It was also claimed that build out rates were less of a problem with high-scale tower blocs in urban areas,³⁷² but that slow build out rates did stymie downsizing by the elderly.³⁷³

119. Defending their record, the Home Builders Federation also cited the Letwin Report to argue that “the delivery of housing is a complex issue that cannot merely be dismissed by criticising the build-out rate of sites with planning permission.” These included the differing times it takes to develop different sites, and local hostility to new housing.³⁷⁴ Developers disputed that they were deliberately slow, arguing instead that they encouraged swift delivery.³⁷⁵ Other explanations were offered, such as the challenges of viability as demonstrated by the slow pace of brownfield construction,³⁷⁶ and the uncertainty produced by a discretionary planning system.³⁷⁷ The Land Promoters and Developers Federation argued the one million unbuilt plots figure “does not reflect lapsed consents, large schemes where there is extensive work in progress, or schemes held back through un-discharged conditions or constraints.” It only accounted for three years’ worth of housing, despite LPAs needing to have five years’ worth of land included in their Local Plans.³⁷⁸ Barratt representative Philip Barnes cited various figures showing a need of 1 to 1.25 million planning permissions to deliver 250,000–300,000 homes a year. He later argued 4–5 million houses needed to either have permissions or be allocated in agreed Local Plans to be confident of getting 300,000 a year.³⁷⁹ He said that the greatest barrier to construction was the planning system.³⁸⁰

120. An alternative viewpoint was articulated by the estate agents Savills: “on balance we consider the planning system is not the greatest obstacle to delivery of housing in England.” Instead the problem was that permissions were not in the right place to reflect

369 Cllr John Crawford ([FPS0008](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), City of London Corporation ([FPS0148](#))

370 Lifestory Group ([FPS0116](#))

371 The Federation of Master Builders (FMB) ([FPS0125](#)), Midland Heart ([FPS0152](#)), [Q8](#) (Kate Henderson)

372 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

373 McCarthy & Stone ([FPS0061](#))

374 Home Builders Federation ([FPS0073](#))

375 Abri ([FPS0078](#)), [Q12](#) (Philip Barnes)

376 Peel L&P ([FPS0094](#))

377 Centre for Cities ([FPS0144](#))

378 Land Promoters and Developers Federation ([FPS0138](#))

379 [Q8](#), [Q11](#) (Philip Barnes)

380 [Q8](#) (Philip Barnes), YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), CLA ([FPS0049](#)), Manor Property Group, Qdos Education ([FPS0051](#)), Abri ([FPS0078](#)), PricedOut ([FPS0129](#)), Centre for Cities ([FPS0144](#))

demand and the challenges of affordability.³⁸¹ Other submissions suggested both the planning system and build out rates were jointly at fault,³⁸² (or neither),³⁸³ or that the problem was multifaceted.³⁸⁴ Academics also cautioned against build out being seen as the primary problem, identifying instead “development finance, infrastructure provision, land ownership ... and legal delays.”³⁸⁵ A small number of submissions also mentioned the economic cycle,³⁸⁶ foreign ownership,³⁸⁷ lack of infrastructure,³⁸⁸ inequality,³⁸⁹ and a lack of demand.³⁹⁰

Speeding up build out rates

121. We received various suggestions on how to speed up build-out rates:

- Greater transparency in the land market and about which land has options on it.³⁹¹
- A mandatory delivery test that identified barriers to housing delivery and steps to mitigate them.³⁹²
- Greater delivery of housing through the public sector,³⁹³ including through the state purchasing land from non-builders and then selling it to developers with conditions on building within a particular timeframe.³⁹⁴
- Greater use of development corporations.³⁹⁵
- Empowering councils to direct diverse tenures be built within sites.³⁹⁶
- Streamlining the compulsory purchase process so local authorities can purchase land where developers have not met their agreed timescales for build out.³⁹⁷

381 Savills ([FPS0101](#))

382 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Homes for the South West ([FPS0070](#)), Sage Housing ([FPS0090](#)), National Housing Federation ([FPS0158](#))

383 Land Promoters and Developers Federation ([FPS0138](#))

384 The Chartered Institute of Building ([FPS0096](#)), Bartlett School of Planning, University College London ([FPS0097](#))

385 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

386 National Organisation of Residents Associations ([FPS0005](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

387 Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#))

388 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), LSE London ([FPS0139](#))

389 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#))

390 Alan Wenban-Smith (Proprietor at Urban & Regional Policy) ([FPS0124](#))

391 [Q8](#) (Kate Henderson)

392 Cllr John Crawford ([FPS0008](#))

393 North Southampton Community Forum ([FPS0018](#)), NALC ([FPS0021](#)), The Chartered Institute of Building ([FPS0096](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), National Trust ([FPS0157](#)), Newcastle City Council ([FPS0159](#))

394 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

395 TCPA ([FPS0034](#))

396 Local Government Association ([FPS0056](#))

397 Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), Locality ([FPS0086](#)), London Borough of Hackney ([FPS0091](#))

- Penalties for major developers failing to build out permissions within a certain time frame without reasonable explanation.³⁹⁸
- Land value taxes,³⁹⁹ levying council tax a given amount of time after permission was granted,⁴⁰⁰ or taxing land in growth zones to encourage its rapid conversion to housing.⁴⁰¹
- Penalties (financial or through restriction of further consent) for delaying the completion of a planning permission.⁴⁰²
- Greater use of multi-tenure delivery on large sites, as proposed in the Letwin Review.⁴⁰³
- Requiring Section 106 agreements to be met within 12 months after permission was agreed, on pain of permission being cancelled.⁴⁰⁴

122. We asked developers about the proposals for taxes or penalties. Philip Barnes said: “They would have to be very, very carefully imposed”, and that mandatory build rates would need to be flexible to accommodate market circumstances. He mentioned that Barratt had previously reached such agreements with Homes England.⁴⁰⁵ He also expressed confidence Barratt could deliver within a three-year timeframe, except where the site was not yet owned when permission was granted. He noted 86% of sites with planning permission are not secured by housebuilders.⁴⁰⁶ Kate Henderson argued the “use it or lose it” approach was not the right way to deliver “the right homes in the high places of the right quality and with the right affordability in the face of a deep recession.” Brian Berry thought it would have little impact on small builders as they develop quickly, “but it would probably give a negative signal.”⁴⁰⁷

123. We asked the Minister about how the Government is ensuring planning permissions are built out, and about implementation of the Letwin Review’s recommendations. He argued some of the reforms proposed, such as zoning, would reduce incentives for developers to land bank (where land is purchased—or an option secured—for longer term strategic purposes rather than immediate development) because “they know that, as long as they tick the boxes and obey the law, they can build the homes.” It would reduce the fear of developers they would run out of land to build out before securing the next set of

398 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

399 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#)), Campaign for National Parks ([FPS0043](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))

400 Tenterden Town Council ([FPS0003](#)), Ashford Borough Council ([FPS0016](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), PricedOut ([FPS0129](#))

401 PricedOut ([FPS0129](#))

402 South Worcestershire Councils ([FPS0015](#)), Ashford Borough Council ([FPS0016](#)), St Albans Civic Society ([FPS0057](#)), Locality ([FPS0086](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Dennis Elsey ([FPS0145](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

403 British Property Federation ([FPS0127](#)), Greater London Authority ([FPS0149](#)), Midland Heart ([FPS0152](#))

404 Bristol City Council ([FPS0119](#))

405 [Q10](#) (Philip Barnes)

406 [Q14](#) (Philip Barnes)

407 [Q10](#) (Kate Henderson and Brian Berry)

planning permissions. These reforms would also encourage SMEs, which would reduce build out rates. He added he was keen to hear our thoughts on how to incentivise quicker build out.⁴⁰⁸

Encouraging small builders

124. One of the aims laid out in the Planning White Paper is to support small and self-builders, those wanting to build innovatively, to develop diverse types and tenures of housing, and use modern methods of construction (MMC). This is used to justify using a value-based charge in the National Infrastructure Levy. It also promised to explore how publicly-owned land can be used to support SME and self-builders.⁴⁰⁹ The Government also held a consultation on data on land control to help assist SMEs and new entrants to the housebuilding sector.⁴¹⁰ The Minister emphasised to us the role that he thought could be played by SMEs, arguing that funding for affordable housing would help SMEs develop, and that SMEs would help reduce build out times. Supporting them also justified the temporary raising of the Section 106 threshold on small sites.⁴¹¹ In February 2021 the Government announced a £250 million Housing Accelerator Fund resulting from a five-year lending alliance between Homes England and the United Trust Bank, to provide SME builders with loans worth up to 70% of the gross development value (the estimated value of what a completed development will be).⁴¹²

125. There has been a reduction in the contribution of small builders to house construction in recent years.⁴¹³ The Federation of Master Builders stated that SMEs had built 40% of new homes in 1980s, and 23% in 2008,⁴¹⁴ but now build only 12%.⁴¹⁵ The National Housing Federation agreed that the planning process was often harder for smaller developers, due to their lack of sites, equipment and specialist teams.⁴¹⁶ During our public engagement event we also heard concerns that the process was too onerous on small and self-builders:

Try and make them simpler. If it doesn't cause a problem with the neighbours, should it really go through an eight-week, £500 process? I don't think so. Some improvements in that area would be good for the smaller individuals.
(Participant A, Room 1)

126. We were informed that small builders “pay close attention to the quality of design and build, the building performance and the positive contribution the development can make to the locality.”⁴¹⁷ The Federation of Master Builders argued that SMEs do not landbank, foster “slow and organic growth” by building on small sites, and produce high quality homes that mitigate anti-development sentiments in communities. They proposed requiring Homes England to dispose of small parcels of land to SMEs with permission in principle for development. They also recommended requiring the ringfencing of land for self and custom build.⁴¹⁸ Other proposals included putting the Development Management

408 [Q131](#), [Q149](#) (The Minister)

409 MHCLG, [White Paper: Planning for the Future](#), pp 14, 49, 54–5

410 MHCLG, [Transparency and Competition A call for evidence on data on land control](#), August 2020

411 [Q126](#), [Q131](#), [Q147](#), [Q149](#) (The Minister)

412 MHCLG, [Homes England and United Trust Bank launch £250m Housing Accelerator Fund](#), 16 February 2021

413 Hills Homes Developments Ltd ([FPS0084](#)), The Chartered Institute of Building ([FPS0096](#))

414 [Q16](#) (Brian Berry)

415 The Federation of Master Builders (FMB) ([FPS0125](#))

416 National Housing Federation ([FPS0158](#))

417 Mark Stevenson ([FPS0083](#))

418 The Federation of Master Builders (FMB) ([FPS0125](#))

policies section of the NPPF on a statutory footing,⁴¹⁹ requiring that there be a minimum number of SME developers on large multi-developer sites, greater resources for local authorities to oversee larger housing sites, and the promotion of a wider range and mix of housing sites in Local Plans.⁴²⁰

127. However, the Government's proposals for SMEs was thought to have failed to address "wider issues about buying and assembling land, development finance, and legal issues" that act as barriers to entry SMEs.⁴²¹ We were also told aspects of the changes would harm SMEs, for example reducing available sites on the edge of settlements which would now become protected areas.⁴²²

128. It is important to be realistic about the contribution SMEs can make. The Federation of Master Builders' members reckoned they would build 12,000 homes in 2021, but with support and reforms to the planning system they could raise this to 65,000 homes by 2025.⁴²³ Nevertheless, the vast majority of the Government's 300,000 target would need to be produced by larger builders.

129. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the local planning authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.

Specialist, affordable and social housing

130. In 2018 our predecessor committee published a report emphasising the importance of housing for older people.⁴²⁴ It was urged that the provision of specialist housing—for older people and the disabled—should play an important role in meeting the 300,000 unit target.⁴²⁵ The developer of retirement homes, McCarthy and Stone, commented that:

419 GL Hearn (FPS0141)

420 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin (FPS0033)

421 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) (FPS0098)

422 Stonewater (FPS0103)

423 The Federation of Master Builders (FMB) (FPS0125)

424 Housing, Communities and Local Government Committee, Second Report of the 2017–19 Session, [Housing for older people](#), HC 370

425 Association of Directors of Environment, Economy, Planning & Transport (FPS0114), Lifestory Group (FPS0116)

The delays and uncertainty that we experience in the current planning process exacerbates the shortfall that already exists in specialist housing for older people. We therefore believe that the planning system should be adapted to facilitate the delivery of this much needed accommodation.⁴²⁶

131. Inspired Villages, a developer and operator of retirement communities, stressed the need for local authorities, through Local Plans, to identify and allocate appropriate amounts of different specialist housing.⁴²⁷ A specific issue highlighted by another specialist developer, Anchor Hanover, was the classification of retirement communities, some being deemed C2 class for residential institutions, and others C3 as dwelling houses. They suggested a broad C2R classification that would include retirement housing, which would include properties without 24/7 on site care/support but nonetheless provided extra care support.⁴²⁸

132. Our 2020 report on social housing recommended that a “social housebuilding programme should be top of the Government’s agenda to rebuild the country from the impact of COVID-19.”⁴²⁹ During this inquiry we were told that the only periods in post-war history where housebuilding rates had reached the 300,000 figure had been when there was very significant social housing building.⁴³⁰ This reflected support for affordable and social house construction being a significant part of the increase in housing units.⁴³¹ The survey and public engagement event highlighted a preference towards smaller housing, affordable or social housing, over larger homes. There were worries expressed that affordable housing supply would fall because of the Government’s proposed reforms.⁴³²

133. Shelter argued that there was a need for 90,000 social homes each year to meet housing needs.⁴³³ CPRE voiced support, with Crisis and the National Housing Federation, for 145,000 affordable homes per year. They proposed giving local authorities more support and powers over acquiring land and laying down requirements for housing types, designs, and tenures.⁴³⁴ Philip Waddy from RIBA eagerly supported the ideas in the White Paper for giving local authorities more power to develop their own housing.⁴³⁵ There was disagreement on whether affordable housing need should be determined locally,⁴³⁶ or that instead affordability calculations in the housing formula should be used to produce specific targets by types of housing tenure.⁴³⁷

134. We asked about the Government’s view of the role of affordable housing in delivering 300,000 housing units. The Minister pointed to funding through the affordable homes programme that had produced 240,000 new affordable homes in the past and aimed to produce 180,000 in the future (with 32,000 at social rent). Half of these were at affordable

426 McCarthy & Stone ([FPS0061](#))

427 Inspired Villages ([FPS0167](#))

428 Anchor Hanover ([FPS0074](#))

429 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 70

430 Rutland County Council ([FPS0071](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))

431 TCPA ([FPS0034](#)), The Smith Institute ([FPS0038](#)), Local Government Association ([FPS0056](#)), Royal Institution of Chartered Surveyors ([FPS0065](#))

432 The Smith Institute ([FPS0038](#))

433 Shelter ([FPS0154](#))

434 CPRE the countryside charity ([FPS0077](#))

435 [Q77](#) (Philip Waddy)

436 Homes for the South West ([FPS0070](#))

437 Royal Town Planning Institute ([FPS0113](#))

or social rent; the other half being for owner occupation. He argued that Government reforms to the Housing Revenue Account had made it easier for local authorities to build social housing. In addition

our proposals to reform the planning system will make it much more transparent and much quicker, and will make sure that the infrastructure required to support homes is also built quickly. That is the objective. That should also help builders building homes, whether they are for private sale, private rent or affordable homes that are socially rented.”⁴³⁸

135. In January 2021, the Government announced the “opening a new Community Housing Fund to support community-based organisations to bring forward local housebuilding projects for the £11.5 billion Affordable Homes Programme, backed by £4 million of support for local plan.”⁴³⁹ But its unwillingness to have as specific target for social rent accommodation was reiterated by the Parliamentary Under Secretary of State for Rough Sleeping and Housing, the Hon. Eddie Hughes, when giving evidence to our inquiry about the impact of COVID-19 on homelessness and the private rented sector.⁴⁴⁰

136. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.

First Homes

137. Section 106 agreements are negotiated between local authorities and developers and place conditions on a development. For example, they might require a proportion of the housing being built be affordable housing. The Government consultation proposed that 25% of housing units built through Section 106 agreements would have to be provided through First Homes. These are properties which will be sold at a discount of at least 30%, to local people and prioritising first-time buyers, members and veterans of the armed forces and other key workers. The discount will be passed on to future buyers when they are resold.⁴⁴¹ There would be exceptions for certain sites. First Homes would also be exempt from the Community Infrastructure Levy.⁴⁴²

138. We were warned that First Homes risked weakening shared ownership provision. Homes for the South West reckoned it would reduce their delivery by 5–10%.⁴⁴³ Sage Housing calculated their delivery of shared ownership would fall from 9,000 per annum

438 [Q125](#) (The Minister)

439 [“All new developments must meet local standards of beauty, quality and design under new rules”](#), MHCLG, 30 January 2021

440 [Q347](#) (Eddie Hughes)

441 MHCLG, [First Homes: Summary of responses to the consultation and the Government’s response](#), August 2020, pp 3–8

442 MHCLG, [Changes to the current planning system](#), pp 19–24

443 Homes for the South West ([FPS0070](#))

to 1,500 per annum because of First Homes. They accordingly wanted greater flexibility on delivering both First Homes and Shared Ownership.⁴⁴⁴ There were also concerns about the loss of other types of affordable housing (and social housing) brought about by the Government's proposed requirement that 25% of affordable housing contributions should be First Homes. Doubts were expressed the First Homes would be affordable, particularly for key workers such as nurses and for those resident in London.⁴⁴⁵ It was also suggested there should be a much wider rural exemption.⁴⁴⁶ It was suggested that exemptions from the Infrastructure Levy should apply to all discounted market sale homes and affordable rent to buy properties.⁴⁴⁷ In April 2021 the Government reiterated their proposal that 25% of Section 106 units be First Homes, albeit with exemptions for certain sites.⁴⁴⁸

139. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.

Brownfield sites

140. Concerns have previously been expressed that housing policies, such as the housing delivery test, have promoted building on greenfield sites ahead of brownfield.⁴⁴⁹ This was reinforced by the drop in the proportion of new residential addresses being created on previously developed land. In the last year for which figures are available, 2017–18, 53% of such addresses were created on previously developed land. This was a lower proportion than in the four preceding years, especially the 61% figure for 2015–16.⁴⁵⁰

141. Our public engagement survey found widespread support for preferring brownfield sites over greenfield locations. Among the responses we were told:

Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.

Brown field should be exhausted until green belt building is even considered.

444 Sage Housing ([FPS0090](#))

445 Rother Association of Local Councils (RALC) ([FPS0012](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), Locality ([FPS0086](#)), London Forum of Amenity & Civic Societies ([FPS0156](#))

446 Hever Parish Council ([FPS0007](#)), National Housing Federation ([FPS0158](#))

447 Pocket Living ([FPS0023](#)), Rentplus-UK Ltd ([FPS0047](#))

448 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

449 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, [HL Paper 330](#), para 329

450 MHCLG, [Land Use Change Statistics in England: 2017–18](#), May 2019, Table 1, p 4. These figures exclude conversion to residential, although the impact of doing so is minute.

142. There were similar calls to emphasise and use brownfield sites in our evidence.⁴⁵¹ This including possibly introducing compulsory brownfield targets,⁴⁵² or that undeveloped brownfield land could be taxed to encourage its development.⁴⁵³ We were told that brownfield sites could often be the location for specialist retirement housing.⁴⁵⁴ Debates over brownfield land often intertwined with discussions about the Green Belt. Those favouring a reconsideration of the Green Belt policy were often cautious about a brownfield-only approach.⁴⁵⁵ However Newcastle City Council warned “Development of ... brownfield land can be complex with off- and on-site infrastructure needs, underground contamination and abnormalities that could not be assessed and mitigated via a permission in principle [approach].”⁴⁵⁶

143. The Government has allocated additional funding to brownfield sites, with £400 million allocated in the 2020 Budget to councils and Mayoral Combined Authorities,⁴⁵⁷ and a further £100 million for non-Mayoral Combined Authorities for 2021–22 at the 2020 Spending Review.⁴⁵⁸

144. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target.⁴⁵⁹ Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone is insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites.

Permitted Development Rights

145. We received extensive evidence about permitted developments rights (PDRs) where changes to buildings can take place without needing to apply for individual planning permission. PDRs cover a range of activities, including home extensions and the change of use of buildings. Although there was some support for the broader principle of speeding up development, particularly for utilities,⁴⁶⁰ there was far more criticism. The unintended consequences of successive reforms showed a consistent lack of safeguards.⁴⁶¹ PDR

451 National Organisation of Residents Associations ([FPS0005](#)), NALC ([FPS0021](#)), St Albans Civic Society ([FPS0057](#)), CPRE the countryside charity ([FPS0077](#)), Royal Town Planning Institute ([FPS0113](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#))

452 NALC ([FPS0021](#))

453 Silverdale Parish Council ([FPS0100](#))

454 McCarthy & Stone ([FPS0061](#)), Lifestory Group ([FPS0116](#))

455 British Property Federation ([FPS0127](#)), [Q105](#) (Nigel Wilson)

456 Newcastle City Council ([FPS0159](#))

457 HM Treasury, *Budget 2020*, [HC 121](#), March 2020, pp 47, 80

458 HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, pp 35, 73

459 A point acknowledged by the Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, p 43

460 McCarthy & Stone ([FPS0061](#)), Water UK ([FPS0140](#)), Midland Heart ([FPS0152](#))

461 Bartlett School of Planning, University College London ([FPS0097](#))

was also seen to the weaken local authorities' ability to shape places;⁴⁶² and diminish community engagement in the planning process.⁴⁶³ Concerns were raised about the poor quality of design and lack of amenities;⁴⁶⁴ the perceived negative impact of PDR in urban,⁴⁶⁵ and in rural areas;⁴⁶⁶ the loss of business space through conversion of offices to housing;⁴⁶⁷ the increase of potential fire risks;⁴⁶⁸ and the negative impact on cultural and creative clusters.⁴⁶⁹ There was alarm the extension of PDR would harm local listed heritage,⁴⁷⁰ and undermine the protection of habitats and species.⁴⁷¹ Given these concerns and our long-standing interest in this subject, we have now began a separate inquiry which will make recommendations on this subject.

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- 462 Tenterden Town Council ([FPS0003](#)), Local Government Association ([FPS0056](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), The Highgate Society ([FPS0155](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#)), Robert Rush ([FPS0163](#))
- 463 Tenterden Town Council ([FPS0003](#)), Neighbourhood Planners London ([FPS0032](#)), Local Government Association ([FPS0056](#)), City of London Corporation ([FPS0148](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 464 Institute of Historic Building Conservation ([FPS0044](#)), Bristol City Council ([FPS0119](#)), City of London Corporation ([FPS0148](#))
- 465 Newcastle City Council ([FPS0159](#))
- 466 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 467 Tenterden Town Council ([FPS0003](#))
- 468 National Fire Chiefs Council ([FPS0040](#))
- 469 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 470 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Royal Town Planning Institute ([FPS0113](#))
- 471 Wildlife & Countryside Link ([FPS0075](#))

7 Omissions

Introduction

146. The planning system deals with more than housing. A strong perception in our evidence was that the Government’s proposals unduly concentrate on housing at the expense of other elements of planning. Several submissions listed a series of omissions from the White Paper.⁴⁷² A first strand of omissions related to economic activities being ignored. These included mineral provision,⁴⁷³ commercial property,⁴⁷⁴ agriculture,⁴⁷⁵ local shopping areas,⁴⁷⁶ London, economic activities, the environment,⁴⁷⁷ and how the planning reforms are linked to bolstering employment.⁴⁷⁸ The British Property Federation simply stated “two words absent from the White Paper are ‘commercial property’”.⁴⁷⁹ A second strand of omissions related to housing—such as specialist housing for the disabled and the elderly (including how to cope with an ageing population),⁴⁸⁰ the role of credit and the impact of the financialisation of housing,⁴⁸¹ and provision for gypsy and traveller communities.⁴⁸² A third strand included worries about the omission of transport-related subjects, especially how sustainable transport would be encouraged.⁴⁸³ A fourth strand related to the lack of discussion of other subjects connected to the planning system, such as energy networks,⁴⁸⁴ and the perceived lack of detail around climate change,⁴⁸⁵ Green Belt,⁴⁸⁶ neighbourhood plans,⁴⁸⁷ and the protections for historic, environmental and architectural buildings,⁴⁸⁸ and leisure facilities for play and sport.⁴⁸⁹

The Minister’s response

147. We asked the Minister about these omissions. He stated that the three zones approach “is also designed to make sure that local communities can say what commercial sorts of developments they want in those places to support their local communities.” He pointed

472 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Rutland County Council ([FPS0071](#)), Peel L&P ([FPS0094](#)), City of London Corporation ([FPS0148](#))

473 Mineral Products Association ([FPS0050](#)), Rutland County Council ([FPS0071](#))

474 Accessible Retail ([FPS0053](#)), Ark Data Centres ([FPS0063](#))

475 Rutland County Council ([FPS0071](#))

476 Robert Rush ([FPS0163](#))

477 [Q96](#) (Claire Dutch)

478 Rutland County Council ([FPS0071](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

479 British Property Federation ([FPS0127](#))

480 Centre for Ageing Better ([FPS0055](#)), Rutland County Council ([FPS0071](#))

481 Bartlett School of Planning, University College London ([FPS0097](#))

482 London Gypsies and Travellers ([FPS0067](#)), Rutland County Council ([FPS0071](#))

483 Rutland County Council ([FPS0071](#)), Mr Simeon Shtebunae (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 Shtebunae (Doctoral Researcher at Birmingham City University) ([FPS0072](#))

to the permitted development rights announcement and funding through the Town Funds and High Streets Fund to show support for commercial spaces. Regarding other omissions he stated that:

I cannot commit to what is going to be in the legislation until we have seen what comes back in the consultation ... You have seen the key themes and foci that we have, but that does not mean to say that we will not include other things or refine things as we move through the consultation and toward legislation.⁴⁹⁰

148. We agree that the Government’s proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The ‘levelling up’ agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament*

8 Land capture and the funding of infrastructure

Background

149. There have been three attempts in the post-war era to capture the increases in land value that result from planning permission and housing development.⁴⁹¹ Subsequently, a Mandatory Tariff was proposed but not implemented in 2001, and an optional planning charge was only partially implemented as an alternative to Section 106 agreements. The Barker Review of 2004 recommended a planning-gain supplement when planning permission was granted.⁴⁹² Criticism of it, including from one of our predecessor committees,⁴⁹³ meant it was abandoned in 2006. Instead, in 2010, the Community Infrastructure Levy (CIL) was introduced.

150. The CIL is a locally determined, fixed-rate development charge, and is optional. The CIL charge is levied in terms of £ per square metre, and subject to two rounds of statutory public consultation and review by an Independent Examiner. Different areas of a planning authority and types of development can have different charging rates. Local authorities must publish a charging schedule and a list of priorities for expenditure.⁴⁹⁴ The CIL operates alongside Section 106 agreements. These agreements are legally enforceable contracts between the developer and the LPA to ensure the delivery of new infrastructure, including highways, public transport, education, community and cultural facilities, environmental mitigation and affordable housing. The main difference between the two is that the Section 106 agreements raises revenue for infrastructure mainly associated with a particular planning decision and its acceptability, whereas the CIL is intended to fund development across a wider area.

151. In 2017 a Government-commissioned review into the CIL was published.⁴⁹⁵ It found that the CIL was not raising as much money as central government and local authorities had expected, that developers preferred Section 106 over the CIL for large mixed-used sites, and the CIL receipts did not enable all necessary infrastructure to be delivered. They recommended introducing “a broad and low-level Local Infrastructure Tariff (LIT) and Section 106 for larger developments.” The LIT would be based on a national formula, based on local market value set at a rate of £ per square metre, with few or no exemptions. Where the cost of collection would be too high for local authorities, the levy would be charged on gross development. Small developments of 10 units or less should only pay LIT. However, in 2018, when the Government held a consultation on reforms to the CIL they did not

491 In 1947 a 100% development charge was set on value accruing because of the granting of planning permission. It was repealed in 1954. In 1967 a ‘betterment levy’ of 40% was introduced. That levy was repealed in 1970. A third effort took place in the 1970s. A Development Gains Tax was introduced in 1973, followed by a Development Land Tax introduced in 1976 and levied at 66.6% to 80% of development value. This tax was abolished in 1985.

492 Kate Barker, [Review of Housing Supply: Delivering Stability – Securing our Future Housing Needs, Final Report](#), (2004), p 87, recommendation 26

493 Communities and Local Government Committee, Fifth Report of the 2005–06 Session, [Planning Gain Supplement](#), HC 1024-I

494 MCHLG, [Community Infrastructure Levy](#), November 2020

495 MHCLG, [A New Approach to Developer Contributions: A report by the CIL Review Team](#), February 2017

recommend introducing a LIT.⁴⁹⁶ The Government did express support for the Mayoral Community Infrastructure Levies that apply in London and other mayoral Combined Authorities. Nevertheless, several submissions to our inquiry showed continuing support for the 2017 recommendations.⁴⁹⁷

152. In 2018 our predecessor committee published a report on land value capture. Among its main recommendations were urging further consideration of the 2017 review's Local Infrastructure Tariff, and that in the meantime the Government should reform the CIL to reduce exemptions and its complexity. It also argued that more uplift in land value could be captured. For instance, it urged reform of the Land Compensation Act 1961, moving away from the 'hope value' currently received by landowners from local authorities when land is compulsorily purchased. This value includes that which would result from speculative future planning permission. Instead the valuation should reflect the costs of providing affordable housing, infrastructure, services, and the profit the landowner would have made. Such changes could make a new generation of New Towns feasible. The Compulsory Purchase Order regime should be simplified, and decisions made locally. The report supported retaining Section 106 and improving the resources for local authorities to negotiate with developers. Section 106 should also not be undermined by the otherwise commendable idea of a Strategic Infrastructure Tariff, which could be extended across the country and fund major infrastructure projects.⁴⁹⁸ In 2019 a House of Lords Committee also recommended the Government establish a six-month inquiry into land value capture.⁴⁹⁹

153. We reiterated our commitment to reform of the Land Compensation Act 1961 in our recent report on social housing.⁵⁰⁰ Our terms of reference for this inquiry asked what progress had been made following the 2018 report. The main change noted in evidence was the increased transparency of viability assessments. Furthermore, the basis for judging the viability of schemes has shifted to 'existing use value' with a premium that considers Section 106 and CIL contributions.⁵⁰¹ Otherwise progress had been limited.⁵⁰² Reforms are still needed to the Land Compensation Act 1961.⁵⁰³ The National Housing Federation argued the White Paper had gone much further, through proposing the abolition rather than reform of Section 106 and the CIL.⁵⁰⁴

496 MHCLG, [Supporting housing delivery through developer contributions: Reforming developer contributions to affordable housing and infrastructure](#), March 2018; MHCLG, [Government response to supporting housing delivery through developer contributions](#), October 2018

497 [Q 2](#) (Philip Barnes), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#))

498 Housing, Communities and Local Government Committee, Tenth Report of Session 2017–19, [Land Value Capture](#), HC 766

499 House of Lords, Time for a strategy for the rural economy, Select Committee on the Rural Economy, Report of Session 2017–19, , [HL Paper 330](#), para 361

500 Housing, Communities and Local Government Committee, Third Report of Session 2019–21, [Building more social housing](#), HC 173, para 36

501 TCPA ([FPS0034](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Peel L&P ([FPS0094](#))

502 TCPA ([FPS0034](#)), Rutland County Council ([FPS0071](#)), CPRE the countryside charity ([FPS0077](#)), District Councils' Network ([FPS0082](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Royal Town Planning Institute ([FPS0113](#)), Land Promoters and Developers Federation ([FPS0138](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#))

503 NALC ([FPS0021](#)), Greater London Authority ([FPS0149](#)), Homes for the South West ([FPS0070](#)), CPRE the countryside charity ([FPS0077](#)), The Chartered Institute of Building ([FPS0096](#)), PricedOut ([FPS0129](#)), Shelter ([FPS0154](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

504 National Housing Federation ([FPS0158](#))

154. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee’s report into land value capture. The Government’s response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. We call upon the Government to act upon the whole range of recommendations in our predecessor committee’s Land Value Capture report.

The Community Infrastructure Levy (CIL)

155. MHCLG sponsored research that was published in August 2020 showed that developers contributions in England in the financial year of 2018–19 paid through CILs and Section 106 agreements were valued at £7 billion (a real terms increase of 9% from 2016–17). The contributions were made up of 67% going into affordable housing, 18% from other parts of Section 106 contributions, 12% from the CIL and 3% from the Mayoral CIL. 90% of local authorities attached planning conditions using Section 106. The majority of developer contributions agreed were in London and the South East, although London’s share of the overall total had fallen from 38% in 2016–17 to 28% in 2018–19. By the end of 2019 48% of LPAs had adopted CILs compared to 39% in 2016–17.⁵⁰⁵

156. The Government White Paper proposed to replace Section 106 and the CIL with a new National Infrastructure Levy. This would be “a nationally-set value based flat rate charge.” Either a single or varied rate could be set by central government. It would be charged on the final value of a development and at the point of occupation. There would be a minimum threshold below which it would not be charged. Councils would be able to borrow against Infrastructure Levy revenues to fund infrastructure. Residences created through permitted development rights would be subject to the levy. The Infrastructure Levy could cover the provision of affordable housing, with in-kind delivery built on-site being discounted from the Levy charge. Local authorities would have greater flexibility over using levy funds and could demand cash contributions if no affordable housing provider was prepared to purchase the homes because they were poor quality. The Government argued that this approach would raise more revenue than under the current system, deliver as much or more affordable housing and remove the need for months of negotiations of Section 106 agreements. They also proposed retaining the Mayoral Community Infrastructure Levies, which apply in London and the mayoral combined authorities, “as part of the Infrastructure Levy to support the funding of strategic infrastructure”.⁵⁰⁶

157. The CIL came in for rigorous criticism, being described as “both complicating and challenging”.⁵⁰⁷ The CIL “does not work in low growth areas”,⁵⁰⁸ and “[t]he levy has been subject to many changes, has not always been spent on infrastructure critical to development and does not work well for large and complex sites.”⁵⁰⁹ The Federation of Master Builders’ survey in 2020 found 55% of their respondents thought the CIL and Section 106 rendered sites unviable, and thought “that CIL is arbitrary and unpredictable between different

505 MHCLG, [The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018–19](#), August 2020, pp 8–10

506 MHCLG, [White Paper: Planning for the Future](#), pp 47–53; [Q161](#) (The Minister)

507 Pocket Living ([FPS0023](#))

508 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

509 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

authorities”, resulting from “viability concerns” and “exemptions”.⁵¹⁰ However the City of London Corporation stated that the CIL and Section 106 were working well, providing valuable contributions, both financial and in training and skills, and thus “Wholesale replacement with a new system would be a retrograde step.”⁵¹¹ There was support for the mayoral CIL. The GLA told us that over £743 million had been collected in 2019–20, to help towards delivering Crossrail.⁵¹²

Section 106

158. Opinions about Section 106 were more positive than those of the CIL. The National Housing Federation drew this distinction, arguing that “In contrast to CIL and previous levies—and as the committee has recognised—Section 106 has been relatively successful and has scope to be improved.”⁵¹³ Their representative expressed a wish to preserve Section 106.⁵¹⁴ Section 106 was also praised for helping deliver affordable housing.⁵¹⁵ Particular stress was placed on how Section 106 imposes legally enforceable obligations on developers, facilitating affordable housing and sustainable transport. It was noted that the contracts existing under Section 106 agreements were not envisaged under the new levy.⁵¹⁶ Different infrastructure related organisations highlighted the importance of Section 106 agreements.⁵¹⁷ This fed into worries about the ambiguity of how the new Levy would operate in relation to nuclear legacy sites or decommissioning.⁵¹⁸

159. This was not a view shared by all. The Centre for Cities termed Section 106 “a deeply inefficient form of taxation, which delays development by inducing trench-warfare negotiations between developers and local authorities over planning obligations.”⁵¹⁹ The suspicion of secretive negotiations persisted despite the reforms to viability arrangements,⁵²⁰ alongside unhappiness at having to renegotiate them when developers offered a new viability case.⁵²¹ The LGA acknowledged councils “often do not have sufficient skills and capacity to evaluate viability appraisals and so outsource them to independent consultants for advice. In contrast developers are well resourced.”⁵²² Local authorities were in turn criticised for providing a “shopping list of aspirations” to developers to meet through Section 106.⁵²³ It was argued that both the CIL and Section 106 were also too narrowly focused, for instance with limited ability to fund different modes of transport.⁵²⁴

510 The Federation of Master Builders (FMB) ([FPS0125](#))

511 City of London Corporation ([FPS0148](#))

512 Greater London Authority ([FPS0149](#))

513 National Housing Federation ([FPS0158](#))

514 [Q22](#) (Kate Henderson)

515 Shelter ([FPS0154](#)), National Housing Federation ([FPS0158](#))

516 Daventry District Council ([FPS0011](#)), Savills ([FPS0101](#)), Stonewater ([FPS0103](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

517 National Grid ([FPS0088](#))

518 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))

519 Centre for Cities ([FPS0144](#))

520 Just Space ([FPS0115](#))

521 [Q48](#) (Andrew Longley)

522 Local Government Association ([FPS0056](#))

523 Paul G. Tucker QC ([FPS0153](#))

524 Urban Mobility Partnership ([FPS0122](#))

160. The Minister defended reforming Section 106—he stated approximately 80% of councils had told him that Section 106 agreements do not work effectively, and were seen as opaque, slow, and subject to renegotiations that alter the end outcomes.⁵²⁵ Simon Gallagher did acknowledge that the non-financial functions of Section 106 agreements would need to be retained in a new system.⁵²⁶

161. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements.*

Views of the Government's reforms

162. As with other aspects of the Government's reforms, significant parts of our evidence were devoted to lamenting the lack of details about aspects of the proposed infrastructure levy. Homes for the South West stated:

The current proposals for an Infrastructure Levy (IL) to replace the Community Infrastructure Levy (CIL) and Section 106 planning obligations provide very little detail regarding how delivery will take place; how levels will be set, what the makeup will be, or indeed how it will be secured, delivered, if needed, varied and monitored on a site by site basis.⁵²⁷

This was echoed by the Home Builders Federation,⁵²⁸ and the British Property Federation who were concerned about whether the levy would apply to office developments and if viability assessments would persist.⁵²⁹ The LGA stated “It is unclear in the White Paper, however, how any new Infrastructure Levy will work with Neighbourhood Plans.”⁵³⁰

163. Daventry District Council provided a mixed view. They noted that the levy would “remove ‘cliff edge’ situations” where “a slight difference in [the] scale of development results in markedly different levels of contribution.” However, they noted site boundaries could be used to game the system by excluding adjoining land. They worried about the loss of the non-financial aspects of Section 106 agreements (e.g. restrictions on land use), and the delivery of affordable housing.⁵³¹

164. It was suggested that the white paper should have gone further—for example taxing increases in land value,⁵³² partially removing capital gains tax relief from principle private residences,⁵³³ and restricting the ability of developers to “claim later that the site is no longer financial viable”.⁵³⁴ Local authority organisations also urged the strengthening of compulsory purchase orders (CPOs) to enable them to “bring forwards stalled sites.”⁵³⁵ The CPRE urged that “Local councils should have first refusal on buying development land”, alongside confiscating planning permissions where build-out was too slow.⁵³⁶

525 [Q126](#) (The Minister)

526 [Q126](#) (Simon Gallagher)

527 Homes for the South West ([FPS0070](#))

528 Home Builders Federation ([FPS0073](#))

529 British Property Federation ([FPS0127](#))

530 Local Government Association ([FPS0056](#))

531 Daventry District Council ([FPS0011](#))

532 Rother Association of Local Councils (RALC) ([FPS0012](#)), North Southampton Community Forum ([FPS0018](#))

533 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

534 Rother Association of Local Councils (RALC) ([FPS0012](#))

535 District Councils' Network ([FPS0082](#)). See also Local Government Association ([FPS0056](#))

536 CPRE - The Countryside Charity ([FPS0165](#))

How much revenue would it bring in?

165. In considering the Government’s reforms, we examined how much money the shift to the Infrastructure Levy was likely to raise. We were given figures ranging from 25–30% of developmental value to 50–60% of land value for how much land value capture already takes place.⁵³⁷ The District Council Network argued that “Currently CIL and S106 are fairly limited in their effectiveness of capturing land value uplift.”⁵³⁸ Shelter cited the Centre for Progressive Policy’s estimate that reforming the Land Compensation Act 1961 could raise £214 billion over 20 years.⁵³⁹

166. We were told by the RTPI that because of the challenges of setting a single levy for the whole country it was difficult to judge how much revenue would be raised.⁵⁴⁰ Hackney Council expressed a hope that there would be an increase in the amount captured, arguing for “a genuinely meaningful contribution to the costs incurred.”⁵⁴¹ This echoed other calls for additional revenues to be raised through the reforms.⁵⁴² The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) thought that CIL rates were often too low and brought in less than Section 106 contributions—and feared the same would happen with the national infrastructure levy.⁵⁴³ Detailed assessment by academics submitted to us suggested the Infrastructure Levy would not raise much more than the current Section 106 and CIL contributions. The amount of revenue raised would depend on the rate of the levy, the threshold above which it is charged, and how much prioritisation is given to affordable housing compared to other infrastructure. There would be some additional funding resulting from the levy being applied more widely to non-residential developments.⁵⁴⁴

167. The Minister argued there would be more revenue due to the assessment of “land value on its final developable value” rather than assessing the value prior to construction.⁵⁴⁵

Local versus national rates

168. There was opposition to the idea of a single national rate for the new levy. This was mainly due to the differences in land values across the country.⁵⁴⁶ Furthermore, we were warned that charging a single rate would risk disproportionately impacting areas with lower land values but higher infrastructure costs - notably in northern towns and cities.⁵⁴⁷ A 20% national levy rate would be both too high for low land value areas whilst not capturing much from higher value areas.⁵⁴⁸ The British Property Federation argued “[t]he more any levy can be tailored to individual circumstances the more it is likely to raise.”⁵⁴⁹

537 CLA ([FPS0049](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#))

538 District Councils’ Network ([FPS0082](#))

539 Shelter ([FPS0154](#))

540 [Q76](#) (Richard Blyth)

541 London Borough of Hackney ([FPS0091](#))

542 Local Government Association ([FPS0056](#)), Anchor Hanover ([FPS0074](#))

543 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))

544 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

545 [Q126](#), [Q161](#) (The Minister)

546 Pocket Living ([FPS0023](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), [Q46](#) (Lisa Fairmaner), [Q76](#) (Richard Blyth), [Q78](#) (Paula Hewitt)

547 Homes for the South West ([FPS0070](#))

548 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; Emeritus Professor Christine Whitehead ([FPS0164](#))

549 British Property Federation ([FPS0127](#))

In contrast, the Federation of Master Builders applauded a single rate calculated “in a clear and transparent way” and “in a consistent way across the country”.⁵⁵⁰ The Minister stated that there had been no final decision over whether to have a national rate, or several localised ones.⁵⁵¹

Redistribution

169. The White Paper stated that “Revenues would continue to be collected and spent locally.”⁵⁵² This approach was supported by St Albans Civic Society who saw local spending as necessary to ensure public trust.⁵⁵³ Local authority representatives and the RTPI also wanted funds raised locally to be spent locally, although it was acknowledged it would be insufficient to cover “strategic infrastructure”.⁵⁵⁴ There was also a call for a stronger role for neighbourhood forums in deciding on local priorities for spending the levy revenue.⁵⁵⁵

170. In contrast the TCPA told us:

There is recognition but no discussion in the White Paper of the single biggest flaw of the current approach relating to capturing development values, which is its tendency to yield more for high demand communities providing no mechanism for redistribution for those places requiring regeneration.⁵⁵⁶

The Canal and River Trust also supported the need for redistribution.⁵⁵⁷ We were also told that the lack of redistribution would worsen existing regional inequalities.⁵⁵⁸ The RICS noted that the lack of land value capture “does not mean the funding is not needed for the infrastructure”.⁵⁵⁹ We were also told that the debate over land value capture reflected “London-centric assumptions on land economies” and that many parts of the country, including in south-east England, had “viability challenges.”⁵⁶⁰

171. The Minister explained a decision needed to be made about a national or a localised levy (with different rates in various parts of the country) before considering the questions around redistribution: “We will have to see where it lands and then what we need to do to make sure that we do not see areas disadvantaged.”⁵⁶¹

550 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q2](#) (Brian Berry)

551 [Q126](#), [Q161](#) (The Minister)

552 MHCLG, [White Paper: Planning for the Future](#), p 49

553 St Albans Civic Society ([FPS0057](#))

554 [Q47](#) (Lisa Fairmaner) [Q51](#) (Andrew Longley), [Qq80–81](#) (Richard Blyth)

555 Neighbourhood Planners London ([FPS0032](#))

556 TCPA ([FPS0034](#))

557 Canal & River Trust ([FPS0048](#))

558 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Shelter ([FPS0154](#)), Newcastle City Council ([FPS0159](#)), [Q20](#) (Kate Henderson), [Q77](#) (Paula Hewitt), [Q78](#) (Philip Waddy)

559 [Q77](#) (Tony Mulhall)

560 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

561 [Q163](#) (The Minister)

At what point should the levy be charged?

172. The Government has proposed charging the levy at the point of the occupation of a property, and letting local authorities borrow against the expected levy revenue to finance infrastructure in advance. It was noted that this put the risk onto local authorities, who might have to borrow at relatively high rates “because of uncertainties about value and timing of such income.”⁵⁶² There were also complaints there would be gaming of the system.⁵⁶³ There were calls for clarity on whether residual land value or gross development value would be used.⁵⁶⁴ We were warned it could discourage brownfield sites being brought forward.⁵⁶⁵ The change would also increase the uncertainty surrounding the delivery of infrastructure linked to developments, which in turn would reduce the amount of infrastructure available.⁵⁶⁶ The British Property Federation also told us that while paying at the end “has cashflow attractions but would raise considerable challenges around trigger points and valuations” and their members had fears over the delivery of infrastructure on time.⁵⁶⁷

173. Developers did express support for the change.⁵⁶⁸ We were told that moving to the occupation point would help small developers,⁵⁶⁹ “obviate some of the issues around viability”,⁵⁷⁰ and would be more efficient through being applied to every development.⁵⁷¹ When asked about the possible burden on councils, the Minister said:

We want to design a system that protected local authorities but does not discourage developers, particularly smaller developers, from developing because the levy cost might be a barrier for entry to them.⁵⁷²

Affordable housing

174. There was some scepticism about funding affordable housing through the levy, either through payments or through in-kind delivery.⁵⁷³ It was noted that the levy would be less

562 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)). See also England’s Economic Heartland (Sub-national Transport Body) ([FPS0062](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

563 Daventry District Council ([FPS0011](#)), Mr Richard Gilyead ([FPS0022](#)), London Borough of Hackney ([FPS0091](#))

564 Ark Data Centres ([FPS0063](#))

565 Homes for the South West ([FPS0070](#))

566 UK Women’s Budget Group ([FPS0025](#)), Kent Association of Local Councils ([FPS0028](#)), TCPA ([FPS0034](#)), Institution of Civil Engineers ([FPS0035](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), Greater London Authority ([FPS0149](#)), Shelter ([FPS0154](#)), [Q46](#) (Lisa Fairmaner)

567 British Property Federation ([FPS0127](#))

568 The Federation of Master Builders (FMB) ([FPS0125](#)), [Q23](#) (Philip Barnes and Brian Berry)

569 Pocket Living ([FPS0023](#))

570 District Councils’ Network ([FPS0082](#))

571 Centre for Cities ([FPS0144](#))

572 [Q162](#) (The Minister)

573 Rother Association of Local Councils (RALC) ([FPS0012](#))

prescriptive than Section 106 in its requirements for affordable housing.⁵⁷⁴ These concerns fed into fears the new levy could result in less affordable housing.⁵⁷⁵ The GLA also singled out the infeasibility of handing affordable housing back to developers “if the subsidy from the affordable housing is greater than the amount of Levy to be paid.”⁵⁷⁶ The National Housing Federation, the main trade body for housing associations, stated:

We are also unclear on what the promised “as much, or more” affordable housing under the new system refers to. Is it the equivalent to the current system, which delivered 28,000 affordable homes through Section 106 in 2018/19—or the number in existing affordable tenures anticipated after proposed changes to introduce First Homes and raising the Section 106 threshold? The latter would mean a major reduction in the supply of current affordable tenures.⁵⁷⁷

It was also argued that including affordable housing in the levy would require proper appreciation of the costs of different types of affordable housing, whose values often fluctuates over time, resulting in greater complexity and risk for developers.⁵⁷⁸ The District Councils Network argued the risks of payment in kind for affordable housing was twofold. It could either leave insufficient revenue for other infrastructure,⁵⁷⁹ or spending on infrastructure would mean less affordable housing is delivered. They preferred on site delivery as being more cost effective.⁵⁸⁰ Conversely, the City of London Corporation welcomed the ability of affordable housing to be delivered off-site.⁵⁸¹ One way of breaking the potential conflict came from the RTPI, who suggested that the Government increase grant funding. This could build 145,000 social homes a year (90,000 at social rent), with reduced reliance on developer contributions.⁵⁸²

Small sites and rural areas

175. At present, affordable housing contributions should not be sought for developments of fewer than 10 housing units, except in designated rural areas where the threshold is five units or fewer.⁵⁸³ The Government consultation proposed temporarily raising the threshold for sites exempt from providing affordable housing to 40 or 50 dwellings.⁵⁸⁴ Supporters of this move emphasised it was necessary to “increase capacity in the housing market”, through promoting “micro-housebuilders”.⁵⁸⁵ However there were also concerns. We were told that the rural exemption from the higher threshold would only apply to 30% of parishes with populations of 3,000 or fewer.⁵⁸⁶ There were also fears there would be a loss of affordable housing generally, and particularly in rural areas.⁵⁸⁷ This lack of affordable housing would also leave smaller builders more vulnerable to a market downturn.⁵⁸⁸

574 Midland Heart ([FPS0152](#))

575 Homes for the South West ([FPS0070](#)), Anchor Hanover ([FPS0074](#)), Just Space ([FPS0115](#)), Action with Communities in Rural England (ACRE) ([FPS0161](#))

576 Greater London Authority ([FPS0149](#))

577 National Housing Federation ([FPS0158](#))

578 Pocket Living ([FPS0023](#))

579 District Councils Network. See also Locality ([FPS0086](#))

580 District Councils Network ([FPS0082](#))

581 City of London Corporation ([FPS0148](#))

582 Royal Town Planning Institute ([FPS0113](#))

583 MHCLG, [Changes to the current planning system](#), p 26

584 MHCLG, [Changes to the current planning system](#), pp 26–7

585 [Q21](#) (Brian Berry)

586 Action with Communities in Rural England (ACRE) ([FPS0161](#))

587 [Q19](#) (Kate Henderson)

588 National Housing Federation ([FPS0158](#))

176. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings.⁵⁸⁹ *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.*

589 MHCLG, [Government response to the First Homes proposals in "Changes to the current planning system"](#), April 2021

9 Resources and skills

177. Two themes emerged in our evidence regarding the resourcing of the planning system. First, that LPA do not have enough resources. Second, that the Government's proposed reforms would increase the needs for particular skills that in turn would need further funding. Nobody argued that the current level funding for LPAs was adequate.

Need for additional resources

178. The National Audit Office has calculated that, even allowing for increases in revenue from planning fees, spending on planning had fallen by 14.6% from £1.125 billion in 2010–11 to £961 million in 2017–18.⁵⁹⁰ As planning fees do not cover the cost of applications, taxpayers are contributing nearly £180 million a year.⁵⁹¹ This reduction in funding contributed towards a 15% reduction in planning staff between 2006 and 2016. There was also a fall of 13% in planning inspectors between 2010 and 2018. In response to these reductions the Government has funded a bursary scheme and supported an RTPI initiative bid to establish a degree-level planning apprenticeship.⁵⁹² There has been a particular loss of specialist staff. Between 2006 and 2018 there was a fall of 35% in conservation officers, and a 34% reduction in archaeologists. Only 26% of English local authorities now have in-house ecological expertise. This was alongside reduced funding for statutory consultees, such as Natural England and Historic England.⁵⁹³ Other changes, such as the then Government's policy of removing design considerations from planning in the 1980s, were also blamed for a decline in those specialist skills.⁵⁹⁴

179. The lack of resources, coupled with a lack of expertise, were seen to have added to delays in the planning process.⁵⁹⁵ Brian Berry highlighted that speeding up the planning process, a key objective of the Government's reforms, depended on resources: "One of the things that worries me is resources. None of this is possible unless there are adequate resources to carry this out."⁵⁹⁶ Kate Henderson emphasised reforming the system "will require a huge amount of resource up front."⁵⁹⁷ The need for funding to undertake a transformation in the planning system was reiterated by local authority representatives,⁵⁹⁸ alongside the greater resources needed to enhance the digital aspects of the planning system.⁵⁹⁹ Additional costs may also result from the transitional period where there would have to be two planning systems simultaneously.⁶⁰⁰

180. We wanted to know how much additional funding was needed to meet the increased demands. The RTPI stated it had proposed £500 million to the comprehensive spending

590 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, p 39

591 Local Government Association ([FPS0056](#))

592 National Audit Office, *Planning for new homes*, [HC 1923](#), February, 2019, pp 11, 42–4

593 National Trust ([FPS0157](#))

594 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

595 Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Association of Convenience Stores ([FPS0069](#)), Peel L&P ([FPS0094](#))

596 [Q2](#) (Brian Berry)

597 [Q6](#) (Kate Henderson). See also [Q54](#) (Lisa Fairmaner and Andrew Longley)

598 [Q53](#) (Andrew Longley)

599 Local Government Association ([FPS0056](#)), Southwark Council ([FPS0110](#))

600 [Q75](#) (Richard Blyth)

review.⁶⁰¹ This would be divided amongst various sub-funds “which would be related to specific outcomes such as increasing community engagement, digital planning and place making.” This related to a fear the planning system was too dependent on planning fees for revenue.⁶⁰²

181. When this figure was put to the Minister he replied: “I am very conscious of the need for the right level of resources in local authorities and the time of those resources to do the job that they need to do.” He pointed to the £12 million provided at the 2020 Comprehensive Spending Review “to take forward the government’s radical planning reform agenda” as a beginning.⁶⁰³ He stated the Government was “committed to a review of resources and skills”, which will look at options for the new planning structure. He also argued a benefit of the Government’s reforms is that planning officials will have more time to focus on strategic planning rather than processing administrative paperwork.⁶⁰⁴

The need for skills

182. In its consultation the Government stated it would “develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.” It especially singled out digital skills.⁶⁰⁵ We were warned that a negative consequence of the proposed reforms could be that “through more automation and coding,” planning work would be reduced “to routine and administrative tasks, ignoring the role of skilled professionals in negotiating improved outcomes amongst multiple stakeholders.”⁶⁰⁶ Instead there was a need to improve the reputation of working in planning.⁶⁰⁷

183. The National Trust stressed that there would be various new demands introduced by the Government’s reforms:

In future planning authorities will be required to put greater effort into defining ‘areas’ and their requirements in their allocation of land (plan making); into complex cases and enforcement. Increased capability around design coding, master planning, managing spatial data and digital skills and community engagement expertise will also be needed to support the new local plan system.⁶⁰⁸

An array of different skills was identified as being needed to implement the Government’s reforms. Foremost amongst these was design.⁶⁰⁹ The Government has proposed all local

601 Royal Town Planning Institute, [Summary of Royal Town Planning Institute submission to the Comprehensive Spending Review \(CSR\)](#), September 2020

602 [Q83](#) (Richard Blyth)

603 [Qq170–171](#) (The Minister); HM Treasury, *Spending Review 2020*, [CP 330](#), November 2020, p 74

604 [Qq170–171](#) (The Minister)

605 MHCLG, [White Paper: Planning for the Future](#), p 57

606 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

607 Savills ([FPS0101](#))

608 National Trust ([FPS0157](#))

609 Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), District Councils’ Network ([FPS0082](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#)), City of London Corporation ([FPS0148](#)), National Trust ([FPS0157](#)), [Q6](#) (Kate Henderson), [Q53](#) (Andrew Longley)

authorities have a chief officer for design and place-making.⁶¹⁰ RTPI emphasised part of their proposed £500 million “would be a specific design element in order to get us over this initial investment that would be needed before you could arrive at some kind of steady state in which these codes would be operative and smoothly in place.”⁶¹¹ Most LPAs lack “a suitable level of design skills”, with planners not being trained in design and LPAs having lost their architectural departments and skills in conservation. Thus, we were told LPAs would need additional resources “to undertake proper design governance, such as detailed design briefs, site-specific guidelines or post-occupancy evaluation.”⁶¹²

184. Other skills areas highlighted to us where there are shortages included conservation skills,⁶¹³ local ecology specialists,⁶¹⁴ those with experience with heritage buildings,⁶¹⁵ and planning for minerals.⁶¹⁶ Local authorities also needed to improve their expertise in meeting the needs of the elderly,⁶¹⁷ and improving water management.⁶¹⁸ The development of digital platforms would also require LPAs to have “the resources and skills necessary to achieve this.”⁶¹⁹ To ensure place-makers are available in every local authority, the RTPI proposed these should be chartered town planners.⁶²⁰ The City of London Corporation expressed concern that the Government was not planning to provide additional resources for placemaking, whilst arguing LPAs “have limited resources to allocate to Local Plan-making”.⁶²¹ Similarly, the increased role of the Planning Inspectorate in evaluating Local Plans will “require sufficient resources to carry out this important role effectively.”⁶²² It was suggested that increased training and upskilling would ensure “local authority personnel across different areas are able to apply policy and guidance”.⁶²³

185. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government’s proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister’s assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now*

610 MHCLG, [White Paper: Planning for the Future](#), p 18

611 [Q75](#) (Richard Blyth)

612 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

613 Institute of Historic Building Conservation ([FPS0044](#)). See also CLA ([FPS0049](#)), London Borough of Hackney ([FPS0091](#))

614 Wildlife & Countryside Link ([FPS0075](#))

615 Institute of Historic Building Conservation ([FPS0044](#))

616 Mineral Products Association ([FPS0050](#))

617 Centre for Ageing Better ([FPS0055](#))

618 National Flood Forum [FPS126]

619 CPRE the countryside charity ([FPS0077](#))

620 Royal Town Planning Institute ([FPS0113](#))

621 City of London Corporation ([FPS0148](#))

622 British Property Federation ([FPS0127](#))

623 Woodland Trust ([FPS0045](#)). See also Locality ([FPS0086](#)), Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.

186. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primary legislation, to clearly explain how the various skill needs of the planning system will be met.*

10 Design and beauty

Government proposals

187. The first pillar of the Government’s White Paper was the reforms to Local Plans. The second pillar of the reforms focused on design. The key proposals were:

- To introduce through policy and legislation a fast-track for beauty aimed at promoting “high quality development which reflects local character and preferences.” This would be achieved through updating the NPPF, permitting permission in principle where a proposal has a masterplan and site-specific code agreed, and through reform of permitted development rights.
- LPAs and neighbourhood plans would produce design guides and codes that would “provide certainty and reflect local character and preferences about the form and appearance of development.”
- Local authorities would be encouraged to use pattern books.
- A New Expert Design Board would be established.
- Each local planning authority would have a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- The creation of locally created design guidance and codes. Where they are not in place “the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.”⁶²⁴

188. The Secretary of State, in his forward to *Planning for the Future*, wrote “Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville.”⁶²⁵ The Government’s proposals followed hot on the heels of the Building Better, Building Beautiful Commission whose final report was published in January 2020.⁶²⁶ The Institute of Historic Building Conservation welcomed this new focus: “There has not been enough focus on design throughout the planning process and we welcome the move towards a more design-led approach.”⁶²⁷

189. In January 2021 the Government announced further measures on design, including launching a consultation on changes to the NPPF, and asked about its newly published National Model Design Code.⁶²⁸ Its objective was described as taking forward “our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework.” The Government wanted local councils to create their own local design codes which would “provide a local framework for creating beautiful and

624 MHCLG, [White Paper: Planning for the Future](#), pp 38–43

625 MHCLG, [White Paper: Planning for the Future](#), p 8

626 Building Better, Building Beautiful Commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020

627 Institute of Historic Building Conservation ([FPS0044](#))

628 MHCLG, [National Planning Policy Framework and National Model Design Code: consultation proposals](#) January 2021; “[All new developments must meet local standards of beauty, quality and design under new rules](#)”, MHCLG Press Release, 30 January 2021; MHCLG, [National Model Design Code](#), January 2021

distinctive places with a consistent and high-quality standard of design.” The required design details would be tailored to the specific place. An Office for Place would be established to support the creation of local designs. It also wanted “greater emphasis on beauty and place-making,” in the NPPF, including ensuring “that all new streets are lined with trees.” This would help ensure “poor quality” proposals were rejected. In contrast good designs would be encouraged, and were defined as either a “development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents”, or be “outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area,” whilst being otherwise compatible with their surroundings.

Current situation

190. The Government’s wish for reform reflects wider concerns about the standard of design in recent buildings. There have been successful examples of design, such as the 2019 Stirling Prize winning development of council housing in Norwich.⁶²⁹ But the broad consensus was that design had been undervalued. We were told surveys and research had showed declining design standards,⁶³⁰ and low levels of satisfaction with the houses that people moved into.⁶³¹ Local buildings were denounced as “boring and unimaginative.”⁶³² Place Alliance drew our attention to their *A Housing Design Audit for England*, which found that 54% of new schemes were judged “mediocre”.⁶³³ They argued the root cause of poor design resulted from the main stakeholders failing to prioritise “the delivery of well-designed coherent bits of city that maximise ‘place value’.” Whilst developers standard house types might be thought to be of “popular design ... they give rise to the sort of homes that the *Housing Design Audit* identified as sub-optimum in terms of overall character and sense of place”. This resulted in resistance to their construction by local councillors.⁶³⁴ CPRE cited the same report to argue 75% of recent housing schemes (and 94% in rural areas) would not have been permitted under current design guidance.⁶³⁵

191. Different explanations were offered for this fall in standards, including the merger of Commission for Architecture and the Built Environment (CABE) with the Design Council,⁶³⁶ builders being able to ignore local design codes,⁶³⁷ the stronger negotiating position of housebuilders especially over design issues,⁶³⁸ and the tendency of schemes refused on design grounds to be overturned on appeal resulting in LPAs becoming risk averse about rejecting proposals.⁶³⁹ Accordingly, Richard Blyth on behalf of the RTPI told us 87% of their members “did not feel that the planning system has enough control over design at the moment.”⁶⁴⁰ Blame was also laid upon high land prices,⁶⁴¹ permitted

629 The Smith Institute ([FPS0038](#))

630 Cllr John Crawford ([FPS0008](#))

631 [Q73](#) (Richard Blyth)

632 North Southampton Community Forum ([FPS0018](#))

633 Place Alliance, *A Housing Design Audit for England*, February 2020

634 Place Alliance ([FPS0054](#))

635 CPRE the countryside charity ([FPS0077](#))

636 Institute of Historic Building Conservation ([FPS0044](#))

637 Rother Association of Local Councils (RALC) ([FPS0012](#))

638 CLA ([FPS0049](#))

639 Greater London Authority ([FPS0149](#))

640 [Q73](#) (Richard Blyth)

641 The Chartered Institute of Building ([FPS0096](#))

development rights,⁶⁴² prioritisation of “quantitative measures rather than aesthetic quality”,⁶⁴³ the 1980s policy change that removed design considerations from the planning system,⁶⁴⁴ and that housebuilders imitated the housing built elsewhere in the country.⁶⁴⁵

192. There was disagreement over whether poor design was reducing support for housing developments. The District Council Network expressed doubts that a greater focus on design would remove objections to planning proposals, arguing infrastructure and pressures on public services tended to be of greater concern to local residents.⁶⁴⁶ Contrastingly ADEPT argued local authorities did challenge proposals lacking local distinctiveness and reducing carbon.⁶⁴⁷ Furthermore, the RICS mentioned their own research had found people were prepared to pay a premium for places where there good placemaking and master planning.⁶⁴⁸

Beauty

193. The Government proposed to promote a “fast track for beauty”, following the recommendations of the Building Better, Building Beautiful Commission.⁶⁴⁹ The Government would establish this fast track through updating the NPPF to give preference to schemes complying with local design guides and codes. It would require that in growth areas a masterplan and site-specific code would need to be agreed as a condition of permission in principle. Legislation would also enable “popular and replicable forms of development” to be accelerated through permitted development.⁶⁵⁰ The most common phrase used in our evidence in response to the Government’s proposals for beauty was that “beauty is in the eye of the beholder.”⁶⁵¹ This reflected a wider perception that beauty is too subjective a criterion, and focusing on it overlooked other important aspects of design. The National Trust declared that “Good design is not just about design codes and aesthetics, it is about how a place works.”⁶⁵² The idea that beauty is subjective tied to doubts about a community-based approach to determining it. We were told “It is clearly not a legitimate purpose for the planning system to impose the personal stylistic preferences of the more vocal members of the community on the wider community.”⁶⁵³

642 LSE London ([FPS0139](#)). See also Newcastle City Council ([FPS0159](#))

643 St Albans Civic Society ([FPS0057](#)). See also The Chartered Institute of Building ([FPS0096](#))

644 Professor Malcolm Tait (Professor of Planning at University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning at University of Sheffield); Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning at University of Sheffield) ([FPS0098](#))

645 National Organisation of Residents Associations ([FPS0005](#)), Tamworth Borough Council ([FPS0013](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

646 District Councils’ Network ([FPS0082](#))

647 [Q72](#) (Paula Hewitt)

648 [Q73](#) (Tony Mulhall)

649 Building Better, Building Beautiful commission, [Living with Beauty: Promoting health, well-being and sustainable growth](#), January 2020, pp 71–2

650 MHCLG, [White Paper: Planning for the Future](#), p 42

651 Tenterden Town Council ([FPS0003](#)), National Organisation of Residents Associations ([FPS0005](#)), MCS Charitable Foundation ([FPS0102](#)), Land Promoters and Developers Federation ([FPS0138](#))

652 National Trust ([FPS0157](#))

653 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

194. Nonetheless we were surprised by the witness from the Royal Institute of British Architects (RIBA) telling us that “At the end of the day, ultimately, the aesthetic that comes out at the end is perhaps one of the least important aspects of the whole design process.”⁶⁵⁴ We were more persuaded by the view of Richard Blyth from the RTPI:

I suspect that, if it is a building in your own street, an infill, a replacement, a small site in your area, what it looks like is very important to you because you might be looking at it outside your window all the time ... When it comes to major greenfield expansion, design is nothing like as important to existing residents because they do not tend to see so much of it. It is of importance to people who are going to move into those new settlements.⁶⁵⁵

195. There was also criticism of the ‘fast track’ for beauty. We were told that the current rules on design, focused on ‘appearance’ were too vague and unenforceable,⁶⁵⁶ and that good design would require “site and scheme-specific participation”.⁶⁵⁷ Instead, various submissions urged a broader approach to design. Actions with Communities in Rural England (ACRE) noted that the Government’s National Design Guide mentioned ten characteristics of good design “context, identity, built form, movement, nature, public space, Uses, homes and buildings, resources and lifespan”, and argued these should be incorporated in design codes.⁶⁵⁸ A different emphasis was on the importance of function.⁶⁵⁹ Historic England emphasised that beautiful buildings “cannot be considered in isolation; the planning system must create beautiful and sustainable *places*.”⁶⁶⁰ They accentuated how historic environments could foster “good, modern design”. Environmental quality and climate change were also emphasised.⁶⁶¹ In terms of public engagement, the focus on appearance rather than design quality “patronises local communities by implying that they do not understand more fundamental design issues.”⁶⁶²

196. Concerns were also expressed that prescriptive measures—for example pattern books—would be a barrier to innovation.⁶⁶³ It was argued that “areas may not be seen as beautiful in the traditional sense, but can still be fun, vibrant and exciting spaces that people want to spend time in.”⁶⁶⁴ We were told that innovation in materials and methods was vital to tackling climate change and that design codes should accommodate that.⁶⁶⁵ The need for design to tackle energy efficiency was also stressed.⁶⁶⁶

654 [Q72](#) (Philip Waddy)

655 [Q73](#) (Richard Blyth)

656 Civic Voice ([FPS0076](#)), London Borough of Hackney ([FPS0091](#)), City of London Corporation ([FPS0148](#))

657 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

658 Action with Communities in Rural England (ACRE) ([FPS0161](#))

659 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Bartlett School of Planning, University College London ([FPS0097](#))

660 Historic England ([FPS0092](#))

661 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), South Worcestershire Councils ([FPS0015](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), City of London Corporation ([FPS0148](#)), [Q71](#) (Paula Hewitt), [Q73](#) (Richard Blyth)

662 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

663 Pocket Living ([FPS0023](#)), St Albans Civic Society ([FPS0057](#)), Rutland County Council ([FPS0071](#)), Southwark Council ([FPS0110](#)), PricedOut ([FPS0129](#))

664 Locality ([FPS0086](#))

665 [Q75](#) (Tony Mulhall)

666 CPRE the countryside charity ([FPS0077](#))

197. We put these concerns to the Minister. He argued that:

If you get a group of people together, they will give you their view of beauty and there are probably some key themes that come out of that consideration. Fundamentally, we are trying to achieve a system whereby local people's views of what looks good in their environment is properly taken into account.⁶⁶⁷

It was explained that the Government's reforms would permit proposals in renewal and protected areas to be brought forward that did not conform to the design requirements through the usual planning process.⁶⁶⁸

Public involvement

198. A key part of the Government's proposals is to involve the public in the design aspects of the new Local Plans. We were informed that currently "neither developers nor local authorities were very interested in involving the community. Many of the participants downplayed the role of community engagement in shaping design outcomes."⁶⁶⁹ Some welcomed this greater involvement by the community.⁶⁷⁰ We were also urged to consider a possible role for neighbourhood plans in setting local standards, drawing on their existing practices in setting detailed design policies.⁶⁷¹ However, doubts about public involvement were also expressed. There were fears locally popular design codes would become a popularity contest rather than focus on high quality in design;⁶⁷² and that elected members would favour "a more traditional pastiche approach ... which could become a barrier to great design that stands the test of time." Instead it was argued that Design Review Panels, with technical specialists, should have a greater role and influence.⁶⁷³

199. It was also argued that community support for a wider design code did not mean consent for a development on a specific site. The National Housing Federation argued that "the most effective codes appear to be site-specific", citing the *Housing Design Audit* that found they were five-times more likely to produce good or very good design outcomes.⁶⁷⁴ The loss of participation with specific sites was cited as reducing "the ability of people to influence detailed design matters. Design codes will not pre-empt all circumstances. The focus of design proposals on beauty, rather than design fundamentals, increases this problem."⁶⁷⁵

667 [Q164](#) (The Minister)

668 [Qq165–167](#) (The Minister and Simon Gallagher)

669 Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#))

670 CPRE the countryside charity ([FPS0077](#)), Cifa CBA & ALGAO UK ([FPS0080](#)), Sustrans ([FPS0151](#))

671 Mr Richard Gilyead ([FPS0022](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Locality ([FPS0086](#)), Sustrans ([FPS0151](#))

672 Institute of Historic Building Conservation ([FPS0044](#))

673 Lifestory Group ([FPS0116](#))

674 National Housing Federation ([FPS0158](#))

675 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

A National Design Body

200. The Government’s proposal for establishing a national design body was broadly welcomed.⁶⁷⁶ We were told past successes had been achieved through the work of the former Commission for Architecture and the Built Environment (CABE) and by current Design Panels.⁶⁷⁷ We were advised that it should not be situated in Homes England and it should not only focus on aesthetics and beauty.⁶⁷⁸ Instead it should “positively promote innovative and creative design”.⁶⁷⁹

National and Local Design Guides and Codes

201. The National Design Guide was published on 1 October 2019,⁶⁸⁰ and praised for showing how well-designed places can be achieved.⁶⁸¹ It is also seen as primarily focused on residential developments.⁶⁸² The National Design Code was published in January 2021, after most of our evidence was received.⁶⁸³ Opinions about the principle of national and local design codes were divided. Advocates of design codes argued that they would provide better design control over officers’ discretionary judgement.⁶⁸⁴ Those who thought they had been neglected supported greater weight being given to them.⁶⁸⁵ We were told that design codes should also apply to non-residential developments.⁶⁸⁶ How the national and local codes should interact was touched on by the City of London Corporation:

The proposed national design guide, national model design code and the revised manual for streets could provide a framework for local decision making but should not provide an inflexible framework. National level guidance is not, in most instances, able to properly reflect specific local circumstances or the needs of local communities—vernacular building styles reflect local traditions and should be encouraged as part of a push to improve the beauty of buildings, for example.

They supported local design solutions agreed by local communities.⁶⁸⁷ The British Property Federation wanted clarity from the Government about the distinction between local and national design codes and guides. If the latter inform the former that might conflict with what is “popular and characteristic in the local area”. They argued however that significant differences in local codes would require different processes, material, and ways of working. Hence, they favoured nationally set design principles, which are “light

676 Pocket Living ([FPS0023](#)), Dr Chris Foye (Knowledge Exchange Associate at UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; Dr Bilge Serin ([FPS0033](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), Local Government Association ([FPS0056](#)), Homes for the South West ([FPS0070](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

677 GL Hearn ([FPS0141](#))

678 Institute of Historic Building Conservation ([FPS0044](#))

679 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

680 MHCLG, [National Design Guide](#), October 2019

681 CLA ([FPS0049](#))

682 Accessible Retail ([FPS0053](#))

683 MCHLG, [National Design Code](#), January 2021

684 Dr Chris Foye et al ([FPS0033](#))

685 South Worcestershire Councils ([FPS0015](#))

686 Place Alliance ([FPS0054](#)), CPRE the countryside charity ([FPS0077](#))

687 City of London Corporation ([FPS0148](#))

touch design codes, that guide and inform rather than stipulate and require.”⁶⁸⁸ Similarly, it was emphasised that Local Plans needed to “set out clear tangible requirements” and not have subjective assessments.⁶⁸⁹

202. We also heard about the limitations of the current proposals. There were calls for greater information, for example about the definition of “popular and replicable forms of development”, and clarity on who judges “whether a proposal achieves acceptable design standards and how and what happens to proposals which don’t meet with a locally agreed design code”.⁶⁹⁰ The CPRE commented “Design codes in themselves cannot guarantee the design quality of future development.”⁶⁹¹ The Place Alliance argued there had to be a move away from a standardised approach towards appropriate design for each site.⁶⁹² There was scepticism that the design code could ensure the community would approve of the resultant buildings,⁶⁹³ and worries that the codes would take a long time to prepare and add little beyond other design statements such as masterplans.⁶⁹⁴ It was feared that the codes would adversely impact on historic areas be inappropriate for the local contexts.⁶⁹⁵ They were seen as possibly stifling innovation yet still permitting unsuitable developments.⁶⁹⁶ Consequently there were calls from the National Trust and from Southwark Council for a framework rather than a code which were more embracing and not a “tick-box exercise”.⁶⁹⁷

203. The Government’s focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals.*

688 British Property Federation ([FPS0127](#))

689 Midland Heart ([FPS0152](#))

690 Neighbourhood Planners London ([FPS0032](#)), National Trust ([FPS0157](#))

691 CPRE the countryside charity ([FPS0077](#))

692 Place Alliance ([FPS0054](#))

693 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

694 Home Builders Federation ([FPS0073](#))

695 Institute of Historic Building Conservation ([FPS0044](#)), Canal & River Trust ([FPS0048](#)), National Trust ([FPS0157](#))

696 Canal & River Trust ([FPS0048](#))

697 Southwark Council ([FPS0110](#)), National Trust ([FPS0157](#))

11 Green Belt

Background

204. The Green Belt dates to 1947 and has remained largely unreviewed throughout the post-war era. The Government White Paper in 2020 stated that “The existing policy for protecting the Green Belt would remain.” They added “it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements.”⁶⁹⁸ There was criticism of the perceived neglect of the Green Belt in the White Paper.⁶⁹⁹ There were accordingly calls for details on what would be the “exceptional circumstances” in which Green Belt could be released for development through Local Plans.⁷⁰⁰

Support for the Green Belt

205. Our public engagement survey received numerous strong expressions of support for the Green Belt. Survey respondents opined that “Green belt should always stay as green belt and never be built on” and that “Brown field should be exhausted until green belt building is even considered”. There were various submissions urging that the Green Belt needed to be protected and promoted,⁷⁰¹ and should be extended.⁷⁰² The latter wish reflected fears about its reputed recent reduction. The Heritage Alliance stated there had been a 62% increase in the loss of “greenfield Green Belt land” since 2013.⁷⁰³ There has been a net reduction in Green Belt of 2.2% since 1997.⁷⁰⁴ The CPRE called for “stronger planning policies to support enhancement of the Green Belt.” They proposed closing loopholes in Green Belt, giving greater attention to the management of Green Belt land to enhance health and wellbeing, and prioritising brownfield sites. They warned against swaps of land when some it removed from the Green Belt.⁷⁰⁵ We were told the “Green Belt is good, positive planning” stopping urban sprawl and ensuring countryside near to cities.⁷⁰⁶ It was also suggested to us that Green Belts could become “carbon-negative sink for city emissions” with high environmental standards and mass tree planting.⁷⁰⁷

698 MHCLG, [White Paper: Planning for the Future](#), p. 28

699 CLA ([FPS0049](#)), Civic Voice ([FPS0076](#))

700 National Housing Federation ([FPS0158](#))

701 Mr Daniel Scharf (Consultant at Pft Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), TCPA ([FPS0034](#)), St Albans Civic Society ([FPS0057](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CPRE the countryside charity ([FPS0077](#)), Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#)), Historic England ([FPS0092](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), The Beaconsfield Society (Civic Society) ([FPS0130](#)), National Trust ([FPS0157](#)), [Q62](#) (Lisa Fairmaner)

702 NALC ([FPS0021](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#))

703 NALC ([FPS0021](#)), K Paulson ([FPS0024](#)), The Heritage Alliance ([FPS0066](#))

704 MHCLG, [Local authority green belt statistics for England: 2019 to 2020](#), 10 September 2020. See the tab ‘Area since 1997’ in Accompanying tables: total area and net changes to the green belt by local authority district 2019–20 (annual).

705 CPRE - The Countryside Charity ([FPS0165](#))

706 National Organisation of Residents Associations ([FPS0005](#)), Hever Parish Council ([FPS0007](#))

707 Mr Richard Gilyead ([FPS0022](#)). See also Wildlife & Countryside Link ([FPS0075](#))

The function and purpose of the Green Belt

206. We were told that there is considerable misunderstanding about the purpose and function of green belt, including that people often conflated Green Belt and green fields,⁷⁰⁸ and overlook its original purpose having been to keep urban areas apart.⁷⁰⁹ It was pointed out that there are many Green Belts across the country serving different purposes.⁷¹⁰ Brian Berry, acknowledging the emotive nature of Green Belt, argued “It is not all lush, green land. It is some scrubland” that could be developed by small builders.⁷¹¹

Should the Green Belt be reviewed?

207. We received numerous calls for reviews of the Green Belt.⁷¹² There was only one submission proposing the outright abolition of the Green Belt.⁷¹³ Instead Professor Vincent Goodstadt declared “In the national housing debate [it] is now the over-riding political football which consistently reverts to a debate about releasing land from the Green Belt.”⁷¹⁴ One councillor told us the Green Belt was “an anti-growth mechanism” that drove up building heights and housing costs, echoing the language of the green belt as a “straightjacket” used in another submission.⁷¹⁵ Steve Quartermain proclaimed himself a “big fan” of Green Belt, and did not wish to undermine it, but added “you have to question whether or not some of the existing green-belt boundaries are still appropriate. There is scope for a wider review of the green belt, mainly to re-establish the purpose of green belt,” namely to keep settlements apart.⁷¹⁶ Claire Dutch echoed those calls, arguing “it is time for a grown-up conversation about the green belt. It has been a taboo subject for so long ... The fact we have green belt within the M25 quite frankly seems bonkers, and we need to look at this again.”⁷¹⁷ There was disagreement over the level at which such reviews should take place: at local authority or neighbourhood plan level,⁷¹⁸ or at a sub-national or “strategic” level,⁷¹⁹ or at a national level.⁷²⁰

708 Tamworth Borough Council ([FPS0013](#)), Homes for the South West ([FPS0070](#)). See also Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))

709 [Q105](#) (Steve Quartermain). See also Inspired Villages ([FPS0167](#))

710 Chartered Institute of Building ([FPS0096](#))

711 [Q27](#) (Brian Berry)

712 CLA ([FPS0049](#)), Prof Vincent Goodstadt ([FPS0058](#)), Home Builders Federation ([FPS0073](#)), Peel L&P ([FPS0094](#)), Bartlett School of Planning, University College London ([FPS0097](#)), Stonewater ([FPS0103](#)), The Federation of Master Builders (FMB) ([FPS0125](#)), British Property Federation ([FPS0127](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), Land Promoters and Developers Federation ([FPS0138](#)), Paul G. Tucker QC ([FPS0153](#)), [Q25](#) (Brian Berry)

713 PricedOut ([FPS0129](#))

714 Prof Vincent Goodstadt ([FPS0058](#))

715 Land Promoters and Developers Federation ([FPS0138](#)), LSE London ([FPS0139](#))

716 [Q105](#) (Steve Quartermain)

717 [Q107](#) (Claire Dutch)

718 Institute of Historic Building Conservation ([FPS0044](#)), Local Government Association ([FPS0056](#)), Abri ([FPS0078](#)), Locality ([FPS0086](#)), The Chartered Institute of Building ([FPS0096](#)), Stonewater ([FPS0103](#))

719 Prof Vincent Goodstadt ([FPS0058](#)), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

720 Home Builders Federation ([FPS0073](#)), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) ([FPS0079](#)), District Councils’ Network ([FPS0082](#)), British Property Federation ([FPS0127](#))

208. These calls for review often linked to a wish to develop Green Belt land. This included for affordable housing, to facilitate shorter commutes,⁷²¹ to build data centres and logistic facilities, and extract minerals.⁷²² This fed into the idea of permitting ‘transport corridors’, championed by the RTPI, where development is permitted near to railway stations. The Centre for Cities argued this could deliver 1.6 to 2.1 million homes.⁷²³ Savills proposed permitting garden towns/villages/communities in the Green Belt.⁷²⁴ The Yimby Alliance urged increased use of existing powers permitting parishes to authorise more houses (where they would not connect with other settlements) of an agreed design in the Green Belt.⁷²⁵ It was suggested that the Green Belt should be subject to the “same tests of soundness” as any other Local Plan policy.⁷²⁶ Contrastingly, the National Trust saw a review as a way for the Government to consider how Green Belt could deliver more public benefit, biodiversity, and local nature recovery networks.⁷²⁷

209. We asked the Minister whether the Government had shut the door to a review of Green Belt policy. He highlighted that the Green Belt was designed to stop urban sprawl and there was a manifesto commitment to maintain the Green Belt. He argued that the renewal zones and financial support for brownfield regeneration would avoid the need to encroach on “important green spaces that we know communities, yours and mine, feel very strongly about.”⁷²⁸

210. We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination.

Metropolitan Open Land

211. There was also emphasis placed on the importance of protecting Metropolitan Open Land in London, and other green spaces in urban areas. The Heritage Alliance was concerned that green spaces not in protected spaces were vulnerable.⁷²⁹ The GLA called for the same protections that apply to Green Belt to apply for Metropolitan Open Land, including consideration when settling housing targets.⁷³⁰

721 [Q25](#) (Kate Henderson) [Q26](#) (Philip Barnes)

722 Mineral Products Association ([FPS0050](#)), Ark Data Centres ([FPS0063](#)), Hill Homes Developments Ltd (FPS084), British Property Federation ([FPS0127](#)), GL Hearn ([FPS0141](#)), Centre for Cities ([FPS0144](#))

723 Royal Town Planning Institute ([FPS0113](#)), Cllr Andrew Wood (Canary Wharf ward Councillor at LB Tower Hamlets) ([FPS0137](#)), Centre for Cities ([FPS0144](#))

724 Savills ([FPS0101](#))

725 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))

726 Prof Vincent Goodstadt (FPS058), Savills ([FPS0101](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

727 [Q106](#) (Ingrid Samuel)

728 [Q156](#) (The Minister)

729 The Heritage Alliance ([FPS0066](#))

730 Greater London Authority ([FPS0149](#)). See also Just Space ([FPS0115](#)), London Forum of Amenity & Civic Societies ([FPS0156](#)), [Q62](#) (Lisa Fairmaner)

212. **Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. *We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt.***

12 Environmental and historical protections

Background

213. A major feature of the planning system since the Second World War has been ensuring the protection of environmental and historic sites and buildings.⁷³¹ As a consequence much natural habitat and wildlife have been preserved, historic buildings spared the wrecking ball, and knowledge of the past enhanced by the archaeological works that often precede developments. However, these protections have not been enough to, for example, stop the UK undergoing long-term deterioration in 14 of 42 key biodiversity indicators. These have included declines in the status of UK habitats and species of European importance, and in farmland and woodland birds.⁷³² This chapter begins by considering the current protections framework. It then considers the impact of the Government’s reforms and whether further protections are required.

214. The Government White Paper included a commitment that new homes would have 75–80% lower CO2 emissions by 2025, with these properties being “zero carbon ready” and thus able to become “fully zero carbon homes over time as the electricity grid decarbonises”. This is part of achieving net-zero by 2050.⁷³³ This represented a restart in efforts to reduce carbon emissions, after the abandonment of the previous policy (in 2015) of achieving through the Code for Sustainable Homes zero-carbon new homes by 2016. The 2050 target for carbon neutral homes was seen as insufficiently ambitious.⁷³⁴ It appears to be behind what the construction industry could achieve. We were told that Barratt was planning to make their standard homes zero-carbon by 2025 and all their homes by 2030.⁷³⁵ We have begun a new inquiry to examine this subject more thoroughly and will make recommendations to Government.

731 Institute of Historic Building Conservation ([FPS0044](#))

732 Department for Environment, Food and Rural Affairs, [UK Biodiversity Indicators 2020](#), October 2020, pp 3–7

733 MHCLG, [White Paper: Planning for the Future](#), p. 45

734 Mr Daniel Scharf (Consultant at PFT Planning) ([FPS0002](#)), Rother Association of Local Councils (RALC) ([FPS0012](#)), Policy Connect ([FPS0014](#)), South Worcestershire Councils ([FPS0015](#)), Kent Association of Local Councils ([FPS0028](#)), Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#)), Centre for Ageing Better ([FPS0055](#)), Local Government Association ([FPS0056](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), CPRE the countryside charity ([FPS0077](#)), District Councils’ Network ([FPS0082](#)), Mark Stevenson ([FPS0083](#)), MCS Charitable Foundation ([FPS0102](#)), Energy UK ([FPS0105](#)), Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#)), CoMOUK ([FPS0160](#)), Robert Rush ([FPS0163](#)), [Qq29–30](#) (Kate Henderson, Brian Berry), [Q74](#) (Philip Waddy), [Q84](#) (Paula Hewitt)

735 [Q30](#) (Philip Barnes)

Current protections

215. The broad consensus of submissions supported the current systems of environmental, heritage, and archaeological protections.⁷³⁶ There was very little support for weakening the existing rules, although there was criticism of specific listing decisions.⁷³⁷ An exception to this were the disagreements over environmental impact assessments (EIAs). The National Grid supported the current legislation and favoured using it as the starting point for a new framework.⁷³⁸ However, Energy UK saw this as an opportunity to reduce costs and delays and reform EIAs. This entailed publishing clear requirements and standards, placing a major focus on environmental management plans, including them at an earlier stage in the EIA process, and making the EIA process more digital.⁷³⁹

216. There were some concerns about enforcement under the current system. Water UK said the current system “provides an imperfect safeguard for the environment and communities.”⁷⁴⁰ Similar worries were echoed with respect to Areas of Outstanding Natural Beauty (AONB).⁷⁴¹ The CPRE warned about growing pressures to introduce housing units in Areas of Outstanding Natural Beauty (AONB), pointing to an increase of 82% in the housing units approved from 2012 and 2017 and a fivefold increase in the amount of AONB land approved for housing in the same period.⁷⁴² The National Trust were among those worried that enforcement was ineffectual through being under-resourced, discretionary, politicised, reactive, and lacking strong penalties.⁷⁴³ We were also told that Historic England had fewer planners than its predecessor, English Heritage; that local designations such as Village Design Statements and Parish Plans had been ignored in new Local Plans;⁷⁴⁴ and there was inadequate funding for bodies such as Local Nature Partnerships.⁷⁴⁵

Further protections—heritage, science and culture

217. Urban Vision Enterprise declared that “The Planning White Paper mentions heritage in passing, but with little focus.”⁷⁴⁶ It was similarly noted there had been no question on heritage protection in the consultation.⁷⁴⁷ Claire Dutch told us:

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- 736 Daventry District Council ([FPS0011](#)), Tamworth Borough Council ([FPS0013](#)), South Worcestershire Councils ([FPS0015](#)), Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#)), Ashford KALC (Combined parish, town and community organisations in the borough of Ashford, Kent) ([FPS0060](#)), Home Builders Federation ([FPS0073](#)), London Borough of Hackney ([FPS0091](#)), Historic England ([FPS0092](#)), Savills ([FPS0101](#)), POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#)), Lifestory Group ([FPS0116](#)), Bristol City Council ([FPS0119](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#)), LSE London ([FPS0139](#)), GL Hearn ([FPS0141](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))
- 737 YIMBY Alliance, London YIMBY, Oxford YIMBY, Brighton YIMBY, PricedOut, Cambridge YIMBY ([FPS0017](#))
- 738 National Grid ([FPS0088](#))
- 739 Energy UK ([FPS105](#))
- 740 Water UK ([FPS0140](#))
- 741 Roter District Council and Burwash: Save our Fields ([FPS0143](#))
- 742 CPRE the countryside charity ([FPS0077](#))
- 743 National Trust ([FPS0157](#)). See also St Albans Civic Society ([FPS0057](#)), Allyson Spicer ([FPS162](#))
- 744 NALC ([FPS0021](#))
- 745 POETS (Planning Oxfordshire’s Environment and Transport Sustainably) ([FPS0108](#))
- 746 Urban Vision Enterprise CIC, D2H Land Planning Development ([FPS0037](#))
- 747 Institute of Historic Building Conservation ([FPS0044](#))

The White Paper does not deal with heritage in any great respect ... We have an adequate framework for protection of historic assets in this country. It works, it does the job and we do not need to tinker with it.⁷⁴⁸

These comments echoed a widely felt wish for clarity about the impact on historical and environmental protections in ‘growth’, ‘renewal’, and ‘protected’ areas, for example for listed buildings, existing conservation areas, and green spaces.⁷⁴⁹ The Bartlett School of Planning at UCL argued that:

It is hard to see how well a listed building could be protected in relation to development proposals for immediately adjoining buildings in a ‘growth’ or ‘renewal’ area under the government’s proposals.⁷⁵⁰

Hackney Council, among others, also emphasised the importance of continuing to let local authorities play a crucial role in listing buildings or designating Conservation Areas.⁷⁵¹

218. There was some wariness about blanket protections for protected areas, with a wish for local authorities to take a flexible approach,⁷⁵² allowing for “improvement and enhancement to maximise opportunities.”⁷⁵³ There was a plea for greater consistency,⁷⁵⁴ and for ensuring historic buildings can be made energy efficient.⁷⁵⁵

219. However, both the National Trust and Historic England complained that the White Paper took too narrow a perspective of heritage and historic locations, and how existing protections would integrate into the proposed new system.⁷⁵⁶ The National Trust also highlighted how the planning system provided the only protection for “historic parks, gardens and battlefields”, for unlisted and Grade II listed buildings not on Historic England’s Heritage at Risk Register, and for undesignated sites.⁷⁵⁷ Their representative also stressed to us that heritage is not a barrier to development.⁷⁵⁸ Brian Berry from the Federation of Master Builders contended there needed to be more skilled workers to deal with historic buildings and ensure zero-carbon properties.⁷⁵⁹

220. To provide greater protections better up-front assessments of the historic environment were advocated. These would help identify sites in growth areas likely to be of archaeological interest. This linked to the need for more data and information about historic and environmental sites,⁷⁶⁰ as over 90% of heritage assets are undesignated (that

748 [Q102](#) (Claire Dutch)

749 South Worcestershire Councils ([FPS0015](#)), NALC ([FPS0021](#)), TCPA ([FPS0034](#)), Woodland Trust ([FPS045FPS0045](#)), The Heritage Alliance ([FPS0066](#)), Wildlife & Countryside Link ([FPS0075](#)), CifA, CBA & ALGAO UK ([FPS080](#)), District Councils’ Network ([FPS0082](#)), London Borough of Hackney ([FPS0091](#)), Savills ([FPS0101](#)), Royal Town Planning Institute ([FPS0113](#)), North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))

750 Bartlett School of Planning, University College London ([FPS0097](#))

751 London Borough of Hackney ([FPS0091](#)). See also Institute of Historic Building Conservation ([FPS0044](#))

752 Abri ([FPS0078](#)), Stonewater ([FPS0103](#))

753 Locality ([FPS0086](#))

754 Hill Homes Developments Ltd ([FPS084](#))

755 British Property Federation ([FPS0127](#))

756 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

757 National Trust ([FPS0157](#))

758 [Q101](#) (Ingrid Samuel)

759 [Q28](#) (Brian Berry)

760 Cllr John Crawford ([FPS0008](#)), The Heritage Alliance ([FPS0066](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), National Trust ([FPS0157](#))

is not nationally listed)⁷⁶¹ The Heritage Alliance argued this would benefit locations not yet discovered (e.g. archaeological finds) or identified (e.g. buildings not yet listed) or that are part of wider historic landscapes (e.g. monuments and battlefields).⁷⁶² They proposed putting the Historic Environment Record datasets on a statutory footing, an approach supported by Historic England.⁷⁶³ Historic England recommended “a precautionary approach, and a duty to report finds at on-site stage.”⁷⁶⁴

221. Alongside improved information there were calls for increased protections, including through primary legislation. These included for World Heritage Sites,⁷⁶⁵ Jodrell Bank Observatory (to prevent interference with their telescopes),⁷⁶⁶ existing conservation areas with historic towns, such as Saltaire near Bradford,⁷⁶⁷ cultural venues that should have a ‘cultural characteristics’ designation in growth and renewal areas,⁷⁶⁸ and buildings of local interest.⁷⁶⁹ This linked to permitting local designations of green spaces and heritage sites.⁷⁷⁰

222. The Minister agreed that heritage was not an obstacle to development.⁷⁷¹ Simon Gallagher also argued that “a lot of the heritage considerations are best handled earlier at the plan-making point. If you have made the decision that an area is, in principle, available for development, there are some really challenging things for the heritage bodies to get involved in down there.”⁷⁷² In January 2021 the Government did announce that they were “doubling the available funding for areas under the “local heritage listing–monuments men” campaign, with up to £1.5 million now available for communities to nominate local heritage sites including historical buildings or modern architecture, art and memorials for inclusion in their council’s local heritage list.”⁷⁷³

223. There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas.

761 The Heritage Alliance ([FPS0066](#)). See also CifA, CBA & ALGAO UK ([FPS0080](#)), Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

762 The Heritage Alliance ([FPS0066](#)). See also South Worcestershire Councils ([FPS0015](#))

763 The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

764 Historic England ([FPS0092](#)), National Trust ([FPS0157](#))

765 [Q101](#) (Ingrid Samuel)

766 Dr Ken Morris ([FPS0001](#))

767 Tenterden Town Council ([FPS0003](#)), World Heritage UK ([FPS0046](#)), The Heritage Alliance ([FPS0066](#)), Historic England ([FPS0092](#))

768 WMCA (Cultural Leadership Board) ([FPS0029](#))

769 Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#))

770 NALC ([FPS0021](#)), Mr Richard Gilyead ([FPS0022](#)), Neighbourhood Planners London ([FPS0032](#)), Richard Harwood OBE QC (Joint Head of Chambers at 39 Essex Chambers) ([FPS0059](#)), CifA, CBA & ALGAO UK ([FPS0080](#)), Royal Town Planning Institute ([FPS0113](#))

771 [Q140](#) (The Minister)

772 [Q145](#) (Simon Gallagher)

773 “All new developments must meet local standards of beauty, quality and design under new rules”, MHCLG Press Release, 30 January 2021.

Further protections—flooding

224. There were also calls for greater safeguards against building in areas vulnerable to flooding. Although the Government’s proposals would designate areas at risk of flooding as protected areas, there were worries there was a lack of clarity as to what was deemed flood risk. The evidence we received opined historical data was a poor guide given the greater risks posed by climate change. There were also calls for the policy to be considered in the context of wider flooding policy.⁷⁷⁴ We also note that the Environment, Food and Rural Affairs Committee have asked the Government to explain how their reforms to the planning system will produce “better flood resilience outcomes than the current planning system.”⁷⁷⁵

225. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy.*

Further protections—nature and wildlife

226. A major feature of responses to our public engagement survey was the importance attached to nature and wildlife. This was the most mentioned subject; with concerns expressed that it was currently insufficiently considered, and that greater protection was needed. This was borne out in our written evidence. There was concern that there was already insufficient protection,⁷⁷⁶ and that the White Paper had said little beyond advocating tree lined streets.⁷⁷⁷ There were concerns that the proposals would weaken protection in growth and renewal areas.⁷⁷⁸ There was uncertainty whether environmental assessments would need to be carried out at the Local Plan stage or later in the process.⁷⁷⁹

227. There were concerns about a simplified process for environmental impact assessments.⁷⁸⁰ For example, the Institute of Environmental Management Assessment (IEMA) noted that the White Paper had not specified how their reforms would impact on the strategic environmental assessments (conducted at the Local Plan) and environmental impact assessments (conducted at a project-level), and their relationship to one another. They wanted clear requirements for both to be published. They also proposed considerable use of an environmental management plan for all proposals. These were described as a “single plan against which monitoring can be undertaken to ensure implementation/delivery post-consent compliance and evolve to provide the structure and control mechanisms of further plans.”⁷⁸¹

228. The CPRE called for further protections for non-Green Belt countryside around towns,⁷⁸² and there were also calls for better protections for parks, ancient woodlands and

774 Cllr John Crawford (FPS0008), Policy Connect (FPS0014), National Flood Forum (FPS0126), Water UK (FPS0140)

775 Environment, Food and Rural Affairs Committee, Fourth Report of Session 2019–21, *Flooding*, HC 170 para 73.

776 Tenterden Town Council (FPS0003)

777 Mr Daniel Scharf (Consultant at Pft Planning) (FPS0002), Tenterden Town Council (FPS0003), District Councils’ Network (FPS0082)

778 Wildlife & Countryside Link (FPS0075), Dr Tim Marshall (emeritus professor of planning at Oxford Brookes University) (FPS0079)

779 Locality (FPS0086)

780 Friends of the Earth England, Wales and Northern Ireland (FPS0081), Aldersgate Group (FPS0120)

781 IEMA - Institute of Environmental Management and Assessment (FPS0168)

782 CPRE the countryside charity (FPS0077)

other green spaces in cities.⁷⁸³ The National Trust drew attention to the importance of ‘green infrastructure’ for health and wellbeing in the White Paper, something reinforced in our oral evidence session.⁷⁸⁴ Our public engagement event echoed the concerns raised in the survey. One participant said: “I think certainly there needs to be a consideration to perhaps more, and more useable, outside space. Manchester city centre has almost no useable parks, for example, whereas London has masses.” (*Participant G, Room 2*).

229. There were concerns raised about how the planning reforms will overlap with other reforms planned by the Government. The proposed Environment Bill and suggested reforms to environmental impact assessments will directly feed into the treatment of nature and wildlife. The TCPA expressed concerns it was unclear how the White Paper fitted with the Environment Bill or 25-year environment plan.⁷⁸⁵ This was echoed in our oral evidence session, by Paula Hewitt from ADEPT.⁷⁸⁶ Attempts to ensure zero-carbon homes connects with wider government efforts to reduce carbon emissions. Similarly, we were told changes in agricultural policy would impact on the planning system.⁷⁸⁷ Other measures proposed included the assessment of trees to determine their environmental and financial value,⁷⁸⁸ use of locally conducted landscape character assessments and implementation of Julian Glover’s *Landscape Review*.⁷⁸⁹ There were also calls for greater information about the impact on different types of species and habitats.⁷⁹⁰ The Woodland Trust highlighted their concerns about the incomplete nature of the Ancient Woodland Inventory, the Ancient Tree Inventory, and the lack of consistent records of Tree Preservation Orders.⁷⁹¹ There was also support for the retention of sustainability assessments,⁷⁹² and the establishment of Bioregional Forums that could map areas and feed into Local Plans, including resolving cross-boundary issues,⁷⁹³ and greater cooperation between local authorities.⁷⁹⁴

230. Similar concerns about the impact on the environment and healthy living was raised at our public engagement event, especially the impact on people in disadvantaged circumstances living in urban areas:

“In most cases, the growth areas are areas closest to public transport, mainly in urban areas. The issue there would be: would these growth areas be appropriately designed to provide open spaces and places where people can experience fresh air and get more healthy living? As we can see from the Covid pandemic, most people were locked up in their flats and couldn’t leave or experience the outdoors like those in the countryside, where the protection zoning might occur. So, we think that zoning—growth, renewal, protection—could further disadvantage those who are already disadvantaged.” (*Participant D, Room 3*)

783 Clean Air in London ([FPS0087](#)), City of London Corporation ([FPS0148](#)), Greater London Authority ([FPS0149](#))

784 National Trust ([FPS0157](#)), [Q84](#) (Paula Hewitt)

785 TCPA ([FPS0034](#)). See also the Campaign for National Parks ([FPS0043](#)), Local Government Association ([FPS0056](#))

786 [Qq84–85](#) (Paula Hewitt), [Q96](#) (Ingrid Samuel)

787 [Q96](#) (Ingrid Samuel)

788 Cllr John Crawford ([FPS0008](#))

789 Cllr John Crawford ([FPS0008](#)), Campaign for National Parks ([FPS0043](#)); Julian Glover, [Landscapes Review](#), 2018.

790 Cllr John Crawford ([FPS0008](#))

791 Woodland Trust ([FPS0045](#))

792 UK2070 Commission ([FPS0128](#)), Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; Professor Nick Gallent ([FPS0131](#))

793 Mark Stevenson ([FPS0083](#))

794 [Q97](#), [Q106](#) (Ingrid Samuel)

231. We asked the Minister about environmental policy. Both the Minister and Simon Gallagher stated there had been close work with the Department for Environment, Food and Rural Affairs (DEFRA) who were taking the Environment Bill through Parliament.⁷⁹⁵ The Minister also wanted to ensure planning incorporated “green roofs, bee bricks, hedgehog highways and all those sorts of things.” This would be in line with the objective of the Environment Bill of ensuring a net gain in biodiversity. He also said that the national model design code would “focus on the hierarchy of green spaces in public spaces”, the importance of tree-lined streets and providing parks in urban areas.⁷⁹⁶

232. The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill.

795 [Q134](#) (Simon Gallagher and the Minister), [Q157](#) (The Minister)

796 [Q157](#) (The Minister)

Conclusions and recommendations

Our current planning system

1. We are concerned about the lack of detail in respect of the proposed reforms to the planning system, which has made it very difficult to assess the possible practical implications of many of the reforms. *The Government should consult on the details of proposed reforms to prevent unintended consequences and harms resulting from them. Given the complexity of the issues, and the possibility that its contents will differ from the proposals contained in the White Paper, the Planning Bill announced in the Queen's Speech should be brought forward in a draft form, and be subject to pre-legislative scrutiny. We stand ready to undertake such scrutiny.* (Paragraph 16)

The Government's three areas proposal

2. The lack of details about the three areas approach has made it difficult to assess how it would function. Our evidence has suggested there are problems with the three areas proposal. These have included its potential unsuitability in urban areas; doubts over whether Local Plans will have the level of detail for developers to know whether their proposals will qualify for permission in principle and avoid using planning permission procedures; the uncertainty over the purposes of renewal areas; and the level of protection to be afforded in protected areas. Overall, we are unpersuaded the Government's zoning-based approach will produce a quicker, cheaper, and democratic planning system. *The Government should reconsider the case for the three areas proposal. Any new proposals can be considered in detail if the Planning Bill is published in draft form and we undertake pre-legislative scrutiny, as we recommend.* (Paragraph 32)
3. *If after reconsideration the Government does continue with the three areas approach, we recommend that as a minimum:*
 - *The Government should clearly explain how Local Plans will impose requirements on developments in an area. At present it appears to be proposing the current planning application system will continue to be available in growth and renewal areas for proposals that would not conform to the local plan requirements. The Government should set out what level of detail will be needed in the Local Plans to ensure that developers and other stakeholders have certainty as to whether prospective developments would be permitted.*
 - *Local authorities should set out detailed plans for growth and renewal areas which specify heights of buildings, density of development, minimum parking standards, access to retail, education, transport, health facilities and other local amenities. This may be by way of a planning brief for particular sites, which may be undertaken subsequent to the local planning process and which is subjected to detailed consultation with local people. Developers that propose developments in accordance with such planning briefs would then be invited to undertake such developments. In all such areas, local authorities must be enabled to prevent*

overdevelopment, particularly in areas of existing housing such as suburban settings. Any proposal deviating from the standards proposed at a local level would otherwise be subjected to the current full planning application process.

- *The Government should consider the proposals for sub-areas within the ‘renewal area’, where permission in principle would not apply and individual planning permission would be required.*
 - *The Government should implement a ‘highly protected’ alongside a ‘protected’ area category. This would enable strong protections for areas that local authorities think need such a shield against development, whilst ensuring development can still happen in rural areas.*
 - *The Government should clarify who will have the power to decide whether a development, particularly in growth and renewal areas, has met the requirements laid down in the Local Plan.*
 - *The Government must clarify the role of statutory consultees. It should explain how organisations that are statutory consultees for individual planning applications, but not for Local Plans, will be able to express their views. The Government should also set out how statutory consultees will be able to comment on individual sites where they have particular concerns. (Paragraph 33)*
4. We were concerned to hear from organisations related to electricity, nuclear and water infrastructure about the challenges posed by the Government’s proposed reforms. *The Government should explain how it sees vital infrastructure being affected by its proposals. This should include whether there would be special designations for such infrastructure and whether it will be possible to comment on different specific infrastructure proposals. It should also explain how infrastructure providers will be able to comment on and influence emerging proposals for specific projects. (Paragraph 34)*

Local Plans

5. We welcome the Government’s proposal that having an up to date Local Plan should be a statutory requirement on local authorities. We also welcome the proposal that Local Plans should be more focused and shorter. But we do not agree that the 30-month timeframe proposed for the development of Local Plans is enough to ensure high quality. We are particularly concerned about the challenges the proposal poses for statutory consultees, especially as all plans will have to be addressed within the same timeframe. *The Government should extend the 30-month timeframe for the initial production of Local Plans as it is too short for creating new plans from scratch. The Government must ensure that statutory consultees have time to comment on Local Plans. The Government should consider a staggered roll-out of the new types of Local Plans across the country. It should be permissible and straightforward to undertake quick updates of Local Plans every two years, including with appropriate time for public consultation. The Government should consider the case for confirming that the National Grid is a statutory consultee in new Local Plans. (Paragraph 45)*

6. We sympathise with the Government's wish to enhance the importance of Local Plans in determining where development should take place. But achieving public acceptance of any increased importance for Local Plans requires them have credibility as an accurate reflection of public views in an area. Therefore, we were concerned by evidence that the second stage of public involvement, at the end of the Local Plan process, would happen simultaneously with the Plan being submitted to the Secretary of State. *The Government should clarify how it will promote greater involvement by the public in Local Plans. The public should be consulted about a draft version of the Local Plan before, not concurrently with, its submission to the Secretary of State. This would enable their views to be more effective in influencing the final version of the plan. The Government should also be very cautious about watering down the 'right to be heard'.* (Paragraph 46)
7. Increasing the speed at which Local Plans are developed and updating them will be resource hungry. The Government needs to clarify how such needs can be met and what resources will be applied to local authorities to enable them to achieve these ambitious timescales. (Paragraph 47)
8. We recognise the value of neighbourhood plans. They should have a significant role in the development of new Local Plans. To be effective they need to be up-to-date and representative of the whole community and a clear part of the new framework. *Local authorities and existing neighbourhood forums need to strive to ensure a representative range of voices are heard in the production of neighbourhood plans, and there should be a timeframe for producing and revising them to ensure they remain relevant. Ahead of the Planning Bill, the Government must clarify the role and status of neighbourhood plans in the proposed system. The Government should consider how to make the neighbourhood planning more relevant to local people and how to ensure that residents feel empowered to both contribute to and own the plan.* (Paragraph 52)
9. The duty to cooperate between local authorities has operated imperfectly. However, we heard strong agreement there needed to be more cooperation between local authorities and that sub-national planning was a weakness of the current system. *The Government should only abolish the duty to cooperate when more effective mechanisms have been put in place to ensure cooperation. Whilst the duty to cooperate remains in place, the Government should give combined authorities the statutory powers to oversee the cooperation of local authorities in their area. Longer-term reforms could include greater use of joint plans, of plans overseen by mayors and combined authorities, and of development corporations. The Government should seek to apply the lessons from successful strategic plans devised by local authorities in certain parts of the country in devising more effective mechanisms for strategic planning.* (Paragraph 61)

Public engagement

10. *The Government must commission research about the extent of public involvement in the planning system. This should precede the collection from local authorities and publishing of statistics about public involvement in Local Plans and in individual*

planning applications. Such research would give a clearer picture of the current situation and, in particular, at which point in the process people are most engaged. (Paragraph 76)

11. We support enhancing public involvement with Local Plans. However, figures cited by the Minister suggest that far more people are involved at the point when individual planning applications are considered than at the local plan stage, and this was backed up by the evidence we have received. We also fear that people will resort to legal measures if they cannot comment upon and therefore influence an individual planning proposal. *Therefore, all individuals must still be able to comment and influence upon all individual planning proposals.* (Paragraph 77)
12. It is disappointing that local councillors were not mentioned in the White Paper. They have a key role to play in both Local Plans and individual planning applications *We recommend that the Government set out how the valuable role of local councillors will be maintained in the planning system.* (Paragraph 78)
13. We welcome the greater use of digital technology in the planning system. But we recognise the need to ensure those lacking access can know about and participate in the planning process. The Minister suggested that the existing statutory notices on local newspapers and on lampposts would become a matter of discretion for local authorities. We do not agree with this approach. It risks creating a postcode lottery as to whether such notices continue. This would disadvantage those residing in financially stretched councils and those moving into local authorities where such practices have been discontinued. *The existing statutory notices should be retained for all local authorities, to be used alongside technology. We propose the use of virtual participation in planning meetings continue alongside in-person meetings after the COVID-19 restrictions have been lifted. We also propose that local authorities should experiment with novel ways of engaging the public with the wider planning system, for instance through the use of citizens assemblies.* (Paragraph 88)

The housing formula

14. We support the principle of using a standard method that applies across the country. We recognise there has been criticism of the current standard method for not promoting levelling up by reducing the targets for future homes below the numbers currently being delivered. It also does not directly consider brownfield sites nor environmental and other constraints on developable land in a particular area. (Paragraph 110)
15. We think the Government's abandonment of its proposed formula for determining housing need is the correct decision. There remains a need for additional information about how the Government's revised approach, announced in December 2020, might work in practice. This is especially important given the proposed urban uplift for 20 urban centres *The Government should:*
 - *Provide an explanation of what criteria were used by the Government to both identify the 20 urban centres being subject to the uplift, and the scale of the uplift.*

- *Clarify the rationale for the local targets in those places subject to ‘urban uplift’, given the need to also consider geographical barriers such as the seas and rivers, Green Belt and other protected places, and the availability of brownfield sites. The Government should set out the impact on the Green Belt in areas where there will be urban uplift.*
- *Reconsider the increase proposed for London, in light of its lack of feasibility, especially given the need to protect important Metropolitan Open Land, and the potential impact of COVID on patterns of commuting and work*
- *Explain how it will ensure that its new approach does not lead to a significant reduction in the annual construction of dwellings in northern England and the Midlands (Paragraph 111)*

16. In addition:

- *We broadly agree with the Government’s general approach of using workplace-based earnings. But for specific local authorities the Government should consider using residence-based earnings to ensure the housing targets accurately reflect local circumstances. The Government should also publish what the housing targets would be using each type of earning would use of each type of earnings would result in.*
- *The Government should commission and use new household projections. These should take account of the criticisms of the current approach made by the Office for Statistics Regulation; and take account of the impact of the COVID-19 pandemic. Calculations of housing need should also incorporate properties that could be converted and repaired. The Government should also take account of criticisms of the existing ‘standard method’ and directly incorporate availability of brownfield sites, environmental and other constraints on developable land, and the wish to level up into the standard method formula.*
- *The Government should permit local authorities to undertake their own assessment of housing need for inclusion in the Local Plan, if they disagree with the nationally set figures for their local area (which would be accepted by the Planning Inspectorate). Local authority’s assessment could then be evaluated by the Planning Inspectorate. (Paragraph 112)*

How to deliver new homes

17. We echo the Public Accounts Committee’s calls for greater clarity on how the Government will deliver its ambition for 300,000 housing units a year, and why this target was chosen. Our previous reports have endorsed the need for additional social and specialist housing. But the scepticism voiced by some about the validity of the 300,000 units target, particularly given the revisions to household projections, deserves a clear answer. There is also scepticism that the target can be delivered. *The Government should publish the evidential basis for its 300,000 housing units a year target and set out how this target will be achieved, both by tenure and by location. (Paragraph 116)*

18. It is our view is that the pace of completing planning permissions is too slow, and that carrots and sticks are needed to quicken the pace. *The Government should produce a strategy for increasing the extent of multi-tenure construction on large sites in line with the Letwin Review's recommendations. It should explore the greater use of Development Corporations that are transparent and accountable, alongside incentivising the use of smaller sites and SME builders. We also recommend introducing, in the first instance, time limits for the completion of construction and non-financial penalties where those limits are exceeded without good cause. The Government should set a limit of 18 months following discharge of planning conditions for work to commence on site. If work has not progressed to the satisfaction of the Local Planning Authority then the planning permission may be revoked. An allowance of a further 18 months should be allowed for development to be completed, after which the local authority should be able, taking account of the size and complexity of the site, and infrastructure to be completed by other parties, to levy full council tax for each housing unit which has not been completed.* (Paragraph 129)
19. We support ensuring that the additional housing being built includes affordable and social housing. There should also be support and encouragement for local authorities to deliver specialist housing, particularly for elderly and people with disabilities. *The Government should create a C2R class for retirement communities to ensure clarity in the planning process. There should be a statutory obligation that Local Plans identify sites for specialist housing. We repeat our recommendation in our 2020 social housing report that the Government should publish annual net addition targets for the following tenures over the next ten years: social rent, affordable rent, intermediate rent and affordable homeownership.* (Paragraph 136)
20. We heard concerns about the Government's First Homes programme, especially its potential impact on the provision of other forms of affordable housing. First Homes has an important part to play in delivering homeownership, and we hope that the Government has learnt the lessons of the failure of the Starter Homes programme and the need for the 25% price reduction to remain in perpetuity. But the Government must also ensure that its First Homes programme does not reduce incentives for other types of affordable housing—in particular the delivery of shared ownership properties or social housing. *We recommend that the Government lay out its timetable for when First Homes will become available. To reflect the needs for different types of affordable housing in different areas, local authorities should have discretion over what proportion of houses built under Section 106 agreements must be First Homes.* (Paragraph 139)
21. We welcome the additional funding for brownfield sites outlined in the Comprehensive Spending Review. In our engagement activities with the public it was clear there was support for prioritising brownfield locations and unhappiness at the perception this was not taking place. This in turn nurtured wider hostility to the 300,000-housing unit target. It is important that the public has confidence in the Government commitment to brownfield sites, but also understands why those sites alone are insufficient to deliver their target. *Accordingly, the Government should publish the evidence showing why the level of house building that could be supported by brownfield sites alone are insufficient to delivering the required homes. The Government must also explain why the proportion of new residential address*

created on previously developed land has fallen in recent years. In addition, Local Plans should be able to prioritise the use of brownfield sites for development ahead of other sites. (Paragraph 144)

Omissions

22. We agree that the Government's proposals omitted important issues that should be considered in any changes to the planning system. This was particularly true of the lack of consideration of non-housing issues. Different aspects of the planning system cannot be compartmentalised in this way. Housing cannot be treated in isolation from wider infrastructure, economic, leisure, and environmental activities and considerations. *Therefore, in advance of a Planning Bill, the Government should include within consultations the expected impact of its proposed reforms to the planning system on:*

- *The 'levelling up' agenda including the promotion of employment*
- *The economic recovery from the COVID-19 pandemic*
- *The high street*
- *Addressing climate change and creating sustainable development*
- *Bolstering sustainable transport*
- *The delivery of commercial and industrial property, including leisure facilities, mineral extraction, and energy networks*
- *Policies on social exclusion and on particular groups including Gypsy and Traveller Communities*
- *The environment—in particular the proposed reforms to environmental impact assessments, the designation of protected areas and species, and the proposals for a net gain in biodiversity in the Environment Bill currently going through Parliament (Paragraph 148)*

Land capture and the funding of infrastructure

23. We were disappointed that very little progress has been made in implementing the recommendations of our predecessor committee's report into land value capture. The Government's response to our social housing report did not engage with our renewed recommendations about reforming the Land Compensation Act 1961, and the promised consultation in the response for autumn 2020 has not appeared. *We call upon the Government to act upon the whole range of recommendations in our predecessor committee's Land Value Capture report. (Paragraph 154)*

24. *The Government must clarify how it will replicate the binding nature of Section 106 agreements and which parts of the approach will be retained. If they cannot be easily replicated, especially without creating additional complexity, then we recommend retaining Section 106 agreements. (Paragraph 161)*

25. There is a case for reforming the Community Infrastructure Levy, but it is less clear that Section 106 agreements needed replacing. The Government should be mindful of the cumulative effect of the challenges posed to affordable housing provision by the proposed abolition of Section 106, the raising of the threshold for small sites exempt from affordable housing, and the expansion of permitted development rights. We also welcome the Government's decision in April 2021 not to proceed with a higher threshold for exemption from having to provide affordable housing to sites of forty or fifty dwellings. *The Government should reconsider the proposals of the 2017 review of the Community Infrastructure Levy as an alternative to their national Infrastructure Levy. If the Government does proceed with its Infrastructure Levy proposal, a localised rate should be set reflecting local land values. The Government needs to clarify who will set these localised rates, and whether these will differ by local authority or some other sub-national area. The Government must guarantee there will be no reduction in the amount of affordable housing, including social housing, being delivered as a result of their proposed changes. The Government must recognise that the Levy will not raise enough money to pay for all infrastructure, especially large scale sub-regional and regional investments across much of the country. Further inequalities will need to be addressed through redistribution of Levy funds and through increases in infrastructure spending from central Government. We also recommend leaving the Mayoral Infrastructure Levies in place.* (Paragraph 176)

Resources and skills

26. There is a clear need for additional resources for local planning authorities and this was reflected in evidence from a wide range of sectors. The reduction in their funding is slowing down the workings of the planning system. The Government's proposed reforms will require additional specialist skills, for example in areas such as design, on top of the existing resource pressures faced by the planning system. The Royal Town Planning Institute estimated that £500 million over four years was needed in additional funding. We therefore welcome the additional funding provided at the Comprehensive Spending Review, and the Minister's assurance that this is only the start. The pressures on the system will only increase if the Government proceeds with its reforms, including the thirty-month timeframe for Local Plans, at the same time as LPAs have to continue to operate the current system. *The Ministry should now seek to obtain a Treasury commitment for an additional £500 million over four years for local planning authorities. Providing this certainty of funding should precede the introduction of the Planning Bill.* (Paragraph 185)
27. The Government's reforms require an increase in planning staff, especially those with specific specialist skills, such as design. These skills gaps will need to be filled if the planning system is to be improved. *The Government must undertake and publish a resources and skills strategy in advance of primarily legislation, to clearly explain how the various skill needs of the planning system will be met.* (Paragraph 186)

Design and beauty

28. The Government's focus on beauty, whilst laudable, must not detract from other important aspects of design. *The Government must ensure that its national design code, advice for local authorities about local design codes, and other aspects of design*

policy reflect the broadest meaning of design, encompassing function, place-making, and the internal quality of the housing as a place to live in, alongside its external appearance. Given the problems with defining beauty, and to ensure a wider approach to design, there should also not be a ‘fast track for beauty’. Many discussions about beauty and design are very localised, concentrating a specific site, building or street. We do not think these discussions can be incorporated into Local Plans covering an entire local authority. Therefore, the Government must clarify how the public will be able to offer views about developments at this small scale. This is doubly significant given the Government’s proposed reduction in the opportunities for people to comment on individual planning proposals. (Paragraph 203)

Green Belt

29. *We agree with evidence that called for the protection of the green spaces in the Green Belt; whilst also recognising that not all Green Belt land are green spaces. A review should examine the purpose of the Green Belt, including whether it continues to serve that purpose, how the public understand it, what should be criteria for inclusion, and what additional protections might be appropriate. The creation of new Local Plans also provides an opportunity for local reviews of Green Belts and the Government should help identify those local authorities where such reviews are particularly urgent. Local Plans can also relieve pressure on Green Belts by prioritising developments on brownfield sites. The Government should ensure there is sufficient funding provided to support their decontamination. (Paragraph 210)*
30. *Given the demands for additional housing in urban areas, and the lessons of the COVID-19 pandemic about the importance of green spaces for people dwelling in cities and large towns, it is concerning that the Government White Paper did not confirm the same protections for Metropolitan Open Land as for Green Belt Land. We therefore recommend that the Government extend the same protections that are provided under any new planning system to Metropolitan Open Land as apply for Green Belt. (Paragraph 212)*

Environmental and historical protections

31. *There is a case for improving our knowledge of where there are possible historical sites and for further protections for specific sites and currently undesignated locations. The Historic Environment Records dataset should be put on a statutory basis. The Government should assess the merits of providing additional protections for other sites, such as those of local interest and World Heritage Sites. We also recommend that the Government publish an assessment of the impact of its proposed changes on historic buildings and sites. This should include the impact on undesignated and future archaeology, and on heritage sites situated in growth areas. (Paragraph 223)*
32. *The Government should clarify how it intends to define flood risk in the planning system. This includes clarifying how this will take account of the possible impact of climate change and how it fits within wider flooding policy. (Paragraph 225)*
33. *The planning system should pay greater attention to the importance of green spaces and to wildlife near to people’s residences. The Government should reconsider the*

retention of sustainability assessments and ensure that the operation of Environmental Impact Assessments on the planning system is covered in its further consideration ahead of the Planning Bill. (Paragraph 232)

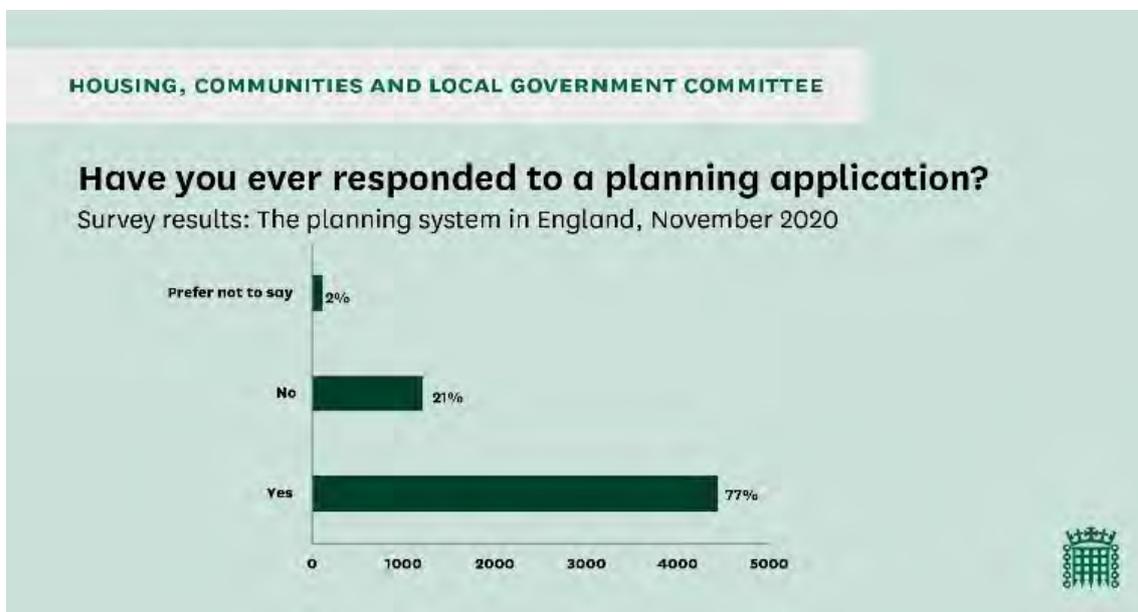
Appendix 1: Public engagement survey

About the survey

1. On 29 October 2020 we launched a public engagement survey for our inquiry, which ran until 12 November 2020. We received 5,756 responses. We would like to thank everybody who took the time to answer our questions and provide comments. Although the responses are not necessarily representative of the views of the wider public, they provide a useful snapshot of opinions and helped inform our inquiry. The responses have helped us consider issues that were not necessarily discussed in our oral and written evidence; and fed into questions for our final evidence session with Minister for Housing, Christopher Pincher.

2. This appendix summarises responses to the survey and includes anonymous quotations from those responses. It begins with respondents' engagement with the planning system, before turning to the major issues raised: nature and wildlife; the use of brownfield sites; views of the current planning system, including whether the planning system is making it too easy or too difficult to build; attitudes towards local authorities and planning departments. Next it covers opinions about local and national housing needs, including the Government's 300,000 housing unit a year target. It then focuses on attitudes towards the Government's proposed reforms to the planning system, and lastly it concludes with respondents' ideas for the future of planning.

Respondents' experience with the planning system



- 77% of the respondents to our survey had responded to a planning application.
- 50% of respondents had put in a planning proposal (against 47% who had not and 3% who preferred not to say.)
- 72% of respondents said that they had responded to a consultation for a Local Plan in their area.

Nature and wildlife

3. Nature and wildlife were the subjects most frequently mentioned, normally together, by respondents. There were over 1,200 references to nature, the environment, and wildlife. Here are some of the comments we received:

- “Impact on wildlife and nature should be given a much higher priority and surveys done by independent groups or using wildlife group data”.
- “Much more consideration needs to be given to the impact of future planning on wildlife and biodiversity in the area. This is the most important thing.”
- “Nature needs to be prioritised when considering building new homes. That’s the best way to ensure we can all have healthy, and sustainable places to live and work.”
- “Wildlife and the environment has to be at the heart of every planning decision so we all have places to live, work and visit which are beneficial to our physical and mental health and not detrimental to our precious environment and wildlife.”
- “Much more consideration should be given to protecting the country side and wildlife. Far too many green fields and woods have already been destroyed.”

4. These worries about the environment tied into support for building in more sustainable ways. This included improving insulation and ensuring houses were energy efficient:

- “The future of planning in England must always consider, protect and aim to improve the country’s ecosystems and natural resources. Developments must be genuinely environmentally sustainable; this is not an area that can be compromised in pursuit of cost-cutting or profit.”
- “All new homes should be environmentally friendly, with ground source heating, rain collection systems, solar panels and better insulation”.

Brownfield land

5. The next issue most mentioned was using brownfield land ahead of greenfield sites or building on the Green Belt. Clearly this was connected with concerns about nature and wildlife. There were also calls for better use of existing buildings—including converting offices and shops into housing:

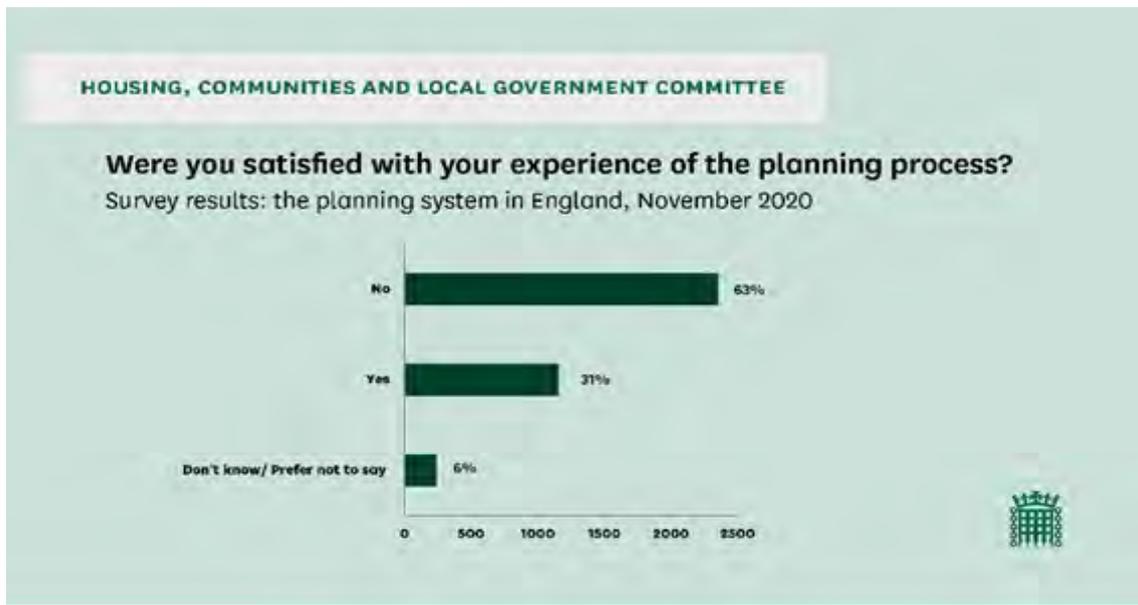
- “I would prefer that it is made more difficult to build on green belt when brownfield sites are available. Green belt should only be used when other options have been exhausted.”
- “Green belt should always stay as green belt and never be built on.”
- “Brown field should be exhausted until green belt building is even considered”.
- “We have concerns about the number of properties being built on greenbelt land. Yes, we need some new properties but not enough consideration is given

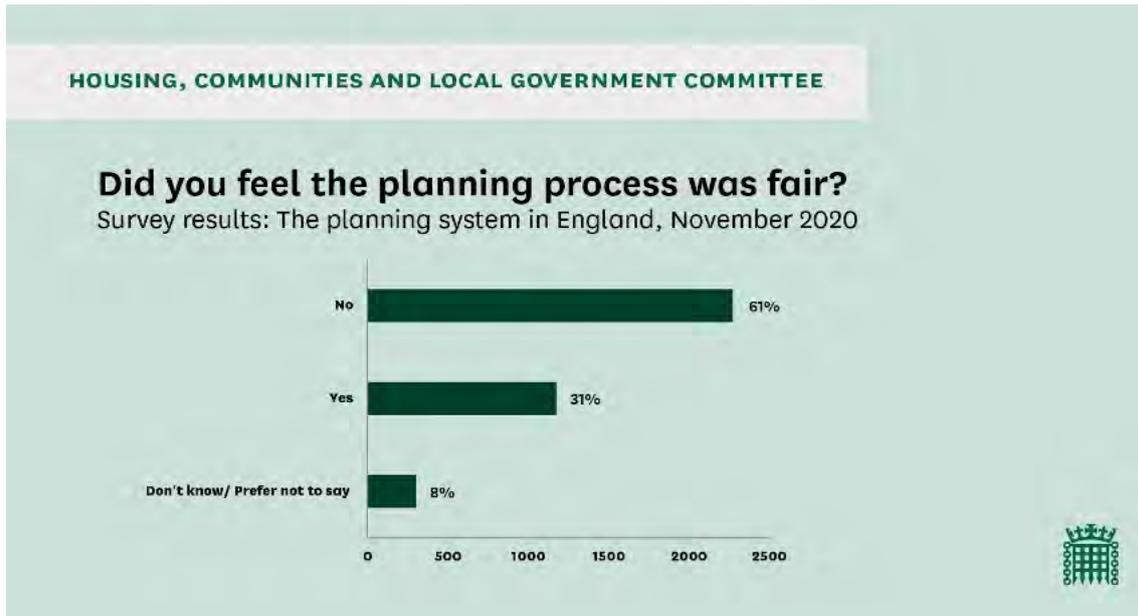
to the appearance of the buildings in relation to their environment. So many buildings are just an eyesore and they would be more acceptable if they looked appealing and fitted in with their surroundings. Our countryside and green space should not be sacrificed just to build more houses. More use should be made of brownfield sites and renovating existing buildings.”

- “Commercial buildings and brown sites should always be considered first for conversion to housing before any new development is permitted.”
- “There are swathes of derelict offices and buildings that can be sensibly converted into homes.”
- “There may be some need for new homes but I doubt the number that is presently planned for. No mention is ever made of severely controlling second homes. If these were released the number of new builds would be greatly reduced. Unspoilt countryside is very much at a premium. Our countryside and nature cannot afford the sprawl that is envisaged.”

Experiences of the current planning system

6. We asked those who had said they had experience of the planning system whether they were satisfied with their experience, and whether they thought the process was fair.





- 63% said they were not satisfied with their experience. 61% said they did not think that the planning process was fair.

7. We also asked whether respondents felt the planning process reached decisions at the right speed. 54% disagreed that decisions were made at the right speed.

8. We wanted to know whether people could easily find out information about planning proposals. 17% of respondents thought information about planning proposals was easily available. 46% said that it was somewhat easily available, and 34% said it was not easily available.

9. The comments received also voiced concern about the state of the current planning system. There were complaints that the system was opaque, inconsistent, and was predisposed towards building more houses:

- “The current planning system is opaque and difficult for the layperson to navigate”.
- “EPlanning was intended to allow for 24/7 access. This hasn’t occurred. Too many records are not available online, which requires unnecessary time and money spent trying to access those records.”
- “Whilst my experience of the planning system has on the whole been reasonable it has been erratic and illogical with little ability to properly engage and get a consistent answer to what is acceptable and what isn’t which makes it time consuming, costly and frustrating.”
- “Planning consultations are too short and not well publicised. They don’t take enough account of the needs and demands of the area and should do this more.”
- “Planners have too much power of interpretation of ever more vague standards. Planning committees have mostly no idea on what is the right decision for a

particular submission. There is abuse of the system by developers and planners ... which leads to large scale developments being able to ignore local and national standards for a few pounds.”

- “We are supposed to live in a democratic society, how then is it possible that our very way of life our homes are amenities are under constant threat to developments that erode our very existence. The planning process is undemocratic and in the hands of unqualified people making the wrong decisions that affect whole communities we need a fairer system that allows the people to have more say in what gets built and how.”

10. There were also complaints that the system was biased towards developers, and that they were too slow at completing developments with planning permission:

- “The planning system is heavily weighted in favour of the developer on every level”.
- “It’s too expensive for councils to defend planning decisions against builders’ expensive lawyers and they always appeal so councils often have to stand down.”
- “The fact developers can keep on reapplying time and time again with a few tweaks, needs stopping. It is a waste of everyone’s time and money”.
- “Once there is an agreed house building requirement the process should be under local Government Control ... especially in the case of Planning Appeals. Large developers use ‘planning by appeal’ to overcome local objections and requirements such as infrastructure and affordable housing”.
- “There are already about 1 million planning permissions already granted for homes. The Government should concentrate on getting developers to build those houses now. Until those are built, no more permissions should be granted for sites of more 5 houses. The construction industry needs a stick more than a carrot.”
- “All new developments approved should have an agreed reasonable timescale for build out.”

11. Criticism of the planning system also came from those supportive of permitting more developments:

- “Narrow the range of people consulted in applications, currently too many people can effectively veto development from a surprisingly long distance away.”

12. Some respondents defended the current system, but with some criticisms about resourcing and other issues:

- “There is very little wrong with the current system except that the planning authorities have been deprived of resources and are therefore unable to perform effectively.”
- “Increase Local Authority resourcing to process and determine applications in accordance with timescales.”

- “Unfortunately too many local authorities, including the one I live in, made all of their planning officers redundant and have no professional input to the planning application process. This was short sighted and highly damaging.”
- “The system is fundamentally sound, however it is often over complicated by local issues which don’t relate to planning considerations being used to disrupt the system, it is also grossly underfunded at local government level which causes many problems and delays.”

Opinions about whether the planning system makes it too easy or too difficult to build

13. Some argued that the planning system was making it too difficult to build:

- “I am not averse to objections being made on planning grounds. However with the rise of social media the ease of a few objectors to promote unsubstantiated objections for their *[sic]* own purposes is increasing at an alarming rate ... I am in favour of a simplified system even to the extent of planning permissions for small schemes of under a certain size being decided by planning officers.”
- “There has to be a level of control to protect building standards and neighbourhood environments. However the balance between costs/timescales for builders and controllers (councils) and the needs/benefits to the community has to be right. I am literally amazed at the cost/ time taken to get to the build stage which is cost which will put pressure on the eventual build quality and demotivate self build/developers. My Neighbourhood Plan illustrates my point, it identifies poor quality housing—why should I invest if I cannot build what I would like/or get fair return. We must cut the cost of planning. The planners should be part of the team, not starting from a NO position but more of a proactive advisory role—guiding and nurturing. My pre-application experience gave me no advice how I could achieve what I was trying to do.”
- “The issue with the planning system is that local councillors do all that they can to frustrate housebuilding, despite the recognised housing crisis and need to address nearly 40 years of under-delivery. They see housing as a vote loser so actively obstruct it.”
- “I’m a renter paying enormous amounts of money. I don’t know if I will ever be able to afford a home. I am tired of the planning system being co-opted by wealthy homeowners who think that we don’t need more homes! Young people have a right to housing too but our voices are ignored.”

14. Contrastingly, opponents of additional building took the opposite view, that the planning system was making it too easy to build:

- “The planning process in Devon is driving social inequality. It is pitting communities and neighbours against each other and causing mental and physical distress and ill health. It is heavily weighted in favour of development and therefore those with the expertise and finances to exploit the planning to

its maximum. It needs to be significantly slowed down and for decisions to be given back to local planning office who are best placed to make the right decision for the community that they are at the heart of.”

- “Stop building so heavily in the south east and east of England we do not have the infrastructure and are losing all our lovely open space there is a lot of land north of Birmingham”.

Attitudes towards local authorities and planning departments

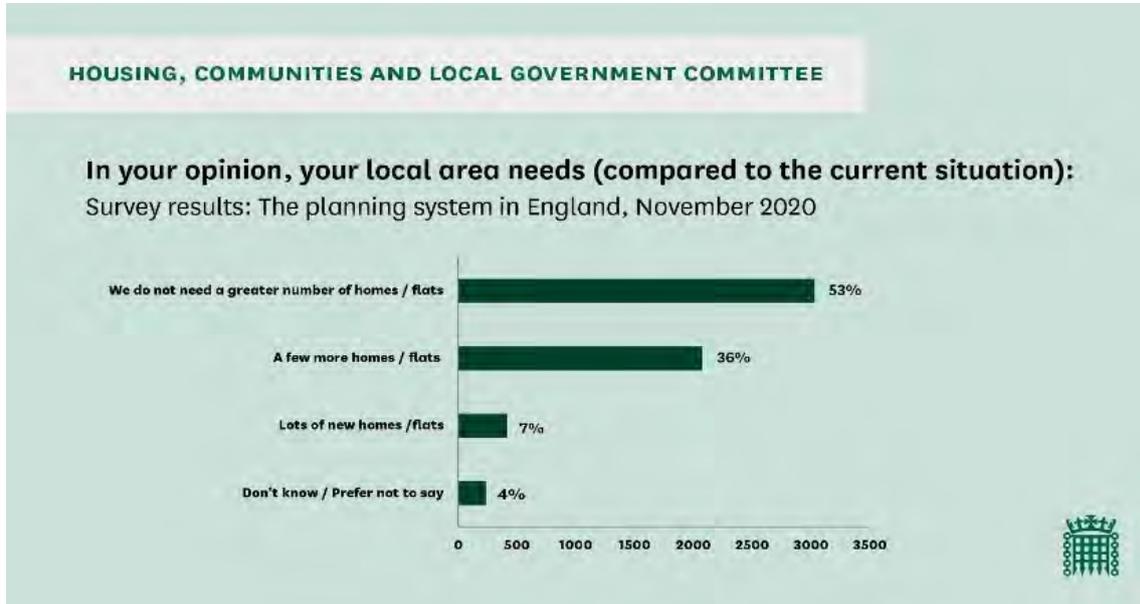
15. There were specific criticisms of the unhelpfulness and inconsistency of some planning offices. There were calls for planning committees to be better informed. Worries were also raised about conflicts of interest where councils are involved in the development. Some of the comments included:

- “At times it appears that the Planning Department deliberately obfuscate, do not make information available in a timely manner and generally would prefer it if the public did not get involved.”
- “Planning officers need to be more consistent. It seems that a successful application depends on which officer you get. New housing developments should go hand in hand with infrastructure improvements.”
- “Members of planning committees need to better understand the planning process and to read the information submitted with each application so as to avoid the frequent situation that arises where applications are refused despite the reason for refusal has been clearly dealt with within the application documents.”
- “Have been shocked at how corrupt the system is. Our District Council has become a housing developer and passes its own planning applications. Individual Councillors approve planning applications for their mates. Planning Inspectors can overturn decisions by other planning inspectors. Planning decisions are perverse - particularly in our Conservation Area. Entire system is broken, with poor or no oversight.”
- “I can only speak for applications in Cornwall but the move to give more power to Parish Councils and Town Councils who have very limited and often incorrect knowledge of planning policy and design issues is causing severe breakdown in the ability of planning applications to be dealt with fairly and promptly, the threat of refusals forcing applicants towards the costly and delayed process of an appeal is common and used as a tool for stopping and frustrating development that should otherwise simply be approved creating a more sustainable economy, improving the existing housing stock and delivering quality housing”.

Opinions about local housing need

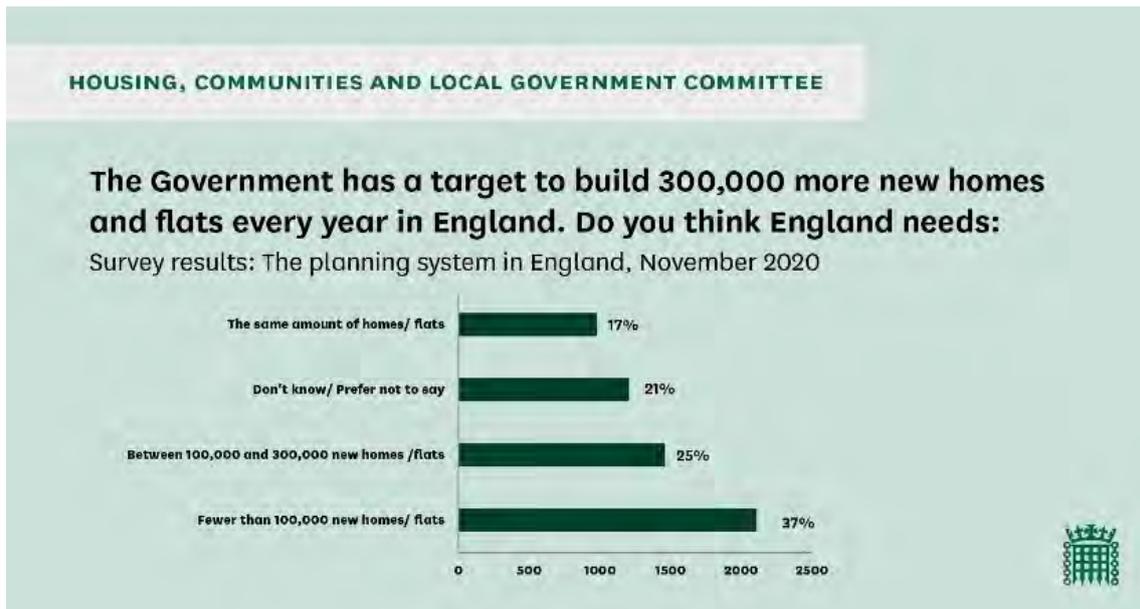
16. The majority of our respondents thought that it was too easy to build houses and flats in their area. This was echoed in responses to our question about how many new homes or flats were needed in their local area. 53% of respondents said their area did not need a

great number of homes and flats. Of those supporting more homes and flats in their area, the preferred option was for a few more properties (36%) rather than lots of additional homes or flats (7%).



Opinions about national housing need

17. To test whether people thought differently about building nationally than in their local area, we asked about the Government’s target of building 300,000 housing units a year in England. This question did elicit greater support – 17% agreed with the Government’s target. 21% did not know or preferred not to say. However, 25% preferred to build between 100,000 and 300,000 new homes and flats a year, whilst 37% preferred building fewer than 100,000 new homes and flats a year.



Government proposals for reform

18. We wanted to know respondents' views on the core principle of the Government's proposed reforms to the planning system. Accordingly, we asked our respondents which system they preferred – a system where every specific planning proposal has to be considered; or system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted; or another system entirely.

- 77% preferred a system where every specific proposal had to be considered. 15% preferred a set of rules and requirements, and 7% opted for another system.

19. There were supporters of the proposed reforms:

- “The presumption should always be in favour of development with an approval being deemed granted by the appropriate determination date for the application type, with only refusals issued where in breach of adopted policies or national guidance.”

20. Other participants proposed similar systems:

- “A system that has specific rules and requirements but each set of criteria would attract a number of “points”. These points could be varied by area but once an applicant has reached a certain threshold the application should be permitted. For example points for design, green credentials, local building style/materials, local occupancy, protection of fauna and flora, local housing need, proven local designs/locations etc. This would remove the subjectivity applied by local planning officers under delegated powers.”
- “Preapproved planning permission provided by government for these who want to build their own house”.

21. Some respondents did approve of the idea of a zoning model, but critiqued the current proposals:

- “A zoned approach would be preferable, but the Government are proposing a very bad version of zoning. They have the principle right but the process is garbled.”
- “Whilst I agree with a set of rules and requirements that could facilitate automatic permission this is too broad a point for me to accept and support without details. These could be onerous or too wide, the devil is in the detail. So, although I support the principle I don't want the Government to think I can be counted as accepting current proposals which I feel are too broad.”

22. Other respondents were more generally critical:

- “As a practicing architect and member of an amenity group I feel that too much government policy is driven by the volume housebuilding lobby whose interests are in pushing forward unsustainable housing provision without proof of need.

We have seen the degradation of both our cities and countryside over the past few years and the powerlessness of the planning system to protect them. The White Paper will simply accelerate this.”

- “The current proposals will remove the opportunity for local people to have their say on, and influence local decisions on a case by case basis. Most ordinary people do not realise what is about to be taken away from them; they won’t understand until a new development is proposed which will impact on them and they find they have no right to comment or object.”
- “The proposal put forward by the government seems to be solving a problem that doesn’t exist. Most plans that get submitted are approved in a timely manner. The housing shortage is not caused by an issue with the planning process but by developers who are sitting on land until they can make a bigger profit.”
- “The proposals don’t seem to be based on actual experience of how the system works. Dividing the country into just three categories of land seems highly simplistic - often different types of land are mixed up with each other.”
- “The need for more homes is understood but automated permission is against democracy”.
- “The government proposals are simplistic and show a misunderstanding of the nature and inherent complexity of development in the UK. The current system, especially plan making, could do with some simplification but needs to be properly resourced and must remain locally democratically accountable.”
- “The problem with a rules and requirements approach is that it is a “one size fits all” approach and unfortunately all places aren’t the same so this will ultimately result in some bad developments taking place. The current “plan led” approach set’s out the rules and requirements to guide developers, but there is still necessary scrutiny to ensure bad developments don’t go ahead.”

23. There was a strong desire to retain—and in some cases expand—the involvement of local people and communities in the planning process:

- “Please do not take away our democratic right to comment on planning applications where we live.”
- “The English planning system takes into account local views that are important for maintaining a community.”
- “The proposed new system will take decision making away from local areas who know what is needed and know the area around them.”
- “It is vital that there is democratic involvement in considering individual planning applications, because the variety of applications and individual situations is so great that attempting instead to lay down detailed guidelines in Local Plans is bound to fail. Also I know from personal experience that most residents will not involve themselves in drafting Local Plans, and only become involved when there is an individual planning application near to their dwelling, or which affects their lives.”

Ideas for the future of the planning system

The importance of local community involvement

24. The concerns about the loss of local involvement fed into a wish to ensure local communities had a proper say in the system:

- “It is vital that the local community has a voice at every stage of planning from the local plan to individual planning applications. Neighbourhood plans have provided an excellent mechanism for community involvement and nothing must be done to reduce their effectiveness.”
- “Most of my experience is as a district councillor. The system is arcane, impenetrable and lacks transparency. The process needs simplification and more emphasis on localism. The present process of local decision followed by appeal to some random person from elsewhere embeds lack of trust even if the decision itself is fair. We need to build a new system from the ground up with local residents at the heart.”
- “Local communities should have more legal rights in terms of formal objections to a planning approval being given by a local authority, presently they only redress is via judicial review or calling in, both of which are very difficult for small rural communities to utilise.”
- “Planning approval must be kept local where local residents who will be affected by it are able to have their voice heard. Decisions should not be taken in London (or anywhere else) by people who will not be affected by the decision. This is what local democracy should be all about.”

25. This wish for local community involvement in turn linked to a wish to uphold and increase local democratic control of the planning system:

- “Localism is paramount, and to ignore it would be tantamount to riding roughshod over local democracy.”
- “The ideal DEMOCRATIC planning system would give Local ELECTED councillors the decision on where and what to build in their area, and eliminate the intervention by Appeal Inspectors who overrule them.”

26. There were mixed views about local authorities being involved. Most supported their involvement:

- “Local planners should continue to vet ALL proposed development.”
- “It is essential that any new system allows detailed local scrutiny of all new building proposals by local authorities and individuals so as to ensure that all buildings genuinely comply with environmental and energy saving requirements.”

27. However, we were also told that:

- “Controversial decisions would be better made by a small committee of experts representing a balance of interests, rather than rely a single planning officer making recommendations to elected councillors.”
- “Planning committee members should retire after a defined term, lay people should be involved and there should be greater transparency about the members and their spouse’s interests.”

Affordable and social housing

28. Respondents raised the need for affordable and social housing to be delivered through the planning system. Those supporting additional housing often emphasised that all or most of new residences should be affordable and social housing.

- “Planning should favour affordable, publicly sponsored, eco- and nature-friendly family housing.”
- “We need community ownership and community partnerships which deliver well built affordable homes.”
- “Planning on new homes should only be granted if the development actually includes properties that are available at a subsidised rate to local qualifying key workers and teachers.”
- “Ensure that there is social housing and bungalows in all planning permission—this important for elderly people who want to downsize but can’t find suitable accommodation.”
- “New homes should include more social housing.”
- “There is a significant need for social housing in the UK. However this should be balanced with the need to protect the environment. As a result, I believe more housing should be focused in inner city regeneration and brownfield sites.”

Infrastructure

29. Respondents also put considerable emphasis put on the importance of ensuring infrastructure is available:

- “Infrastructure (schools, hospitals, GP surgeries) have to be expanded before any new homes are approved.”
- “Proposals for housing must include details of infrastructure and how this will be increased in line with the increase in housing I.e. schools, doctors.”
- “All buildings that increase population need increase[s] [such as] ... utilities, health, schools, sports and recreational facilities, transport links, roads, sensible traffic & parking solutions as well a good spread of local commercial & retail outlets. Not just fast food, coffee shops, barbers, hairdressers and nail bars.”
- “There need to be levies to ensure mandatory infrastructure is put in place. It should be an integrated part of the planning process that where areas for housing

development are identified local authorities should be responsible for ensuring sufficient land within it [is] protected to build the necessary infrastructure to include as minimum new or extended education and primary care services, and green spaces.”

Other proposed reforms to the current system

30. We heard other suggestions for reform relating to multiple applications on one site, appeals and enforcement:

- “Planning proposals for a given location should always involve serious consideration of earlier submissions that have been made about the same site.”
- “The only thing wrong with the present planning system is that applicants are able to appeal against a decision, whilst those who have objected are not able to do so. Although independence of planning inspectors is essential as is the fact that they do not live/work in the area in which they are asked to assess an appeal, there are questions about the roulette wheel ‘game’ that inspectorate decisions sometimes present to the public. Too many inspectorate decisions appear to not understand local issues.”
- “At present those that will suffer from an approved application have no right of appeal, unlike applicants. That should be addressed.”
- “Enforcement when building [is] not in accordance with planning permission given needs to be strict, especially in conservation or heritage areas, otherwise there is no planning system.”

Appendix 2: Public engagement event

Details of the event

1. On 26 November 2020 we held an online public engagement event with 38 participants. The participants had been chosen drawn from those who had responded to our survey. They were selected to ensure people from a range of ages and ethnicities, living in different types of properties and across the country were involved. We would like to thank everybody who attended.
2. The participants were split into four virtual rooms, with an MP chairing the discussion in three rooms, and a member of committee staff in the fourth. Participants had been notified in advance of the three questions under discussion:
 - Do you think that the current planning system is fair? What has been your experience of it?
 - What should be the most important concerns for the planning system?
 - Currently the majority of specific planning proposals have to be individually considered. The Government has proposed moving to a system where there are a set of rules and requirements, and in certain pre-agreed areas planning proposals that meet those rules they are automatically permitted. Which system do you prefer? Are there different changes that are needed?
3. This appendix summarises the responses to the three questions, drawing on information from all four rooms.

Discussion

Is the current planning system fair?

4. There was general agreement that the planning system could be unfair. Some attributed this to fundamental weaknesses and biases. Others emphasised that, since its purpose was to “arbitrate” or seek “reconciliation” between competing, and sometimes incompatible, interests, it could not always avoid being perceived as unfair. Several participants agreed, therefore, that the answer depended on a person’s perspective. One said: “if I make an application and I win, then it is fair, but the local residents who objected to the scheme may not see it as fair.” Others, recognising that the system could not satisfy everyone, thought it was “probably as good as it gets” and that “you’ll never have a perfect system.” It was suggested that those with experience of the planning system imposing large developments on local communities against their will or of struggling to get planning permission for small extensions were more likely to describe it as unfair.
5. Nonetheless, participants raised certain inherent sources of unfairness, with most agreeing that the system was weighted in favour of the large developers—those with “the deepest pockets”—who could “afford to wait and navigate the system”; and against local communities. Wealthy developers, who had access to lawyers and “clever consultants”, could “mitigate” the rules and “lean on local authority planners” to get the result they wanted. In general, participants agreed that the system could “be thwarted and bent

by virtue of the resources of large consultancies”. One participant described it as “a financialised nightmare of speculation and profit”. Another thought that it had been “skewed by the introduction of a very naked profit process as opposed to community wellbeing”. Similarly, many participants thought the planning system too often ignored the views of local communities. As one put it: “Far too often, the immediate area and the people who live there are left out”.

6. Most participants identified inconsistent decision-making as perhaps the main cause of unfairness in the system, although there was disagreement on the reasons for this inconsistency. Some thought it was due to the planning system being “too complicated” and too confusing, even for local authorities, and so unavoidably reliant on interpretation by individual planning officers. As one participant said, “it comes down to interpretation, and you often find people disagreeing on the interpretation”. A minority blamed the inconsistency on planning officers not being “properly trained” to interpret the rules correctly. Others accused the officers of bias and of paying “insufficient regard” to the views of local people, particularly poorer people. One person, commenting on a planning application they had objected to, said, “I think I was treated differently because I live in social housing and I’m poor”.

What should be the most important concerns for the planning system?

7. Participants disagreed, at least superficially, on whether the priority of the planning system should be to limit or to facilitate house building. However, this was often more a difference of emphasis than principle, with most strongly agreeing it should facilitate “the right development in the right places”, as opposed to “wholesale, blanket planning applications” that “completely devastate our landscape”. On the definition of “the right housing in the right places”, there was considerable agreement. For example, many emphasised the need for development to be accompanied by the right infrastructure, such as transport, schools and hospitals, without which many places could not cope with large increases in population. One participant thought that the “main problem” with the planning system was that “transport, which is often a driver of development, is treated quite separately and often as an add-on”. Another said that “sometimes we get developments that don’t provide the services to go with the development sizes”.

8. Most participants agreed that “full community engagement” and the “ability for local people, through the democratic process, to have a vision for where they live” were essential if the planning system was to deliver the right housing. One participant thought that if communities had a “real role in the planning system” the result would “not be more opposition to development but more and better development”. In response, though, some recognised that too much engagement could result in too little certainty around planning decisions and Local Plans. One participant argued for “much more certainty” but acknowledged that more certainty could result in “rigidity” and concluded there was “a difficult balance to be struck between certainty...and flexibility”.

9. A significant minority of participants were unequivocal that not enough land was being developed and that planning should be “freed up”. One participant thought that “the main concern for the planning system should be to facilitate development” and that it “should be easier to build more things”. Several believed society had a responsibility to provide housing for the younger generation and observed that most people objecting to development were older and already owned their own home. Another participant

argued that development should be “demand-led”, not “local authority-led”, as local authorities were only interested in reducing the number of houses being built in their area. A contrasting view was that a demand-led approach would only worsen the issue of infrastructure.

10. In addition to the main debate about how much housing the planning system should encourage, many participants thought that climate change and the environment should be a main concern for the planning system. One participant said it could contribute to the fight against climate change by encouraging housing with low fuel bills, another that it should facilitate renewable energy projects, such as ground-mounted solar installations, on the Green Belt. There was support for genuinely affordable housing; “truly affordable, not the Government’s definition”. Various other concerns were raised: the importance of “holistic planning” and “sustainable development”; making it easier to build on brownfield sites; a more flexible approach to housing targets that takes into account the amount of Green Belt land in an area; making small developments easier; action against land banking; and the “probity of the system”.

11. Finally, several participants wanted the planning system to focus more on the quality of housing, possibly through the application of “decent and consistent design standards”. The status quo had too many “tiny flats” were being built, rather than real homes for people to live in. One participant suggested that “carefully designed” development might arouse less opposition among local communities. Similarly, some participants stressed the importance of access to good-quality green spaces, highlighting the impact on people’s quality of life and mental wellbeing.

Will the proposals in the White Paper improve the planning system?

Zoning

12. As in the debate about how much development there should be, participants appeared to disagree strongly on the merits of zoning, but often there was only a difference of emphasis. Many cautiously welcomed the idea but were concerned that having only three zones was “too simplistic”. One participant thought zoning “much too blunt an instrument”, though this could have been more a criticism of the number of zones. Others worried that a “simplistic zoning into three types of zone” would not “take enough account of the complexity of the natural world” and that the proposals could result in a “free-for-all” in parts of the country. Some participants, though, were more enthusiastic. One said they were “all for zoning”, a second thought it “the right way to go”, though it probably needed more than three zones. Another welcomed the “degree of certainty” it would bring. One participant came close to summing up the majority opinion when they said: “I don’t think everything needs to be zoned, but I think where you identify broad areas for development, in general the white paper changes are a positive move forward.”

Local Plans

13. There was some support for having simplified Local Plans. One participant commented: “I think central government’s right, in a way, to think that these big 500-page documents with generic policies, which I’m going to argue one way, or the local authority officer’s going argue the other way, are an absolute waste of time.” More participants

expressed concern, however, that simplified Local Plans would be unable to cope with the complexity of urban areas and that trying “to put something prescriptive in a local plan that will be detailed enough to cope with the variety within the town will be almost impossible”. On the other hand, there was some support for the certainty of a Local Plan, with one participant thinking that “the idea that you can pop an allocation in a local plan and then give it a degree of more certainty to save planning applications would be welcome.”

Local engagement

14. Support for zoning was tempered by concern about what it meant for local engagement. Some participants were very alarmed at the prospect of communities losing the right to contribute to planning decisions beyond the initial plan-making stage. One said: “the loss of the historic community right to involvement” would be an “awful denial of local democracy”. Others warned of the danger that people would feel disenfranchised if they were not engaged at the local plan level and then found they could not object when something was being built. As a result, there was a feeling that the process would need “a lot of local involvement upfront”. Another participant thought the national rules would “be subject to so much criticism in individual cases that really, in a democratic society, those affected by developments should be able to comment on them.” Overall, there was a strong feeling that the “democratic accountability”, whenever it did occur, would need to be “good enough” for people “to accept the outcomes and outputs of the system”.

Design codes

15. On the requirement on local authorities and neighbourhoods to produce design codes, those participants who mentioned it were generally supportive. There was however some concern about a lack of detail and that it could become confusing. One participant wondered if “each local authority will have to develop a design code for each neighbourhood, or each distinctly different place, or area, within the local authority boundaries” and thought that “might be quite a lot of design codes” and that “each design code will need to be pretty detailed”. Another participant wondered if extra resources would be provided to implement the proposals. One person thought the key to making zoning work was having good design codes, though another was critical of the whole idea, saying: “I don’t think there can be any confidence in a system that effectively grants automatic planning permission on the basis of design codes that define beauty for us.”

Formal minutes

Thursday 27 May 2021

Members present:

Mr Clive Betts, in the Chair

Bob Blackman	Ian Byrne
Florence Eshalomi	Ben Everitt
Rachel Hopkins	Mary Robinson
Mohammad Yasin	

Draft report (*The future of the planning system in England*) proposed by the Chair, brought up and read.

Ordered, That the report be read a second time, paragraph by paragraph.

Paragraphs 1 to 232 read and agreed to.

Appendices agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134

[Adjourned until Monday 7 June at 3.30pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 9 November 2020

Brian Berry, Chief Executive, Federation of Master Builders; **Kate Henderson**, Chief Executive, National Housing Federation; **Philip Barnes**, Group Land and Planning Director, Barratt Developments

[Q1–31](#)

Lisa Fairmaner, Head of London Plan and Growth Strategies, Greater London Authority; **Andrew Longley**, Head, North Northamptonshire Joint Planning and Delivery Unit

[Q32–62](#)

Monday 23 November 2020

Tony Mulhall, Associate Director, The Royal Institution of Chartered Surveyors (RICS); **Philip Waddy**, Chair of the RIBA Expert Advisory Group on Planning, Royal Institute of British Architects; **Paula Hewitt**, 1st Vice President, ADEPT; **Richard Blyth**, Head of Policy, Royal Town Planning Institute (RTPI)

[Q63–88](#)

Claire Dutch, Partner, Co-Head of Planning and Environment, Ashurst LLP; **Nigel Wilson**, Chair, Homes for the North; **Ingrid Samuel**, Historic Environment Director, National Trust; **Steve Quartermain**

[Q89–116](#)

Monday 7 December 2020

Rt Hon Christopher Pincher MP, Minister of State for Housing, Ministry of Housing, Communities and Local Government; **Simon Gallagher**, Director of Planning, Ministry of Housing, Communities and Local Government

[Q117–175](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

FPS numbers are generated by the evidence processing system and so may not be complete.

- 1 All Party Parliamentary Group On Alternative Dispute Resolution ([FPS0109](#))
- 2 Abri ([FPS0078](#))
- 3 Accessible Retail ([FPS0053](#))
- 4 Action with Communities in Rural England (ACRE) ([FPS0161](#))
- 5 Adam Smith Institute ([FPS0085](#))
- 6 Aldersgate Group ([FPS0120](#))
- 7 Anchor Hanover ([FPS0074](#))
- 8 Anglian Water ([FPS0146](#))
- 9 Ark Data Centres ([FPS0063](#))
- 10 Ashford Borough Council ([FPS0016](#))
- 11 Ashford KALC ([FPS0060](#))
- 12 Association of Convenience Stores ([FPS0069](#))
- 13 Association of Directors of Environment, Economy, Planning & Transport ([FPS0114](#))
- 14 BRE Group ([FPS0042](#))
- 15 Bartlett School of Planning, University College London ([FPS0097](#))
- 16 Bristol City Council ([FPS0119](#))
- 17 British Property Federation ([FPS0127](#))
- 18 Bus Users UK Charitable Trust Ltd ([FPS0026](#))
- 19 Country Land and Business Association ([FPS0049](#))
- 20 Colvin, Andrew ([FPS0020](#))
- 21 CPRE—The Countryside Charity ([FPS0077](#)) and ([FPS0165](#))
- 22 Campaign for National Parks ([FPS0043](#))
- 23 Canal & River Trust ([FPS0048](#))
- 24 Caudwell Children ([FPS0010](#))
- 25 Centre for Ageing Better ([FPS0055](#))
- 26 Centre for Cities ([FPS0144](#))
- 27 Centre for Natural Material Innovation ([FPS0117](#))
- 28 Chartered Institute for Archaeologists (CIfA); Council for British Archaeology (CBA); and Association of Local Government Archaeological Officers (ALGAO:UK) ([FPS0080](#))
- 29 Chartered Institute of Arbitrators ([FPS0099](#))
- 30 City of London Corporation ([FPS0148](#))
- 31 Civic Voice ([FPS0076](#))
- 32 Clean Air in London ([FPS0087](#))
- 33 Clegg, Liam (Lecturer, University of York) ([FPS0019](#))

- 34 Collaborative Mobility UK ([FPS0160](#))
- 35 Commonplace ([FPS0136](#))
- 36 Community Advisory Board (Housing) for BAME and Vulnerable Communities ([FPS0150](#))
- 37 County Councils Network ([FPS0121](#))
- 38 Crawford, Cllr John ([FPS0008](#))
- 39 Cycling UK ([FPS0123](#))
- 40 Daventry District Council ([FPS0011](#))
- 41 District Councils' Network ([FPS0082](#))
- 42 Eagar, David ([FPS0009](#))
- 43 Elsey, Dennis ([FPS0145](#))
- 44 Emeritus Professor Tony Crook; Emeritus Professor John Henneberry; and Emeritus Professor Christine Whitehead ([FPS0164](#))
- 45 Emeritus Professor Tony Crook; Hon Professor Vincent Goodstadt; Emeritus Professor Christine Whitehead; Emeritus Professor John Henneberry; Hon Professor Janice Morphet; Professor Cecilia Wong; Professor Malcolm Tait; Hon Professor Kevin Murray; Professor Gavin Parker; and Professor Nick Gallent ([FPS0131](#))
- 46 Energy UK ([FPS0105](#))
- 47 England's Economic Heartland (Sub-national Transport Body) ([FPS0062](#))
- 48 Foye, Dr Chris (Knowledge Exchange Associate, UK Collaborative Centre for Housing Evidence); Dr James White; Prof. Flora Samuel; Ton Kenny; Dr Gareth James; and Dr Bilge Serin ([FPS0033](#))
- 49 Friends of the Earth England, Wales and Northern Ireland ([FPS0081](#))
- 50 GL Hearn ([FPS0141](#))
- 51 Gilyead, Mr Richard ([FPS0022](#))
- 52 Goodstadt, Professor Vincent (Independent Policy Advisor, Vincent Goodstadt) ([FPS0058](#))
- 53 Greater London Authority ([FPS0149](#))
- 54 Hever Parish Council ([FPS0007](#))
- 55 Hills Homes Developments Ltd ([FPS0084](#))
- 56 Historic England ([FPS0092](#))
- 57 Home Builders Federation ([FPS0073](#))
- 58 Homes for the North ([FPS0107](#)) and ([FPS0166](#))
- 59 Homes for the South West ([FPS0070](#))
- 60 Institute of Environmental Management and Assessment ([FPS0168](#))
- 61 Inspired Villages ([FPS0167](#))
- 62 Institute of Historic Building Conservation ([FPS0044](#))
- 63 Institution of Civil Engineers ([FPS0035](#))
- 64 Just Space ([FPS0115](#))
- 65 Kruczkowski, Dr Stefan (Urban Designer and Company Director, Urban Design Doctor Limited) ([FPS0135](#))

- 66 Kent Association of Local Councils ([FPS0028](#))
- 67 LSE London ([FPS0139](#))
- 68 Land Promoters and Developers Federation ([FPS0138](#))
- 69 Lifestory Group ([FPS0116](#))
- 70 Local Government Association ([FPS0056](#))
- 71 Locality ([FPS0086](#))
- 72 London Borough of Hackney ([FPS0091](#))
- 73 London Forum of Amenity & Civic Societies ([FPS0156](#))
- 74 London Gypsies and Travellers ([FPS0067](#))
- 75 London Tenants Federaiton ([FPS0112](#))
- 76 MCS Charitable Foundation ([FPS0102](#))
- 77 Manor Property Group; and Qdos Education ([FPS0051](#))
- 78 Marshall, Dr Tim (Emeritus Professor of Planning, Oxford Brookes University) ([FPS0079](#))
- 79 McCarthy & Stone ([FPS0061](#))
- 80 Midland Heart ([FPS0152](#))
- 81 Mineral Products Association ([FPS0050](#))
- 82 Morris, Dr Ken ([FPS0001](#))
- 83 National Association of Local Councils ([FPS0021](#))
- 84 National Fire Chiefs Council ([FPS0040](#))
- 85 National Flood Forum ([FPS0126](#))
- 86 National Housing Federation ([FPS0158](#))
- 87 National Organisation of Residents Associations ([FPS0005](#))
- 88 National Trust ([FPS0157](#))
- 89 National Grid ([FPS0088](#))
- 90 Neighbourhood Planners. London ([FPS0032](#))
- 91 Newcastle City Council ([FPS0159](#))
- 92 News Media Association ([FPS0068](#))
- 93 North Northamptonshire Joint Planning and Delivery Unit ([FPS0147](#))
- 94 North Southampton Community Forum ([FPS0018](#))
- 95 Nuclear Legacy Advisory Forum (Nuleaf) ([FPS0095](#))
- 96 Oneill Homer ([FPS0111](#))
- 97 Oxfordshire Neighbourhood Plans Alliance ([FPS0052](#))
- 98 Planning Oxfordshire's Environment and Transport Sustainably ([FPS0108](#))
- 99 Paulson, K ([FPS0024](#))
- 100 Peel L&P ([FPS0094](#))
- 101 Place Alliance ([FPS0054](#))
- 102 Pocket Living ([FPS0023](#))

- 103 Policy Connect ([FPS0014](#))
- 104 PortalPlanQuest Limited ([FPS0030](#))
- 105 PricedOut ([FPS0129](#))
- 106 QC, Paul G Tucker ([FPS0153](#))
- 107 QC, Richard Harwood OBE (Joint Head of Chambers, 39 Essex Chambers) ([FPS0059](#))
- 108 Rentplus-UK Ltd ([FPS0047](#))
- 109 Rother Association of Local Councils (RALC) ([FPS0012](#))
- 110 Rother District Council and Burwash: Save our Fields ([FPS0143](#))
- 111 Royal Institution of Chartered Surveyors ([FPS0065](#))
- 112 Royal Town Planning Institute ([FPS0113](#))
- 113 Rush, Robert ([FPS0163](#))
- 114 Rutland County Council ([FPS0071](#))
- 115 Sage Housing ([FPS0090](#))
- 116 Save Greater Manchester Green Belt ([FPS0132](#))
- 117 Savills ([FPS0101](#))
- 118 Scharf, Mr Daniel ([FPS0002](#))
- 119 Shelter ([FPS0154](#))
- 120 Shtebunaev, Mr Simeon (Doctoral Researcher, Birmingham City University) ([FPS0072](#))
- 121 Silverdale Parish Council ([FPS0100](#))
- 122 South Staffordshire Council ([FPS0142](#))
- 123 South Worcestershire Councils ([FPS0015](#))
- 124 Southwark Council ([FPS0110](#))
- 125 Spicer, Mrs Allyson ([FPS0162](#))
- 126 St Albans Civic Society ([FPS0057](#))
- 127 Stevenson, Mark ([FPS0083](#))
- 128 Stonewater ([FPS0103](#))
- 129 Sustrans ([FPS0151](#))
- 130 Town and Country Planning Association ([FPS0034](#))
- 131 Tait, Professor Malcolm (Professor of Planning, University of Sheffield); Dr Andy Inch (Senior Lecturer in Urban Studies and Planning, University of Sheffield); Dr Aidan While (Senior Lecturer in Urban Studies and Planning, University of Sheffield); and Dr Madeleine Pill (Senior Lecturer in Urban Studies and Planning, University of Sheffield) ([FPS0098](#))
- 132 Tamworth Borough Council ([FPS0013](#))
- 133 Tenterden Town Council ([FPS0003](#))
- 134 The Beaconsfield Society (Civic Society) ([FPS0130](#))
- 135 The Chartered Institute of Building ([FPS0096](#))
- 136 The Federation of Master Builders (FMB) ([FPS0125](#))
- 137 The Heritage Alliance ([FPS0066](#))

- 138 The Highgate Society ([FPS0155](#))
- 139 The Smith Institute ([FPS0038](#))
- 140 Transport Planning Society ([FPS0039](#))
- 141 UK Women's Budget Group ([FPS0025](#))
- 142 UK2070 Commission ([FPS0128](#))
- 143 Urban Mobility Partnership ([FPS0122](#))
- 144 Urban Vision Enterprise CIC; and D2H Land Planning Development ([FPS0037](#))
- 145 WMCA (Cultural Leadership Board) ([FPS0029](#))
- 146 Water UK ([FPS0140](#))
- 147 Wenban-Smith, Alan (Proprieto , Urban & Regional Policy) ([FPS0124](#))
- 148 Wildlife & Countryside Link (Link) ([FPS0075](#))
- 149 Wood, Cllr Andrew (Canary Wharf ward Councillor, LB Tower Hamlets) ([FPS0137](#))
- 150 Woodland Trust ([FPS0045](#))
- 151 World Heritage UK ([FPS0046](#))
- 152 YIMBY Alliance; London YIMBY; Oxford YIMBY; Brighton YIMBY; PricedOut; and Cambridge YIMBY ([FPS0017](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

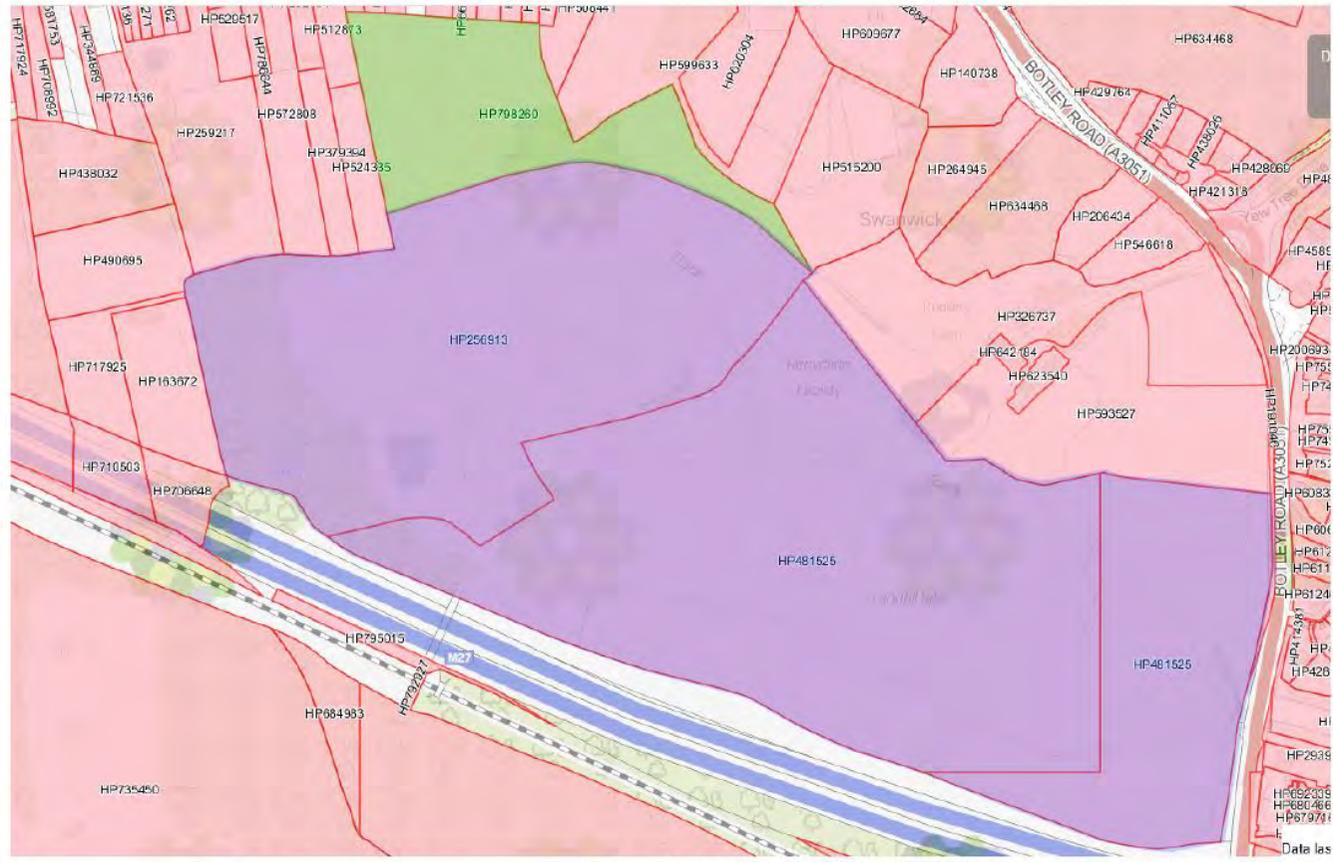
Number	Title	Reference
1st	Protecting rough sleepers and renters: Interim Report	HC 309
2nd	Cladding: progress of remediation	HC 172
3rd	Building more social housing	HC 173
4th	Appointment of the Chair of Homes England	HC 821
5th	Pre-legislative scrutiny of the Building Safety Bill	HC 466
6th	Protecting the homeless and the private rented sector: MHCLG's response to Covid-19	HC 1329
7th	Cladding Remediation—Follow-up	HC 1249

Session 2021–22

Number	Title	Reference
1st	The future of the planning system in England	HC 38

Appendix 4

Shaded Green - Prospective Estates Ltd
Shaded Blue - Raymond Brown Rookery Properties Ltd



Appendix 6 and 7 submitted separately



From: [Smith, David](#)
To: [Robert Storey](#)
Subject: RE: Rookery - Implementation of Permanent Aggregate Recycling Permission
Date: 13 April 2021 12:54:06
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image011.png](#)

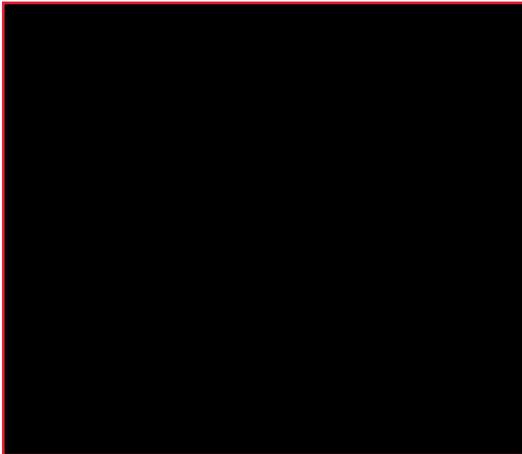
Hi Rob,

Apologies for the delay.

I can confirm that the pre-commencement schemes have been submitted as required and that the digging of the footings for the new office has begun. On that basis, it is the County Council's consideration that planning permission P/18/0978/CC has been implemented.

Regards,

David Smith



Hampshire Services offers a range of professional consultancy services to partner organisations. www.hants.gov.uk/sharedexpertise

Strategic Planning offers a pre-application service to help improve the quality of applications and speed up decision-making. Information on the Council's pre-application service is available [here](#).

In support of the e-government agenda, the County Council welcomes the online submission of planning applications which can be submitted [here](#).

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White, Lauren

From: Planning Policy
Subject: FW: Comments on future development in Fareham.

-----Original Message-----

From: Andy Downing Downing [REDACTED]
Sent: 30 July 2021 14:59
To: Consultation <Consultation@fareham.gov.uk>
Subject: Comments on future development in Fareham.

I think it is folly to try to accommodate government new housing quotas. The current government is continuing to allow mass immigration into this country which is fuelling demand for housing. The government should be seeking to reduce immigration rather than build its way out of the problem. The analogy is trying to mop up water from an over-flowing bath with the taps still running flat out. Fareham is a lovely place to live, but I fear that it will be trashed by this housing development policy.

We were told that Welborne would mean that there would not need to be any building else where in the borough, but this has turned out to be no longer true and now it looks like every open space is going to be built on.

What specifically concerns me is creating 620 homes in the Town Centre which I can't see happening without severely impacting the shopping centre and the civic centre.

Also there is a proposal for 12 houses near the crematorium in Dore Avenue. Building was refused previously because it is a habitat for slow worms and lizards and this should be the case now. Also any access road will create an awkward cross roads with Linden Lee and Dore Avenue.

I also hope that the impact of neighbouring councils and their development plans are also taken into account regarding shared infrastructure such as roads, hospitals, etc.

Yours sincerely
Andrew Downing

White, Lauren

From: Planning Policy
Subject: FW: Representation on Regulation 19 Local Plan Consultation (18th June – 30th July 2021)

From: Alan Hawkins [REDACTED]
Sent: 30 July 2021 14:23
To: Consultation <Consultation@fareham.gov.uk>
Cc: [REDACTED]
Subject: [REDACTED] Local Plan Consultation (18th June – 30th July 2021)

Dear Sirs,

This proposed draft plan is still fundamentally flawed, the government's housing target of 2014, of between 250 and 300k peryear up to 2041 was known to be incorrect, as reported by 'The Times' of 21/09/2018. The prediction by the Office for National Statistics was actually 159k, which means the target should have been between 275 and 330 units per year rather than the proposal at the time of 520. We have seen 'land West of Downend Road' incorporated in the draft plan for early 2020 as a 'strategic growth area for longer term growth up to 2050, apparently as a contingency for use if other councils had a shortfall. This area was removed completely from the plan when the figures produced by the professional organisation (NSI), rather than a government organisation were adopted. This I believe led to the version of the plan which we were apparently asked to comment on at the end of 2020, and probably would have been happy with in respect of 'land West of Downend Road'. Since then there appears to have been a mutant algorithm adopted by the government, leading to higher housing numbers for higher priced areas, in other words more housing fuelled by the price rises coming from the stamp duty holiday. It would appear that we have now also reverted to using the flawed 2014 target, with an additional quota thrown in for good measure, giving rise to over 530 units, although it seems to be impossible to discover the exact current policy or the 'reasoning' behind it.

It is quite impossible for the layman to keep up with the endless dithering and bickering between central and local government, but it is a fundamental principle of our democratic system that central government should allow local government to have control. The new proposed planning policy from central government would mean that the local community would have no say whatsoever in what is built on an area designated for growth, hence all sites identified for development in the draft plan would progress to 'growth' and become a free for all in a charter biased towards developers. It was not surprising to discover a report in last week's 'Times', following an investigation by Transparency International, which showed that the current political party in charge of central government have 20% of their funding provided by property developers. Obviously green field land will be immediately cherry picked by developers, and it is noted that 'Land West of Downend Road' in any case, no longer has a strategic growth tag in the current version of the draft plan. 'Land East of Downend Road' is controversially still in the plan, despite being rejected twice by the local government responsible for the plan, and once on appeal. Yet another appeal is pending.

Focussing on this particular land, it is sad to see good farmland, and a part of the countryside quite separate from existing housing, now being proposed as 'edge of town living', a euphemism for urban sprawl. It is quite bewildering how a survey has suggested that 550 units plus the 350 units East of Downend Road, will actually alleviate traffic problems in the area. The 'magic' link road proposed across the Western site will actually provide an excellent rat run to Downend Road, and The Thicket for motorway traffic heading for Portchester, adding to existing problems. The recent pandemic has highlighted the value of country footpaths, such as those round the perimeter of site, and Paradise Lane, which traverses the site. I was under the impression that walking is something the government wishes to encourage, but perhaps walking in a clean and quiet environment for fitness and wellbeing is to be discouraged. The pandemic, plus Brexit, has also highlighted the value of farmland, and the need for our

country to be self sufficient in food production. It would be a great pity for the entire farmland between Portchester and Fareham to be designated for concrete and tarmac laying, with the sound of a skylark being lost for future generations, who will no longer have the benefit of accessible countryside beyond the edge of town.

Many residents will feel intimidated by the request to categorise comments as 'legal compliance', 'soundness', or 'meeting the duty to co-operate', and many will also feel that while they are invited to 'Have Their Say', nobody will damn well listen. Perhaps it is for the council to categorise each individual comment, or maybe classify it all in the 'unsound' category.

At the very least this plan is not fit for purpose, and central government are largely responsible for that and must be challenged. It is not acceptable to present this latest version of the plan to us as a 'fait accompli', with no alternatives. This version looks set to be adopted, despite being the most damaging of all to the environment, and transgressing the most council rules and guidelines for development. The inspector should be presented with all of the many iterations of the plan, together with all associated comments, as residents may be under the mistaken assumption that all their previous comments, often carefully prepared, will be taken into consideration, rather than mostly consigned to the waste bin. Sadly it is in fact doubtful that not a single comment will have any influence whatsoever, in what will likely be a 'rubber stamp' process.

Please 'Get Welborne Done', limit other development to brownfield and urban sites, and take time to recall and honour all the broken promises made to the Fareham electorate during preparation of the local plan.

Regards,

Dr Alan & Mrs Margaret Hawkins,



White, Lauren

From: Planning Policy
Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

Just to confirm that, as stated on original email, I **do not** wish to attend to participate in the examination process.

Regards,

Phil Hawkins.

On 29 Jul 2021, at 13:05, Trott, Katherine <KaTrott@Fareham.gov.uk> wrote:

Dear Mr Hawkins

Thank you for submitting your comments for the Revised Publication Local Plan consultation.

The Planning Strategy team will include your comments as part of the submission to the independent Planning Inspector who will examine whether the plan is sound. This examination process is "in public", you can attend the hearing sessions and put your points directly to the Inspector. This is your opportunity to tell us you want to do this. The Inspector will want to know why you are making the comment and whether you wish to see the plan changed in any way. By return of email please let us know whether you consider it necessary to participate in the examination process and why.

Remember that your comments on the Plan must refer to the changes that have been made since the last consultation and relate to the rules of:

- Soundness
- Legal compliance
- The duty to cooperate

Please [visit our website](#) for more information

What happens next?

The consultation closes on 30 July. Following collation of the feedback, we will be submitting the Local Plan to the Independent Planning Inspector for examination.

All of the consultation responses from this consultation will be forwarded, together with the Publication Plan and supporting evidence, to the Planning Inspector for consideration. The Council are not in control of the timings of the examination however it is estimated that it will take place over the winter/spring 2021/2022.

Kind regards

Katherine Trott
Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil [REDACTED]
Subject: FBC Draft Local Plan (Publication Plan) - Comments

Good Morning Mr Hawkins,

I can confirm we have safely received your consultation comments below.

I have forwarded your email onto the Consultation team and they will log your comments.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Eileen & Phil [REDACTED]
Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

As per my telephone conversation with Mr. Peter Drake of the FBC Planning Department, I am listing my comments on the Draft Local Plan below, as the online documentation does not allow me to include all of my comments due to the limit on the number of 'characters' within the form.

I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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.

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.

FAREHAM Local Plan 2037

Introduction

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

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

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

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

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

What can I make a representation on?

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

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

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

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

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

What happens next?

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

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

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

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

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

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

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

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

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

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

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

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

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

A2 Please provide your details below:

Title: mr

First Name: Andrew

Last Name: Jackson



A3 Please provide the Agent's details:

Title: _____

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

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

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

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

9.51 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. Policy NE4 confirms permissions will be granted when the integrity of designated sites be maintained but the LPA will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes these policies. It is unclear how any development could be contemplated in the Fareham Borough without need for proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust stated the wording needed to be changed to be consistent with the policy "to protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as the policy seeks to enhance and reconnect ecological networks where they have been compromised.

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

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was H Objectively Assessed Housing Need arrived at for this site?

Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift to Finally and critically sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B1c Which part of the Policies Map ?

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

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan. Consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in that plan, that housing will be provided through HA1 and other local sites.

The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. If 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contribute 10%. There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). A cumulative assessment must be conducted showing the cumulative effect of HA1 in its entirety. This is contrary to Design Framework development within and adjacent to existing settlements and as part of area wide development strategies and are sustainable, appropriately planned and designed".

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

B2 Do you think the Revised Publication Local Plan is:

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

B3 Please provide details you have to support your answers above

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

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

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered deputations and of

It is discriminatory that community-generated evidence carries less weight than that provided by Developer's c Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwat The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests c guidance in Fareham Today which includes the additional areas of" Legal Compliance" and "Duty to Cooperate" the public wishing to provide commentary.

Finally, and critically, sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

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

B4c Your suggested revised wording of any policy or text:

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

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

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

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

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

Thank you for taking part and having your say.

Further comments on the Fareham Local Plan

which I have been unable to include in your too strict formatted comments form

Strategic policy NE2: The Hampshire and Isle of Wight Wildlife Trust considers a wording change to Policy 'NE2: Biodiversity and Nature Conservation' to ensure that the delivery of 'net gains' in biodiversity is the minimum required achievement. New wording to be "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and deliver net gains in biodiversity, where possible." Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. In line with the NPPF and in order to achieve net gain in biodiversity, the following change of wording is proposed by Natural England "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity". The policy states 1 or more dwellings should provide 10% net gain for biodiversity.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated the Natural England advice note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable.

Test of Soundness

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own objectives.

Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary!

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as

well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots.

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Para 10.14 refers to the Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan?

Para 3.27 fig 3.2 Where are the indicated 8 potential growth areas shown on the map? This map needs more clarity.

Page 158 Policy HP2 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 units?

Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. The previous version of the Publication plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it.

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

Para 11.35 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a sound and effective approach to carbon emissions reduction in the Borough.

Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

Policy CC1 describes 'Green infrastructure' but nowhere in the Borough do we have Green Belt and according to this plan none is planned to be defined as such.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is-designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval."

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

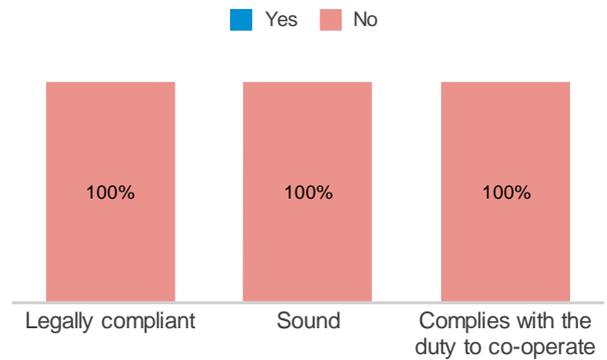
Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

Complies with Duty to Cooperate:

Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

	Legally compliant	Sound	Complies with the duty to co-operate
Total	1	1	1
Yes	0 0%	0 0%	0 0%
No	1 100%	1 100%	1 100%



Respondent: Mrs Jacky Keyes (307-301031)

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

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

No proper evidence is provided in the Plan as to how the number of 541 homes per year was calculated. I would expect to see the detailed calculation, starting with the figure issued by the government. It does not explain how the figure was affected by the duty to cooperate. Therefore how can anyone accept this figure as correct? I would also expect to see evidence of independent verification of that figure.

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

Full and explicit calculation showing how the figure of 541 homes per year was arrived at.

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

The full explanation of the figure, along with evidence of independent verification would make it sound. Currently it could have been made up/subject to error/not compliant with duty to cooperate. No-one knows.

Your suggested revised wording of any policy or text:

This figure of 541 homes per year has been calculated from the Government issued number of (xxxx), as follows..... This calculation has been independently verified and checked by.....

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

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

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

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

Legal compliance The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on “Tests of Soundness” but is contradictory to FBC’s guidance in 'Fareham Today' on Page 4 of the Reg. 19 Statement of Consultation, which includes the additional areas of "Legal Compliance" and “Duty to Cooperate”. This consultation process has specifically restricted public comments to the revisions and additions to this version as the previous draft Publication had to be scrapped. This was due to the premature and risky decision by FBC to apply the new housing need methodology before the government decided against adopting it. Restricting comments for this consultation is unjust and unfair. The public may wish to comment on the whole plan not just the revisions. The consultation website even restricts drop down options to the revised sections only. Para 4.2 describes the methodology used to calculate Fareham’s housing need. This is not democracy but the Council yet again prescribing what the public can comment on. This methodology is in advance of the government’s response to the Planning white paper ‘Planning for the Future’ and hence there is a risk that this will be changed. Resident have voiced their concerns since 2017 and been largely ignored by the Council. The 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. Para 4.2 describes the methodology used to calculate Fareham’s housing need. This methodology is premature and risky until the outcome of the Government’s response to the Planning white paper ‘Planning for the Future’ is known. In May 2021 residents challenged this council in the high court and won the case. The Judge confirmed: 1) that the council acted unlawfully and unfairly towards the residents, that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and; 2) that the Planning Committee failed to grapple with resident’s request for a deferral. He stated the judgement needs to be shared with everyone concerned within the council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of their views being ignored. For all of the above reasons, this consultation process and Publication Plan is not legally compliant. Soundness: Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 “Strategic Priorities” which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own planning aspiration and objectives. Publication plan ‘Foreward’ focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the “convenient” alternative was for FBC to redraw the urban boundary! Complies with Duty to cooperate: Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government’s response to last year’s consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes have been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Why does this process NOT permit comments against any site in the plan? New site/s appear to have been added to the HA 1 Cluster. This is immoral and potentially unlawful. As the previous plan was never adopted and hence previous comments not addressed, how is the considered 'consultation'?

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

The Council have not demonstrated and desire to listen to residents or to accept any recommendation from residents, which is true consultation. It is currently an paper exercise as a tick box to achieve what the FBC want. The current process is extremely complex, sometimes inaccurate and has the effect of discouraging engagement from residents, not because they don't want to but because they find the whole process off-putting, totally overwhelming and utterly confusing. This Publication plan consultation is an example

Expand the process to cover ALL of the plan not just those added since the previous version.

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

Communication of any documents that impact the public need to be written clearly and concisely. Not everyone is trained in planning law. This would help to fulfil the council's legal obligation to consult. Application of the rules at all times should be a given. If the council's rules state a petition will trigger a debate at full council if it meets the required number of signatures, this should be applied. All evidence presented regardless of who presents it should at least be considered to carry equal weight by the council. Concerns over what may or may not happen if an application or consultation does not go the way the council want it to, shouldn't be a deciding factor. Council procedures need to be reviewed to ensure a democratic rather than autocratic approach to decision making More certainty on the council's own housing position with regard to dependency on Welborne, its ability to meet unmet need of neighbouring boroughs and the capacity to do so in respect of it's 5 year land supply will avoid unnecessary taxpayer's expense such as we have seen in the preparation of this plan, the second one to be 'ripped up' and not adopted since 2017. Masterplans are required in order to comply with Design Policy D3 para. 11.44 Maximising development within urban ares is required to comply with Para. 2.12 "Strategic Priorities" There is a legal obligations to comply with the Habitats Directive Para. 8.60 Section 8 mentions the requirement of meeting CO2 emission targets but currently those targets are not stated. The infrastructure Deliver Plan at para.10.26 and 10.27 describes Education as critical prioritisation The infrastructure Deliver Plan at para.10.26 describes Health Care as critical prioritisation

It would allow all residents to comment on all the plan!

Your suggested revised wording of any policy or text:

A 'variety of methods' used to solicit comments from the public should be expanded to 'ensure the material is easily understood.' Members of the public need to be clear about what they can expect when engaging with the council. A simple 'if you do this', 'we will do that' would suffice. The rules and guidance need to be executed correctly. The council needs to demonstrate how they have applied equal weight to the public's contributions and that of other representatives regardless of whether 'for' or 'against' a proposal. References to be made to applying the recommended up to date methodology not one which may or may not be adopted in the future Any risk regarding dependencies impacting this council's ability to deliver the plan needs to be explicit with appropriate contingency built in. This plan should contain accurate accounts of due process and obligations Procedures need to be reviewed regularly to ensure compliance with guidance Policies and procedures must be reported on compliance and be seen to be applying them Its important to display policies and procedures in the public domain but equally important that this council follows its own guidance not changing the rules when it suits them Critical prioritisation and legal obligations must be addressed in plans

Allow all residents and organisations to comment on the the full breadth and depth of the plan!

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

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

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

To ensure a balanced view of the plan is heard by all

Because we have a right to be heard!

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

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

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

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

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

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

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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

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

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

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

1.0 Introduction

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

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

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

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



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

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

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

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

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

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

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

2.1 The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 10 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

2.2 Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. These matters are considered in the appended specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021). Here, it is calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP,

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

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

The RPLP Is Unsound

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

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

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

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

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

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

- *Be based on proportionate evidence.*

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

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

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

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

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

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

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

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

includes:

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

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

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

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

(v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 73 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 73 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

2.10 **The RPLP is not effective** because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welbourne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54

Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue which lies in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

2.11 The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

2.12 The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

2.13 In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy. ...While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

- 2.14 However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.
- 2.15 **For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.**

Representations about specific draft Policies of the RPLP:

2.16 **DS2: Development in Strategic Gaps / HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane**

- 2.17 There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

- 2.18 Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

- 2.19 This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to

the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

2.20 Appended to these representations is a specialist representation on Landscape and Visual Matters (James Atkin, Pegasus Group, July 2021). Section 3 provides an analysis of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020. The executive summary of the Technical Review makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function...*

It is also noted that the Newgate Lane Area (Newgate Lane West and East from Fareham to Peel Common Roundabout) has undergone a significant amount of change in the recent past."

2.21 The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development, while land east of Newgate Lane (ie. the previous HA2 Newgate Lane South allocation) is not suggested for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The December 2020 Regulation 19 local plan deleted the

former HA2 allocation following previous objections to it from Gosport Borough Council. The Revised Regulation 19 plan or RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. In comparison to the former HA2 allocation, development in that location would place development in a more open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

2.22 Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

2.23 It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

- 2.24 This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

- 2.25 Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

- 2.26 As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.
- 2.27 For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2."

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

2.28 As set out fully in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities, contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 60 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 67 of the NPPF, and

- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 73 of the NPPF.

2.29 The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is now proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

2.30 Indeed, as currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:

- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

2.31 Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors. For example, in his decision letter determining appeals relating to land at Newgate Lane (North) and Newgate Lane (South), Fareham (App/A1720/W/203252180 and 3252185) dated 8 June, 2021, the Inspector, Mr. I. Jenkins, reasoned at paragraph 21:

"In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment."

2.32 Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and if this policy is retained it is likely that the Council will release even fewer sites for housing to meet its substantial Five Year Housing Land Supply shortfall than it has done previously. **Policy HP4 is not fit for purpose, or necessary, and should be deleted.**

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

- 2.33 Proposed housing allocation HA2 Newgate Lane South was included in the Regulation 18 draft Local Plan in 2017, and it remained a proposed allocation in subsequent iterations of the emerging Local Plan for approaching 3 years until it was deleted as a proposed allocation in the Regulation 19 Publication Local Plan in November 2020. The draft HA2 allocation was supported by a Development Framework prepared by the Council which included a conceptual masterplan which showed a green buffer along the western edge of the proposed housing '*to enhance the strategic gap setting of the road and the new neighbourhood*'. The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. The Council deleted the HA2 allocation from the Regulation 19 Plan because it needed to make fewer allocations to meet its perceived lower housing target. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard method would remain as previously.
- 2.34 In these circumstances it would be reasonable to expect the Council to reinstate the HA2 allocation in its Revised Regulation 19 Plan. Instead, HA2 has still been omitted and the Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings has been proposed alongside other new draft allocations. This has been justified through alterations to the assessment of the component parcels of site HA2 in the Council's SA/SEA between the 2017 and 2020/21 versions, although the assessment methodology does not appear to have changed.
- 2.35 We have reviewed the SA/SEA report ("Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – Sustainability Report for the Revised Publication Local Plan, May 2021" prepared by Urban Edge Environmental Consulting / Natural Progression) and the commentary that it provides on the Council's site selection process through the iterations of the emerging Local Plan to date. From our review we note the following:

- Table 4.3 "Strategic Alternatives for Residential Development for the 2017 Draft Plan" details the packages of residential development options considered and confirms that the Preferred Option was **Option 2F** which comprised:
 - Welborne – 4,000 units by 2036
 - Regeneration sites in Fareham town centre
 - Warsash Maritime Academy
 - Cranleigh Road, Portchester
 - Romsey Avenue, Portchester
 - Three greenfield clusters:
 - Warsash Greenaway Lane
 - Segensworth
 - Newgate Lane South
 - Reduced scheme at Portchester Downend
 - Spread of urban fringe sites
- At Regulation 19 stage in 2020 (prepared in the context of the Government's consultation on a draft revised Standard Method calculation which reduced Fareham's housing requirement) the Council continued with a development strategy based on Option 2F above, although it removed the allocations of Newgate Lane South and Romsey Avenue, Portchester, and did not allocate the Strategic Growth Areas at Fareham South or the western portion of Downend, Portchester.

2.36 The "Rationale for Site Selection / Rejection" is provided at Appendix G of the SA/SEA report. The Newgate Lane South site is comprised of three parts – sites 3002, 3028 and 3057. All three sites are rejected. For all three the rationale for this was *"Development would have a detrimental impact on the Strategic Gap."* In addition, for sites 3028 and 3057, the further rationale was added – *"Site designated as a Brent Geese and Solent Waders low use site and there is no evidence of a strategy-compliant solution."* The rationale for Land South of

Longfield Avenue (site 3008) states:

"Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap."

2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.

- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*

2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of it's impact on the Strategic Gap.

2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

- The HA55 allocation will have a significantly more harmful impact on the integrity of the Strategic Gap, given the different (much more open) landscape character area that it lies within and the much greater scale of development proposed. The HA2 site lies between Newgate Lane East to the west, the playing fields to HMS Collingwood and Speedfields Park to the north, the urban edge of Bridgemary to the east, and Brookers Field recreation ground to the south – as such it is much more enclosed and discrete, and its development will complete the extent of built form in this location. In his **appeal decision letter on appeals relating the land West of Newgate Lane East dated 8 June, 2021** (Appeal Decisions APP/A1720/W/20/3252180 and 3252185), the Inspector, Mr. I.Jenkins, commented on those appeal proposals in relation to the Spatial Development Strategy of the extant development plan at paras. 78-86. At para. 84, he commented:

"Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap."

2.40 This adds significant weight to the case in support of the reinstatement of the HA2 housing allocation, given that a Planning Inspector has concluded that housing development to the east of Newgate Lane East would be potentially acceptable in terms of its impact on the Strategic Gap.

- Greater weight to the case in support of the reinstatement of the HA2 housing allocation is provided by **the appeal decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who has allowed appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation** (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). The Inspector allowed both appeals, granting outline planning permission for 99 dwellings on the site. This represents a very significant change in circumstances which the Council must now take into account. In reaching his decision, we note that the following conclusions were drawn:

- Paragraph 31 – *"Given the relatively modest scale of development proposed relative to the overall scale of the Strategic Gap along with the site's location on the outer edge of the Gap adjacent to the settlement boundary, **there would not be a significant effect on the integrity of the Gap, be it individually or cumulatively.** Nor would the built form extend fully to the settlement to the west, maintaining a degree of separation such that coalescence would not occur. Consequently, Peel Common would continue to be understood as mostly comprising a small, isolated ribbon of development."* (our emphasis)
- Paragraph 41 – the Inspector listed a wide range of issues raised in relation to the appeals which did not alter his decision to allow the appeals, including:
 - Setting a precedent for other development including in the Strategic Gap;
 - The cumulative effect of development with other development, and;
 - Whether his decision was prejudicial to, and premature in terms of, the development plan-making process.
- Paragraph 52 – the Inspector concluded the ***"the development would be sustainable development in terms of the Framework....such that the site is a suitable location for housing."*** (our emphasis)
- We note above that the "Rationale for Site Selection / Rejection" for the RPLP is provided at Appendix G of the SA/SEA report; and that the rationale for the rejection of former allocation HA2 in principle was *"Development would have a detrimental impact on the Strategic Gap"*. This rationale is now superseded and discredited by the Inspector's conclusion at Paragraph 31 of the Newgate Lane East appeal decision where he concluded that a development of 99 dwellings on the southern part of the HA2 site ***"would not be a significant effect on the integrity of the Gap, be it individually or cumulatively."*** (our underlining). By commenting on its cumulative effect, the Inspector must be referring to its development as part of the wider development of the HA2 site because that is the only area of land that can be developed together with the

East of Newgate Lane East application site. **A Planning Inspector has therefore concluded that the development of the HA2 site would not have a significant effect on the integrity of the Strategic Gap. He has also concluded that land east of Newgate Lane East on the urban edge of Bridgemary is both a "suitable location for housing development" and is "sustainable development in terms of the Framework". As a result of this significant change in circumstances, there are sound and overriding planning reasons for site HA2 to be re-allocated for housing development.**

- Appended to these representations is a **Pegasus Group masterplan** which overlays the approved outline concept masterplan for the East of Newgate Lane East appeal site onto Fareham Borough Council's Development Framework Plan for the HA2 site – confirming the interrelationship of the appeal site with the balance of the HA2 site. Now that development of the southern part of HA2 has been granted planning permission and is to proceed, and that it has been confirmed by an Inspector that development of the whole HA2 site will not significantly harm the integrity of the Strategic Gap, it would be entirely justifiable for the Council to take these significant changes in circumstances into account and to work with the promoters of the HA2 site to masterplan its comprehensive development to deliver a scheme which both makes a significant contribution to Fareham's housing needs and is designed to create a new landscaped edge to the Strategic Gap at this point.
- Unlike any other proposed strategic allocation in Fareham borough, the HA2 site offers its future residents the opportunity to travel on the Bus Rapid Transit (BRT) and cycleway route which currently operates between Fareham railway station and Gosport Ferry, with funding in place for its further extension as part of the sub-regional transport network. The BRT runs through Bridgemary and is within easy walking distance of the HA2 site. Despite SA/SEA Strategic Objective 4: "To promote accessibility and encourage travel by sustainable means", the accessibility of this strategic sustainable transport route was discounted in the SA/SEA assessment because the BRT appears to have been treated like all other bus routes and because it is more than 400m from the HA2 site it doesn't create a positive score. That disregards its attractiveness as a high speed route, to which users are likely to be prepared to walk a greater

distance than 400m, so the BRT should be treated differently in the SA/SEA scoring matrix. This is a significant flaw in the SA/SEA methodology;

- The HA2 site lies on the edge of the urban area of Gosport. It exhibits a higher degree of accessibility to local services and facilities than the HA55 site;
- Given that the RPLP is planning (albeit in an unsound manner at present) to contribute to meeting the unmet housing needs of Gosport Borough, the HA2 site lies on the edge of Bridgemary so is ideally located to assist in addressing Gosport's housing needs. In the absence of a Statement of Common Ground between Fareham and Gosport Borough Councils, we note that Gosport's most recent Housing Delivery Test Action Plan (July 2020 – March 2021) identified an under-delivery of 329 homes over the plan period to date. The borough is significantly constrained in terms of its ability to deliver housing because:
 - Gosport Borough is surrounded by international habitat designations and therefore the entire Borough is subject to Habitats Regulations. This results in the Borough falling within the zone of influence where housing development is likely to have a significant effect on the integrity of the designations. As such, it is not possible to automatically apply the presumption in favour of sustainable development as a likely significant effect cannot be ruled out without the completion of an Appropriate Assessment (AA). This is in line with the NPPF (2019) Paragraph 177:
 - Due to the significantly built-up nature of the Borough, the availability of sites for residential development will continue to be an issue. Most land outside of the existing built-up area has limited potential for development for a variety of reasons including:
 - it is of strategic importance for open space such as the Alver Valley Country Park and Stokes Bay;
 - it is used for defence operations such as the Defence Munitions site;
 - it has significant environmental constraints (nature conservation designation/flood risk) such as the Browndown Site of Special Scientific Interest.

- 2.41 All of these factors combine to confirm that Gosport Borough Council is under-delivering against its current housing requirement and that it faces considerable challenges in meeting its housing needs in its emerging Local Plan Review. The allocation of site HA2, on the edge of Bridgemary, will assist in this regard.
- 2.42 Development of the HA2 site will not cause adverse transport or highway impacts. Accompanying these representations is a Transport Technical Note prepared by i-Transport. This assesses the technical acceptability of the proposed means of vehicular access to the Newgate Lane South site - the principal access being proposed via a new four-arm roundabout on Newgate Lane East, with a secondary access into the southern part of the site from Brookers Lane, both of which are found to be acceptable. The Technical Note also considers the site's very good accessibility to local services and facilities, and its sustainability in transport terms given its proximity to the BRT route through Bridgemary and other non-car options. The site's strong transport sustainability credentials are not accurately reflected in the Council's SA/SEA which should be updated in this regard.
- 2.43 i-Transport's Technical Note also confirms that the proposed access from Newgate Lane East will not have a significant impact on traffic flows on Newgate Lane East. At paragraph 2.3.4, they advise:
- "All arms of the proposed junction operate within design capacity (<0.85 RFC) and with a Level of Service rating of 'A – Free Flow'. Maximum delay on any one arm is 8 seconds which is inconsequential and will have no material impact on the operation of Newgate Lane East."*
- 2.44 There is therefore no basis for rejecting the allocation of Newgate Lane South on transport grounds.
- 2.45 **B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?**
- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities, so plan to deliver sustainable development;

- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to the part of the site closer to the western boundary of HMS Collingwood, to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4, given that the operation of its predecessor Policy DSP40 by the Council has been ineffectual as evidenced by the persistent housing land supply shortfall in the Borough, and HP4 as drafted is more difficult to comply with. Instead, the Council should simply determine planning applications against NPPF paragraph 11d in relevant circumstances;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Reinstate proposed housing allocation HA2 Newgate Lane South to deliver at least 475 dwellings.
- Prepare an updated Development Framework Plan for housing allocation HA2, jointly with the site's promoters, to guide its detailed masterplanning, given that part of the site now benefits from planning permission.

2.46 **B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?**

For the reasons stated above.

2.47 **B4c Your suggested revised wording of any policy or text:**

See above.

2.48 **B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

Yes, I want to take part in the hearing session(s)

2.49 **B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):**

To explore the robustness of the Council's proposed revised housing provision and spatial development strategy, given the significant changes to both which have occurred during this plan preparation process which have included the proposed allocation and then deletion of the HA2 Newgate Lane South housing allocation site.

Appendix:

Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

White, Lauren

From: Planning Policy
Subject: FW: Have your say. Local plan consultation.

From: annemarie.brierley1 [REDACTED]
Sent: 29 July 2021 21:26
To: Consultation <Consultation@fareham.gov.uk>
Subject: Have your say. Local plan consultation.

PERSONAL DETAILS

Is an agent Appointed: NO

Name: Mrs Anne Brierley



29/7/2021

My Representation

B1. New housing allocation

B1d. HA56- Land West of Downend Road.

I have already forwarded my views on completing the comments forms on the local Plan that finished on 18th December 2020 and I am not finding this time round any easier. There is so much paperwork to try to access. This time around our Fareham Today arrived on the last day of June with a few residents phoning on its whereabouts and it arriving that afternoon. So many papers to try to read, but although confusing it is better to try to put something in, in my own way than to put nothing at all.

At the same time as the local plan in 2020 the developers resubmitted plans ref. P/20/0912/OA , HA4 Land East of Downend Road, which was subsequently refused again.

In April 2021 we were informed that a second appeal would be taking place for Land East of Downend Road and were able to comment on that yet again. An appeal start date is now set for Aug 3rd 2021. The new Revised Local Plan comments will be closed before we know the out come to that appeal.

Added to all this was Welborne infrastructure at junction 10, M27 funding. With so much paper work flying around it is not surprising that any one would be totally confused. (Including myself)

So much time required to read and understand what is actually being said, and then remembering what you have read and where. I've all but given up. All very well if you work in this type of business and have been dealing or have had experience in an office and know your way round a computer, lap top or tablet but I bet im not the only one who has difficulty. So much time and effort needed to keep going. It becomes so frustrating and stressfull and the Covid situation hasn't helped.

In my comments on the last plan, I wrote about how long it would be before we would be defending Land WEST of Downend Road, well we now know, as HA56 allocation has now been put forward. It's so stressful to learn the extent that this has clearly been known and on the table for consideration, hidden in plain sight. We have all been preoccupied with HA4, Land East of Downend Road and still some residents are unaware of the Land WEST of Downend Road having been put forward.

Previously I asked some questions about this site and was told that it was no longer being progressed. Well here we are and housing numbers have now been increased. It's now obvious that this work had continued going forward regardless of the numbers.

We also can assume that it's the same developers as HA4 because in the Housing and need supply document page 149 at a) it reads, " The quantity of housing proposed shall be broadly consistent with the indicative site capacity with delivery phased to follow the development at Downend Road East. "

At b) it actually reads, "in particular the site's landscape setting on Portsdown Hill." So it is acknowledge that this site is Portsdown Hill.

The Surveys.

I have found the surveys & questionnaires leading.

Who does decide on the size of the Strategic Gaps ?

Like wise if it is decided that Portsdown Hill has special landscape qualities , which should be enjoyed and preserved for the benifit of all, who then decides that the southern slopes of Portsdown Hill are not included in this.

The remaining few green gaps on the southern side of the hill are all but gone.

Most of what is seen looking North of the hill comes under Winchester & Southwick Estates not Fareham. Cross boarder views could possibly be required for development in its own council area. So could be developed. Would we have a say in that ?

After viewing the online Fareham Bourgh Council Meeting on 10th June concerning the new revised plan and new allocations (days after the event as I never knew you could watch online on youtube). I was surprised not see any debate, vote or show of hands taken on the local plan or its components although there were some comments made. I expected to see something more as its of such importance to people.

In the Fareham Today issue June 2019 page 13 it speaks of the two main growth areas :

Land between Fareham & Stubbington

Land WEST of Portchester.

It shows the proposed Subbington bypass and Newgaate Lane improvements, Stubbington with a year to go to complete and Newgate Lane completed.

My understanding is, both were built to reduce traffic numbers on other routes into the area and to unimped the route to the New Solent Airport and Business Areas. Both have land each side.

In a marked box under Land WEST of Portchester it has the question:

" If the transport constraints could be resolved, do you think this area could support good growth ?"

Is it any wonder then that developments on the outer edges of Fareham /Portchester have been put into this revised Local Plan. By transport, are they meaning the bus rapid transport which is still tocome some when in the future or are they referring to reducing the traffic. The problem is that the whole of the Fareham area suffers from congestion but there is no way we can accomadate a bypass or similar at Downend because there is no room and what roads we have are small country lanes.

In this area we have junction 11 M27 which in normal times (pre Covid) and still now on some days, backs up from the motorway slip road and onwards into Gosport A32.

Like wise we also have Downend Road and it's narrow bottle neck bridge (part of the subject of the HA4 appeals, Land East of Downend Road.) latest Ref: App/A1720/W/21/3272188 and the A27. With 350 homes being planned on that farm land.

I ask myself why would anyone then put forward Land WEST of Downend Road, known as HA56, with the idea of a link road running across it. The link from the A27 motorway slip road which runs down to the Delme roundabout, or onwards over the flyover into Gosport, on the western side, and to the West linking with Downend Road on the eastern side. With a housing development of another 550 homes each side of it. Thus adding all it's traffic movements and that which it will attract from highways either side, making yet another rat run.

Areas near new bypasses are discouraged from any new developments and none with access onto them. I understand that Hampshire County Council didnt want any access on to these yet has agreed to the works along with Highways England on the motor way slip road at Fareham. This doesn't seem to make sense.

Forward to the latest addition of the Fareham Today, Summer 2021, page 9 . Edge of town living.
It's written,

"The COUNCIL considers the next best alternative to be building on the edge of existing settlements across a small number of clusters.

Although this type of new development will never be popular (unless you are one of the many seeking a new home). Larger sites typically bring with them community benefits such as schools, shops & sports pitches." Yes, and they take more years to build. Was the comment in brackets really necessary.

For the RESIDENTS living within the proximity of one of the larger sites, what it will bring is years of on going upheaval, misery, noise, dust, dirt, pollution, traffic congestion from so called road improvements, further reduction in air quality, loss of green space, loss of wild life and devastation to its habitats and the detrimental effect to the quality of life, health and well being of the existing residents.

The local plan is up to the year 2037 and in this local area will go far beyond this date as other sites are being lined up.

As an example see: SHELAA site REF 3130 Land East of Downend Road & North of Winnham Farm Page 200 for 100 homes. It is NOT in this plan at present but its still in the SHELAA.

This site wanted to come through HA4 site, link with The Thicket cycle / pedestrian routes over Cams Bridge. It reads, however there are capacity issues at the junction with the A27.

At THIS TIME it's NOT possible to establish suitability. Site available Yes., achievable NO, Suitable NO. If land east of Downend road is granted planning permission, I would bet that this will be back for consideration.

My Representation

B1. Which part of the Revised Publication Local Plan is this representation about ?

An added housing allocation site.

B1b. Which Policity ?

HA56 Land West of Downend Road

Strategic Housing and Employment Land Availability Assessment (SHELAA) 2021

Correction needed Page 8 4.7

Sites promoted to the Council through the "call for sites" process. Should read, (see paragraph 4.8 not 3.8 for more information)

Site details.

Land WEST of Downend Road.

I'D 3009 page 52

I think they may need to look again at the Surrounding Land use. It needs updating.

Housing yield (estimate) 550 This could go up. Looking at the key on the map (small houses that are drawn on the housing yield map.)

HA56

This site is in the countryside.

IS on Portsdown Hill.

It is outside of Urban development and is not well joined to any existing homes or residential developments.

Is best grade farmland. Grade 2

The railway cutting to the south of the site provides a large gap across it's tree lined banks and to other housing, being The Causeway. Not well joined.

Within the site are very old hedgerows of Hawthorne etc lining the old Paradise Lane and the the old Military Road. Paradise Lane is an extremely old lane that ran from Cams Hill Road (the old main road) to the top of the Portsdown Hill and beyond.

The southern end of this lane is now a private road, only a single shingle track. The possible plan is to make this a main walking route into Fareham. A sign placed at each end of the lane reads, private, pedestrians only.

What will it's residents think if trails of people start walking past their front doors each day.

This site is a very popular area for dog walking, exercising and to just enjoy a walk and notice the flowers and wild life which there is plenty. It has views across to Portsmouth , Isle of Wight and Fawley. Current residents will lose this as they walk the public right of way. (Allan Kings Way) Probably blocking all veiws to only see roof tops . It will be a travesty.

All that is listed below has been reported as major concern by the residents before, concerning the HA4 site. (Appeal still to be heard)

The surrounding roads already suffer from extreme congestion and rat running.
The M27 motorway slip road can back up along the motorway it's self.
The slip road/dual carriageway down to the Delme roundabout and beyond tails back.
The flyover it's self over the Delme gets heavily congested ONWARDS on the A32 into Gosport.
The A27 from Portchester through to the Delme roundabout also gets congested.

All roads each side of Downend Road are used as rat runs to avoid traffic lights at Downend Road/A27 junction. or to avoid the motorway traffic by crossing Portsdown Hill.

Now add to that possibly two more sets of traffic lights. One set each side of Downend bridge. (With a single road carriage way)

The other on the west side out of the development stopping traffic on the slip road to the A27 motorway so traffic can turn north.

Any highways surveys which were done during or just before Covid 2020 should be discounted as traffic numbers were greatly reduced and at times non existent. So unreliable.

How has Highways England gone from recommending no extra developments or traffic near junction 11 M27 towards the Delme roundabout now saying the opposite in such a short space of time. Must of undertaken assessments during 2020. It's ridiculous.

There are no bus stops within the guide lines of walking distances. Recommended 400m
If you take an average being from the centre of the site, nothing is within a walking distance
Residents will be reliant on cars. Although they will probably walk or cycle for leisure.
EVERYTHING that applied to HA4 will apply to this site.

Duty to Cooperate

Portsmouth can't meet its need in finding space for housing numbers.

Fareham decides it will take 900 homes from Portsmouth in unmet need.

Total number of homes required to be built at HA4 & HA56 = 900

Who decides the numbers to be taken as unmet need. Is there a formula set in stone or is it voluntary.

900 homes taken from Portsmouth equates to all the land being built on at Downend Road.

What a disgrace. Portsmouth have built plenty of student accommodation. Perhaps they should of thought twice and given this over to its residents as housing allocation.

Worse is we could still have to take more.

If all the building allocations go forward in the Local Plan then Fareham as we know and love will be unrecognisable and changed forever, and not for better.

Housing & Employment from the town centre and towards Portchester. Not including South of A27.
6000 homes Welborne (prime farm land and country side that was supposed to spare us from losing more green space)

Junction 10 M27 improvements

900 in the Fareham town centre area.

900 Downend area Farm land, green space

12 Dore Ave. Green space

22 Land WEST of Northfield Portchester. green space

4.750m² Near junction 11 M27 Wallington Employment space

2,000m² Near junction 11 Standard Way Wallington. Employment space.

We will also have to contend with all the infrastructure road improvements.

All I can see is utter chaos ahead.

What sort of Legacy are we leaving for our children and grandchildren in the future.

What would I like to see happen to HA56

I would like to see it rewilded with a nature reserve.

It won't happen, but we can dream.

A NOTE. In 2020 there ran a survey for wild life on HA56 site. Mats, Doormouse boxes, bottles placed for insects etc. Who did this survey ? Was it the developer because this site was wrecked by machinery cutting hedges and verges and by removal of mats. I thought it must of been abandoned until I noticed red /white tape marking Doormouse boxes in the hedgerows. I do hope the developers are not going to rely on this survey as proof of evidence. It should be discounted and done again.

This may not be written in the form required but please forward this in its entirety to the inspector.

Please keep me informed .

Thank you.

Anne Brierley.

Gayle Wotton,
Planning Strategy Manager
Civic Offices,
Civic Way,
Fareham,
PO16 7AZ

**Planning Policy,
Planning and Economic
Development**

Portsmouth City Council
Civic Offices
Guildhall Square



30 July 2021

Ref: PCC_300721

Dear Gayle,

Re: Fareham Borough Council - Local Plan 2037 - Portsmouth City Council response

1. Thank you for consulting Portsmouth City Council (PCC) on the Fareham Borough Council (FBC) Local Plan Revised Reg 19 consultation.
2. PCC previously commented on consultation drafts of the FBC Local Plan in February 2020 and in December 2020. The position of the two authorities on their respective Local Plans has since moved on, particularly with regard to housing need and potential supply in part due to changes in plan period and the Government's confirmed housing need methodology.
3. Portsmouth City Council (PCC) works closely with Fareham Borough Council (FBC) as a fellow member of the Partnership for South Hampshire (PfSH), through the Solent Transport partnership, and as a neighbouring planning and highway authority. The two authority areas have strong social and economic ties and share an employment and housing market area.

Housing need

4. In response to FBC's amended *Strategic Policy H1: Housing Provision*, PCC's evolving and current position on unmet need is clarified below.
5. The housing need for the new Portsmouth Local Plan (872 per annum) as of June 2021 represents a significant increase over the level set in the adopted 2012 *Portsmouth Plan* (420 pa) demonstrating the comprehensive and proactive search for housing capacity undertaken to date. However, given the scale of the likely shortfall and the city's constraints on developable land it is extremely likely that PCC will not be able to meet its own Local Housing Need.
6. PCC published a *Housing and Economic Land Availability Assessment* in February

2019 which showed a shortfall in the potential housing supply capacity of the city of some 2,800 dwellings over the plan period. Following a further review of the potential supply, including potential strategic site options and their delivery rates during the plan period, the preparation of the 2021 HELAA shows that there is a current shortfall of around 750 dwellings for the plan period to 2038. However, the scale of unmet need is expected to continue to change (and likely to increase overall) as the plan progresses taking into account new planning permissions, any under delivery against the government's housing need targets and refinement of the draft strategic site allocation's proposals and likely implementation rates, as well as any secured delivery through the Duty to Co-operate.

7. The City Council therefore welcomes FBC's inclusion of an identified contribution to unmet need of neighbouring authorities of 900 dwellings (increased from 847) in its Local Plan Housing Requirement (Table 4.1), inclusive of a delivery buffer, with the acknowledgement of PCC's previous requests to include a proportion of its unmet need in the Local Plan housing supply; the reference to the likelihood of Gosport Borough Council having significant unmet housing need is also noted.
8. In the absence of an updated position statement on the distribution of housing between the PfSH Authorities whilst this work is currently underway, PCC's *Regulation 18 Local Plan consultation draft* (approved by Cabinet on 27th July 2021) indicates a possible contribution of 1,000 units from other local authorities as a 'placeholder' while Duty to Cooperate discussions continue and as Portsmouth's final unmet need housing figure is being determined.
9. Although some neighbouring local authorities in the Housing Market Area have already indicated that they would not have the capacity to meet the city's unmet need, PCC does recognise that Fareham Borough is not the only location where its unmet need could potentially be accommodated within the sub region. This shows the importance of the work being carried out by PfSH on the distribution of unmet housing need in the sub region, including the preparation of Strategic Development Opportunity Area work, which will help to guide the location of future development in the sub-region and form the basis of both Statements of Common Ground between individual Local Authorities and PfSH.
10. PCC therefore retains its request to Fareham BC to take a proportion of its unmet housing need given the strategic cross boundary connections with the housing market area and its geographical proximity and welcomes the recognition of this within in the Fareham Local Plan 2037 housing supply. We would request that all deliverable supply options for the plan period have been fully explored given the scale of unmet need indicated by PCC and Gosport BC and that further discussions are held on the apportionment of dwellings to be allocated to Portsmouth's unmet need.

Housing Allocation Policies

11. PCC notes and welcomes the inclusion of Land West of Downend Road and Land South of Longfield Avenue allocation, which was removed from the November 2020 Reg 19 consultation document in view of the Government proposals for a lower housing target for Fareham, ahead of the confirmed methodology. The Land West of Downend Road allocation is particularly well located in principle for helping to accommodate Portsmouth's unmet need given its geographical proximity to the city

and transport links via the M27/ A27, Portchester railway station and the proposed Bus Rapid Transit (BRT) line.

Employment

12. PCC notes the FBC's amended approach to office space need, based on labour demand to set a more positive, 'aspirational' target instead of past take up used for industrial floorspace need projections, following the recommendations of the 2021 Stantec study of employment need for the sub region. The inclusion of additional smaller employment sites to ensure flexibility and deliverability, instead of relying on significant provision from two strategic sites, is supported.
13. The overprovision of employment space for the plan period is noted. PCC has no objection to this approach to setting employment land forecasts for the plan period given the need for flexibility and choice in delivery and to ensure employment opportunities are retained locally and to lessen out-commuting which may impact on sub regional travel patterns.
14. PCC will continue to work with FBC through PfSH to identify sufficient space for any unmet regional employment need, including locations for strategic distributions sites where there is an identified need.

Working Together

15. PCC is keen to continue to work with FBC on cross boundary strategic planning issues, in both the production of a review of the PfSH Spatial Position Statement and a Statement of Common Ground for strategic planning matters, including the distribution of housing need and the complexity of movement and travel patterns with Housing Market Areas which Government's Standard Methodology for assessing Local Housing Need does not capture. Both pieces of work are currently on-going but the Council is keen to reflect the ongoing collaborative work in formal Statement(s) in due course.
16. Previous Duty to Co-operate conversations and consultation responses have captured the importance of working together on issues that affect PCC and FBC; the landscape value of Portsdown Hill which spans the councils' boundaries; the size and timing of new residential development that may impact on education provision; safeguarding of key transport links; consideration of proposed Green Infrastructure linkages; the sub regional approach to nitrate mitigation and any forthcoming biodiversity net gain requirements.

Yours sincerely,

Rachel Cutler

Head of Planning Policy Email: 

Respondent: Ms Janet Cooke (267-481253)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

building proposals include plans to urbanise a village by cramming all green spaces with small average homes with little parking and restricted estate access points . There are little or no plan fur increasing supporting infrastructure like village/ shops parking, more doctors, insufficient school places and feeding roads and paths to transport links. Water services are already over stretched to manage its waste safely. I feel the environment land and sea pollution Impact will be devastating. Warsash residents concerns regarding to disproportionate development of Warsash proposals appear to have been glossed over : 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 It is discriminatory that community-generated evidence carries less weight than that provided by Developers consultants. E.g. regarding previous use of land in Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwatch teams. The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate" This is misleading and confusing to members of the public wishing to provide commentary. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable. Village traffic impact : 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident black spots. Anguish for all villagers and the proposed new residents. ansport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval." Education Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone. Healthcare Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.. Complies with Duty to Cooperate: Housing Need Methodology Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. The proposed over development so closed to areas of outstanding natural beauty and protected habitats is not acceptable and repeated calls by residents to have this policy reviewed as been ignored. Clearly the building companies and their partners stand to make a lot of money since Warsash until now because of its surroundings green areas is a desirable area to live in - such urbanisation threatens the integrity of village life and the future viability of its sensitive protected environments I object to multiple small homes being crammed in the proposed development plots scattered between Brook Lane, lockwood Rd, Peters Rd and Warsash Rd

What modification(s) is necessary to make the Revised Pub...

Fewer larger plot homes built inclusive of renewable energy features with large green gardens, and green spaces between plots

How would the modification(s) you propose make the Revise...

Reduced environmental impact, as less people living in the same space, producing less waste and environmental impact

Your suggested revised wording of any policy or text:

Scrap the unfair over development in Warsash, rethink the plan and build homes which seek to preserve Village integrity and minimise environmental impact The wording is down to those who are paid via Council taxes to represent the Warsash residents fighting for their Village, views and values It is not the job of myself as a NHS Nurse to produce technical wording .., it's my job to work in patient care and the councils job to support its residents. High volume Low cost housing should be built in non sensitive, lower land cost areas of the borough

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

White, Lauren

From: Planning Policy
Subject: FW: FBC Draft Local Plan (Publication Plan) - Comments

From: Eileen & Phil [REDACTED]
Sent: 29 July 2021 16:21
To: Trott, Katherine <KaTrott@Fareham.gov.uk>
Subject: Re: FBC Draft Local Plan (Publication Plan) - Comments

Thank you for your email Katherine.

Just to confirm that, as stated on original email, I **do not** wish to attend to participate in the examination process.

Regards,

Phil Hawkins.

On 29 Jul 2021, at 13:05, Trott, Katherine <KaTrott@Fareham.gov.uk> wrote:

Dear Mr Hawkins

Thank you for submitting your comments for the Revised Publication Local Plan consultation.

The Planning Strategy team will include your comments as part of the submission to the independent Planning Inspector who will examine whether the plan is sound. This examination process is "in public", you can attend the hearing sessions and put your points directly to the Inspector. This is your opportunity to tell us you want to do this. The Inspector will want to know why you are making the comment and whether you wish to see the plan changed in any way. By return of email please let us know whether you consider it necessary to participate in the examination process and why.

Remember that your comments on the Plan must refer to the changes that have been made since the last consultation and relate to the rules of:

- Soundness
- Legal compliance
- The duty to cooperate

Please [visit our website](#) for more information

What happens next?

The consultation closes on 30 July. Following collation of the feedback, we will be submitting the Local Plan to the Independent Planning Inspector for examination.

All of the consultation responses from this consultation will be forwarded, together with the Publication Plan and supporting evidence, to the Planning Inspector for consideration. The Council are not in control of the timings of the examination however it is estimated that it will take place over the winter/spring 2021/2022.

Kind regards

Katherine Trott
Policy, Research and Engagement Officer
Fareham Borough Council
01329824580



From: Planning Policy <PlanningPolicy@fareham.gov.uk>
Sent: 27 July 2021 08:57
To: Eileen & Phil [REDACTED]
Subject: FBC Draft Local Plan (Publication Plan) - Comments

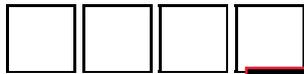
Good Morning Mr Hawkins,

I can confirm we have safely received your consultation comments below.

I have forwarded your email onto the Consultation team and they will log your comments.

Kind regards

Lauren Keely
Technical Officer (Strategy)
Fareham Borough Council
01329824601



From: Eileen & Phil [REDACTED]
Sent: 26 July 2021 16:30
To: Planning Policy <PlanningPolicy@fareham.gov.uk>
Subject: FBC Draft Local Plan (Publication Plan) - Comments

26th July 2021

As per my telephone conversation with Mr. Peter Drake of the FBC Planning Department, I am listing my comments on the Draft Local Plan below, as the online documentation does not allow me to include all of my comments due to the limit on the number of 'characters' within the form.

I would appreciate confirmation of safe receipt.

Please note that I do not wish to attend a Hearing.

Thank you.

Mr. Phillip Hawkins



MATTERS OF LEGAL COMPLIANCE - Community Involvement

May 2021: Residents challenged Fareham Borough Council in the High Court:

The case was won, with the Judge confirming: (1) that Fareham Borough Council had acted unlawfully and unfairly towards the residents; that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and (2) that FBC Planning Committee failed to grapple with residents' request for a deferral. He (the Judge) stated the judgement needs to be shared with everyone concerned within the Council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of *their views being ignored*.

Reg 19 Statement of consultation: Since 2017 residents' concerns have been disregarded despite protest marches, group representation regarding residents objections, i.e residents petitioned against the various versions of draft plans. However, despite exceeding the required number of signatures needed to activate a full Council meeting debate, no debate was undertaken, even after a challenge was raised to the Council's Scrutiny Board. No petition debate has taken place to date on this or previous plan versions. *Residents were disregarded*.

It is an unfair bias that community identified evidence carries less importance than that provided by developers' consultants. For example - regarding previous use of land in Nitrate budget calculations. - As well as with traffic survey results captured by residents and community speed recording teams.

The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in Fareham Today which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and unclear to members of the public wishing to provide their own opinions.

This publication plan contains several errors:

There are sites **missing** from page 74 of the SHELAA page 52 of the plan.

Crucially sites identified as suitable for development but have not yet obtained planning permission are excluded from the total numbers given for HA1. This is very misleading for us the public who, are trying to establish the impact of this plan on our community.

These type of errors contained in the plan confirm that it is unsound.

MATTERS OF LEGAL COMPLIANCE - Housing Allocations

The total of new homes put forward for specific sites across the Borough (this is not including Welborne) to 2037 is 5,946. This is an unfair and unacceptable distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of the total amount, with HA1 alone contributing 14%. The Western Wards contribution is 21%.

There is no integrated "Masterplan" for HA1, with all developers working completely independently of one another. In order to show the true impact of the cumulative effect of HA1, a further environmental impact assessment must be undertaken.

Developers have taken advantage of the Local Planning Authorities's (LPAs) decision to propose HA1 within (the now obsolete) 2017 Plan and have submitted applications that the LPA have decided to grant permission on the Publication Plan. Others claiming their sites fit well with HA1 which has now resulted in boundaries of HA1 being adjusted to accommodate them. This seems to indicate an inappropriate power-shift toward developers.

MATTERS OF LEGAL COMPLIANCE - Habitats and Directive Biodiversity

Para 9.51: Taking into consideration that LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites to be protected and **enhanced**. Page 247 Para 9.54 indicates that proposals for development should provide **anet REDUCTION** in eutrophication for designated sites in an unfavourable condition, restoring the condition to favourable. However, Para 9.50 (Policy NE4) confirms permissions will be granted when the integrity of designated sites be maintained but the word **IMPROVED** has been deleted. Policy D4 claims the Council will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes both the Habitats Directive and the Publication Plan in respect of these policies. I cannot understand how this development could be contemplated within Fareham Borough without negatively impacting the SAC and RAMSAR sites. Based on proximity alone, this would invalidate the delivery/expectations of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust **stated the wording needed to be changed to be consistent with the wording used in National Policy**. "Development proposals must protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as having regard for important 'natural landscape features' the Policy seeks to enhance and reconnect ecological networks where they have been compromised.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development has been mitigated (rather than compensated). In May 2021 a High Court Judge stated the Natural England Advice Note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2: Regardless of having protected designated sites in our waters which go around the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for **deliberately dumping billions of litres of raw sewage into the sea**. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be undeliverable.

TEST OF SOUNDNESS - Settlement Definition

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development.

Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles.

The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a Flagrant move by the Council, to suit its own objectives.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land.

Also, Policy HP1 requires the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 for that reason it seems the "convenient" alternative was for FBC to redraw the urban boundary!

TEST OF SOUNDNESS - Infrastructure

Policy HP4 (Para 5.24 HA1 fails to meet criteria e) as the proposal would clearly have unacceptable environmental, amenity/facility and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, (Warsash's oldest and well loved Lane) the Plan proposes for up to 140 dwellings to use this as access through a widening of the lane. This will result in a considerable negative impact on the character of the lane and will adversely affect the safety of pedestrians. This is a used dog walking area/general walking area/cycling route and is also the route used for many children to get to school. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots and is all together unacceptable.

Para 10.15 Transport Plan: This does not include an analysis of streets where the majority of the houses are proposed. **Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment?** Using an average of two cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared.

Para 10.14 refers to the Local Plan Strategic Transport Assessment. Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the Plan is therefore deliverable and sound from a transport perspective." **NOTE:** This statement does not include the area HA1, of the local plan with **830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.**

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches". These have not been included in the Masterplan

TEST OF SOUNDNESS - Housing Needs Methodology

Para 4.2 describes the methodology used to calculate Fareham's housing need.

This methodology is premature and risky until we know the government's response to the Planning White Paper 'Planning for the Future'.

The previous version of the Publication Plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. There must be lessons to be learnt here ?

TEST OF SOUNDNESS - Occupancy Rates

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4 - 6. The claims in the Publication Plan are therefore not reflected in the Council's own proposals and requirements.

TEST OF SOUNDNESS - Carbon Reduction

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but **NO targets have been set.** The Plan simply refers to individual developments power generation, rather than what each should deliver over and above Building Regulations requirements. On this basis the plan is not acceptable.

Para 11.35: The Council will support applications where development exceeds Building Regulations: Again no percentage target has been set. The Plan is therefore not sound regarding carbon emissions reduction in the Borough.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. **These requirements should be made clear to all applicants for planning approval.**

TEST OF SOUNDNESS - Education

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022, whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

TEST OF SOUNDNESS - Healthcare

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards, but neither of HA1 Warsash Practices have scope to expand, so wouldn't cope with a growth list. The Plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is unsatisfactory and not a sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings.

COMPLIANCE WITH DUTY OF CARE TO COOPERATE - Housing Need Methodology

Para 4.6: In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Borough Council is taking a risk as we await the government's response to last years consultation on the Planning White Paper, "Planning for the Future", which proposes key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

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.

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.

FAREHAM Local Plan 2037

Introduction

If you have already taken part in a consultation about the Local Plan you may be wondering why we are seeking your views again.

As a result of changes to housing and employment requirements set by the Government for the Borough, the Council is now consulting on a Revised Publication Local Plan.

The special edition of Fareham Today explains in greater detail how housing need is calculated and why it has changed.

The Statement of Representations Procedure and Statement of Fact sets out how and when you can view the Revised Publication Local Plan and respond to the consultation.

You can make comments on the Plan, known as representations, up to 30 July 2021.

What can I make a representation on?

While the Plan has been revised it remains in the final stages of consultation. This means that the consultation is very specific and does not seek views on alternative options. It invites comment on three specific questions; you will be asked whether you think the Plan is:

- **Legally compliant:** Does the Plan meet the legal requirements for plan making as set out by planning laws?
- **Sound:** Has the Plan been positively prepared? Is it justified, effective and consistent with national policy
- **Complies with the Duty to Co-operate:** Has the Council engaged and working effectively with neighbouring authorities and statutory bodies?

You can find out more about each of the questions by reading Fareham Today and the Frequently Asked Questions.

This consultation focuses on the changes to the Publication Local Plan that have made since the last round of consultation.

The changes have been highlighted on the Revised Publication Local Plan documents and you will be asked to state which revision or addition to the Plan you wish to make a representation about on the representation form. You can comment on as many changes as you would like however you will have to submit a separate form for each change.

What happens next?

A Planning Inspector will be appointed to consider the Plan and comments from the consultation on behalf of the Secretary of State. All representations will be forwarded, together with the Revised Publication Plan, to the Planning Inspector for consideration.

Data Protection Privacy Statement – Consultation on the Local Plan in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

In order to deliver services to the citizens and communities in Fareham Borough, it is necessary for the Council to collect, gather and process personal data.

In relation to the consultation on the Revised Publication Local Plan in accordance regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Fareham Borough Council will collect and process personal data for the following processing purposes:

- Receiving representations to the consultation and submitting the Local Plan for examination in public

The Council is processing this personal data by virtue of the following Lawful Basis:

- Compliance with a legal obligation
- Performance of a task carried out in the public interest

Consultation responses will be entered onto the online consultation form. The company that host the online consultation form, Snap Surveys are ISO 27001 certified and will store the data on a secure UK server.

The Town and Country Planning (Local Planning) (England) Regulations 2012 requires that, when the Council submits the Local Plan and associated documents to the Secretary of State, for examination in public, the responses made to the consultation on the Local Plan must also be submitted. This includes the personal data collected, such as name, address and contact details.

In addition, any representations submitted will be made available on the Fareham Borough Council website. Addresses, email addresses and phone numbers will not be published.

Representations linked to plan making will be retained for no more than 5 years following adoption of the Local Plan. We will not keep this information for longer than is necessary.

You have certain rights under the General Data Protection Regulations (GDPR) in respect of your personal information. More information about your rights can be found on the Council's website or on request.

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

No

No

A2 Please provide your details below:

Title: mr

First Name: Andrew

Last Name: Jackson



A3 Please provide the Agent's details:

Title: _____

First Name:

Last Name:

Job Title: (where relevant)

Organisation: (where relevant)

Address:

Postcode:

Telephone Number:

Email Address:

B1

Which part of the Revised Publication Local Plan is this representation about?

- A paragraph Go to B1a
- A policy Go to B1b
- The policies map Go to B1c
- A new housing allocation site Go to B1d
- The evidence base Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

9.51 Whereas the LPA is aspiring to Nitrate Neutrality, Strategic Policy NE1 requires designated sites be protected for development should provide a net REDUCTION in eutrophication for designated sites in an unfavourable condition. Policy NE4 confirms permissions will be granted when the integrity of designated sites be maintained but the LPA will "seek to improve water quality" which contradicts Policy NE4. The LPA's approach therefore contravenes these policies. It is unclear how any development could be contemplated in the Fareham Borough without need for proximity alone, this would invalidate the deliverability of these developments.

Strategic Policy NE1: Hants and Isle of Wight Trust stated the wording needed to be changed to be consistent with the policy "to protect, enhance and not have significant adverse impacts..." They also stated it is important that as well as the policy seeks to enhance and reconnect ecological networks where they have been compromised.

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Para 4.19 Housing policies HA(2,5,6,8,11,14,16,18,20,21,25) are no longer proposed allocations. So, why was H Objectively Assessed Housing Need arrived at for this site?

Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift to Finally and critically sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B1c Which part of the Policies Map ?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in that housing will be provided through HA1 and other local sites.

The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. If 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contain There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). assessment must be conducted showing the cumulative effect of HA1 in its entirety. This is contrary to Design for development within and adjacent to existing settlements and as part of area wide development strategies and are sustainable, appropriately planned and designed".

B1e Which new or revised evidence base document ? E.g. Viability Assessment

B2 Do you think the Revised Publication Local Plan is:

	Yes	No
Legally compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input type="checkbox"/>
Complies with the duty to co-operate	<input type="checkbox"/>	<input type="checkbox"/>

B3 Please provide details you have to support your answers above

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Reg 19 Statement of consultation. Since 2017 residents' concerns have not been considered deputations and of

It is discriminatory that community-generated evidence carries less weight than that provided by Developer's c Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwat The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests c guidance in Fareham Today which includes the additional areas of" Legal Compliance" and "Duty to Cooperate" the public wishing to provide commentary.

Finally, and critically, sites identified as suitable for development but have not yet obtained planning permission HA1. This is very misleading for the public who are trying to establish the impact of this plan on their community it is unsound.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

Please remember this may be your only chance to make a representation, so try to make sure you put in all the evidence and information needed to support your representation. You do not need to resubmit any comments you made during a previous Publication Local Plan Consultation.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

- Yes, I want to take part in a hearing session
- No, I don't want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination.

Thank you for taking part and having your say.

Further comments on the Fareham Local Plan

which I have been unable to include in your too strict formatted comments form

Strategic policy NE2: The Hampshire and Isle of Wight Wildlife Trust considers a wording change to Policy 'NE2: Biodiversity and Nature Conservation' to ensure that the delivery of 'net gains' in biodiversity is the minimum required achievement. New wording to be "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and deliver net gains in biodiversity, where possible." Natural England strongly recommends that all developments achieve biodiversity net gain. To support this approach, we suggest that the policy wording or supporting text includes a requirement for all planning applications to be accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by a Hampshire County Council (HCC) Ecologist. In line with the NPPF and in order to achieve net gain in biodiversity, the following change of wording is proposed by Natural England "Development proposals should seek to provide opportunities to incorporate biodiversity within the development and provide net gains in biodiversity". The policy states 1 or more dwellings should provide 10% net gain for biodiversity.

Habitats Regulation Assessment (2021) Natural England advise it is the responsibility of the LPA to fulfil its legal obligations and satisfy themselves beyond scientific doubt, that adverse effects on the designated SAC, SPA and RAMSAR sites, from harmful nutrients generated by new residential development, has been mitigated (rather than compensated). In May 2021 a high court judge stated the Natural England advice note will need to be reviewed in light of his judgement. He added his judgement should not be interpreted as giving the advice note a clean bill of health.

Surprisingly 'Introduction' para 1.45 makes no mention of the protected sites in and around the Solent.

Strategic policies NE1 and NE2. Despite having protected designated sites in our waters which skirt the whole of Fareham Borough, Southern Water has very recently been fined a record £90m for deliberately dumping billions of litres of raw sewage into the sea. The offences were discovered as part of the Environment Agency's largest ever criminal investigation which found raw sewage had been diverted away from treatment works and into the environment. Until this activity is addressed the unfavourable status of the Solent will continue to deteriorate and these policies will be unachievable.

Test of Soundness

Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own objectives.

Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary!

Policy HP4 (Para 5.24) HA1 fails to meet criteria e) as the proposal would demonstrably have unacceptable environmental, amenity and traffic implications.

Policy HA1: Page 53 refers to traffic routes and despite removing the recommendation to limit access to 6 dwellings on Greenaway Lane, the plan proposes for up to 140 dwellings to use this as access through a widening of the Lane. This will result in a considerable negative impact on the character of the lane and to the safety of its non-vehicular users. In general, Page 54 suggests 7 new accesses onto the already very busy Brook Lane and Lockwood Road, as

well as one additional access at Brook Lane, via 4 entry points from Greenaway Lane. The position and proximity of these access points will be a recipe for serious gridlock and accident blackspots.

Para 10.15 Transport plan does not include an analysis of streets where the majority of the houses are proposed. Why, when there are 830 new dwellings proposed, hasn't more consideration been given to HA1 in the transport assessment. With an average of 2 cars per dwelling, an additional 1660 vehicles will be on local roads and there is no reference for the mitigation required to reduce congestion by 2037. The Plan fails the Test of Soundness by not being Positively Prepared in this respect.

Para 10.14 refers to the Local Plan Strategic Transport Assessment at Para 14.16 reads; "In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Fareham Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective." This statement doesn't include the area HA1, of the local plan with 830 homes and isn't assessed within the The Local Plan Strategic Transport Assessment document.

Policy HA1: Page 54 indicates the need for the provision of "2 junior football pitches" Why are these not shown in the Masterplan?

Para 3.27 fig 3.2 Where are the indicated 8 potential growth areas shown on the map? This map needs more clarity.

Page 158 Policy HP2 is in conflict with Para 4.13 over the definition of small-scale development – is it sites of less than 1 Ha or development of not more than 4 units?

Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. The previous version of the Publication plan had to be scrapped due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it.

Para 5.41 The LPA argues for an average occupancy rate of 2.4 for a 4/5 bed dwelling in regards to Nitrate budget calculations. To the contrary, it is stated here that the spectrum of occupancy for affordable homes will be in the range of 4-6. The claims in the Publication Plan are therefore not reflected in the council's own proposals and requirements.

Para 8.60 Section 8 mentions the requirement of meeting CO2 emission reduction targets, but instead of stating what the targets should be, the Plan simply refers to individual developments power generation rather than what each should deliver over and above Building Regulations requirements, on this basis the plan is not Positively Prepared

Para 11.35 The council will support applications where development exceeds Building Regulations but no percentage target for improvement has been set. The Plan is therefore not a sound and effective approach to carbon emissions reduction in the Borough.

Para 11.36 Developers are encouraged to design for natural ventilation and green infrastructure but no standards are set. Just meeting building regulations will not see the country meet the Government promised carbon reductions. The council therefore should set standards to ensure developers are designing for sustainability much like the London boroughs that are using new standards of SAP10 which although not yet within building regulations, should be adhered to.

Policy CC1 describes 'Green infrastructure' but nowhere in the Borough do we have Green Belt and according to this plan none is planned to be defined as such.

All Planning Authorities in Hampshire as well as Hampshire County Council have recognised that there is a climate change emergency. CPRE Hampshire believes it is therefore imperative that the local plans set ambitious targets and action plans with accountabilities for achievement in the reduction in carbon emissions that are measurable and reported on annually. Development must only be permitted where, after taking account of other relevant local plan policies, it maximises the potential for generating renewable energy and is-designed to reduce energy consumption as much as possible. The location of development needs also to recognise the need to minimise emissions from transport. These requirements should be made clear to all applicants for planning approval."

Para 7.18 Out of town shopping is discussed, but not defined; Out of town shopping will take jobs and customers away from local shopping areas and will increase traffic on the routes in and out of Warsash and Locks Heath.

Para 10.26 Infrastructure Delivery Plan. Education (critical prioritisation) is planned with HCC but the period of any proposed extensions for child placements is only up to 2022 whereas the Plan covers up to 2037. This is not a sound approach for the education of our children.

Para 10.27 Infrastructure Delivery Plan Table 6 calls for section 106 provisions of additional Early Years Foundation Provision (EYP) within the Western Wards however HA1 does not indicate the placement of a nursery or pre-school within the development area. Where is the child placement contribution to be allocated as the IDP calls for the addition of 100 placements whereas there are over 1000 new dwellings being proposed for the Warsash area alone.

Para 10.26 Infrastructure Delivery Plan calls for the expansion of health care provision (critical prioritisation) through GP locations in the Western Wards but neither HA1 Warsash practices has scope to expand so wouldn't cope with a growth list. The plan only proposes building alterations to Whiteley surgery and depends on the successful replacement of retiring GPs. This is not a Sound approach taking into consideration that HA1 alone will bring an additional 830 dwellings..

Complies with Duty to Cooperate:

Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply.

Respondent: Mr Robert Megginson (287-16156)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Legal compliance The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in 'Fareham Today' on Page 4 of the Reg. 19 Statement of Consultation, which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This consultation process has specifically restricted public comments to the revisions and additions to this version as the previous draft Publication had to be scrapped. This was due to the premature and risky decision by FBC to apply the new housing need methodology before the government decided against adopting it. Restricting comments for this consultation is unjust and unfair. The public may wish to comment on the whole plan not just the revisions. The consultation website even restricts drop down options to the revised sections only. Para 4.2 describes the methodology used to calculate Fareham's housing need. This is not democracy but the Council yet again prescribing what the public can comment on. This methodology is in advance of the government's response to the Planning white paper 'Planning for the Future' and hence there is a risk that this will be changed. Residents have voiced their concerns since 2017 and been largely ignored by the Council. The 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. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until the outcome of the Government's response to the Planning white paper 'Planning for the Future' is known. In May 2021 residents challenged this council in the high court and won the case. The Judge confirmed: 1) that the council acted unlawfully and unfairly towards the residents, that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and; 2) that the Planning Committee failed to grapple with resident's request for a deferral. He stated the judgement needs to be shared with everyone concerned within the council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of their views being ignored. For all of the above reasons, this consultation process and Publication Plan is not legally compliant. Soundness: Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own planning aspiration and objectives. Publication plan 'Foreword' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary! Complies with Duty to cooperate: Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes have been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Why does this process NOT permit comments against any site in the plan? New site/s appear to have been added to the HA 1 Cluster. This is immoral and potentially unlawful. As the previous plan was never adopted and hence previous comments not addressed, how is the considered 'consultation'?

What modification(s) is necessary to make the Revised Pub...

The Council have not demonstrated and desire to listen to residents or to accept any recommendation from residents, which is true consultation. It is currently an paper exercise as a tick box to achieve what the FBC want. The current process is extremely complex, sometimes inaccurate and has the effect of discouraging engagement from residents, not because they don't want to but because they find the whole process off-putting, totally overwhelming and utterly confusing. This Publication plan consultation is an example

Expand the process to cover ALL of the plan not just those added since the previous version.

How would the modification(s) you propose make the Revision...

Communication of any documents that impact the public need to be written clearly and concisely. Not everyone is trained in planning law. This would help to fulfil the council's legal obligation to consult. Application of the rules at all times should be given. If the council's rules state a petition will trigger a debate at full council if it meets the required number of signatures, this should be applied. All evidence presented regardless of who presents it should at least be considered to carry equal weight by the council. Concerns over what may or may not happen if an application or consultation does not go the way the council want it to, shouldn't be a deciding factor. Council procedures need to be reviewed to ensure a democratic rather than autocratic approach to decision making. More certainty on the council's own housing position with regard to dependency on Welborne, its ability to meet unmet need of neighbouring boroughs and the capacity to do so in respect of its 5 year land supply will avoid unnecessary taxpayer's expense such as we have seen in the preparation of this plan, the second one to be 'ripped up' and not adopted since 2017. Masterplans are required in order to comply with Design Policy D3 para. 11.44 Maximising development within urban areas is required to comply with Para. 2.12 "Strategic Priorities". There is a legal obligation to comply with the Habitats Directive Para. 8.60 Section 8 mentions the requirement of meeting CO2 emission targets but currently those targets are not stated. The infrastructure Delivery Plan at para.10.26 and 10.27 describes Education as critical prioritisation. The infrastructure Delivery Plan at para.10.26 describes Health Care as critical prioritisation.

It would allow all residents to comment on all the plan!

Your suggested revised wording of any policy or text:

A 'variety of methods' used to solicit comments from the public should be expanded to 'ensure the material is easily understood.' Members of the public need to be clear about what they can expect when engaging with the council. A simple 'if you do this', 'we will do that' would suffice. The rules and guidance need to be executed correctly. The council needs to demonstrate how they have applied equal weight to the public's contributions and that of other representatives regardless of whether 'for' or 'against' a proposal. References to be made to applying the recommended up to date methodology not one which may or may not be adopted in the future. Any risk regarding dependencies impacting this council's ability to deliver the plan needs to be explicit with appropriate contingency built in. This plan should contain accurate accounts of due process and obligations. Procedures need to be reviewed regularly to ensure compliance with guidance. Policies and procedures must be reported on compliance and be seen to be applying them. It's important to display policies and procedures in the public domain but equally important that this council follows its own guidance not changing the rules when it suits them. Critical prioritisation and legal obligations must be addressed in plans.

Allow all residents and organisations to comment on the full breadth and depth of the plan!

If your representation is seeking a modification to the Plan...

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it necessary...

To ensure a balanced view of the plan is heard by all

Because we have a right to be heard!

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.

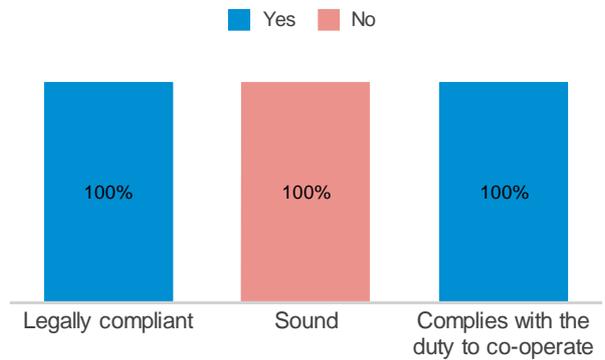
- all the Developments in the Western Wards and HA1 are obtaining nitrate neutrality by purchasing “nitrate credits” from a site on the Isle of Wight owned by the Hants and Isle of Wight Trust which is being re-wilded. (A process that is going to take approximately over ten years). Therefore the protected 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.

Paragraph | 4.16

1 Representations



	Legally compliant	Sound	Complies with the duty to co-operate
Total	1	1	1
Yes	1 100%	0 0%	1 100%
No	0 0%	1 100%	0 0%



Respondent: Ms Pamela Charlwood (297-431040)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

There is a universal wish to see brownfield/regeneration sites used for housing before greenfield sites are developed, though developers will take the opposite view. We wish to see a commitment from FBC, if necessary, take direct responsibility for such development, particularly for affordable housing. Para 4.16 refers only to Fareham Town Centre brownfield sites but this should be extended as a general principle.

What modification(s) is necessary to make the Revised Pub...

A commitment from FBC, if necessary, to take direct responsibility for brownfield development, particularly for affordable housing. Para 4.16 refers only to Fareham Town Centre brownfield sites but this should be extended as a general principle.

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: mrs Sandra Abrams (277-211844)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The autumn consultation has been overturned by the government. Housing allocations have been increased by the government against the agreed quotas which was based legally on research of needs. A revised housing quota has therefore been imposed after the electorate had given their consent.

What modification(s) is necessary to make the Revised Pub...

Withdrawl

How would the modification(s) you propose make the Revise...

How did a u-turn by government make the revised plan legal?

Your suggested revised wording of any policy or text:

Fareham BC should remind Government that local residents and councillors made a decision based on local knowledge of housing need.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND ADJACENT TO 75 HOLLY HILL LANE, SARISBURY

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
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2.0 Completed Representations Form 2-20

APPENDICES:

- 1.0 Landscape Response prepared by Terra Firma Consultancy including Opportunities and Constraints Plan**

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has interests in Land adjacent to 75 Holly Hill Lane in Sarisbury (SHELAA ID: 1005).
- 1.2 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.3 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Land adjacent to 75 Holly Hill Lane, Sarisbury

ASLQ designation

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 11 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. Pegasus Group has calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP, then the supply of affordable home should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;
- **Therefore, it is necessary for the RPLP to deliver a total of at least 13,188 homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of 14,088 dwellings for the plan period;**
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

1.6 To be 'positively prepared' the Local Plan must:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- Be consistent with achieving sustainable development.*

To be 'justified', the Local Plan must:

- Provide an appropriate strategy, taking into account the reasonable alternatives; and*
- Be based on proportionate evidence.*

To be 'effective', the Local Plan must:

- Be deliverable over the plan period; and*
- Be based on effective joint working on cross-boundary strategic matters.*

To be 'consistent with national policy', the Local Plan must:

- Enable the delivery of sustainable development in accordance with the NPPF."*

The RPLP has not been positively prepared because it:

- Fails to meet the area's objectively assessed needs as described above;

-
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
 - Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

The RPLP is not justified because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough. This should include allocation of Land adjacent to 75 Holly Hill Lane for about 30 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. Pegasus Group are of the opinion that the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance includes:
 - (i) An assessment of the need for affordable housing over the plan period as required by paragraph 62 of the NPPF,
 - (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
 - (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 61 of the NPPF,
 - (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
 - (v) An assessment of how the out-of-date identified unmet needs are to be

distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 74 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 74 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welborne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54 Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue, both of which lie in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.

For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

This section of the RPLP is substantially focused on restricting development outside the existing settlement policy boundaries of urban areas. As part of the previous round of consultation on the Publication Local Plan, we submitted strong objections to the overly restrictive nature of the policies contained within this section of the Local Plan. No material changes have been made as part of the RPLP in response to those objections and so our key concerns are re-iterated below.

Paragraph 3.9 of the RPLP states:

"Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas." (our underlining)

Our client objects to the identification of the Areas of Special Landscape Quality (ASLQ) in the borough, and particularly to the presumption against development in ASLQ and against the allocation of any sites for development within these areas. This is discussed in detail in the section relating to Policy DS3: Landscape below.

Policy DS1: Development in the Countryside

For housing development which is brought forward in the absence of a 5-year housing land supply, Policy HP4 applies. This will necessarily introduce new built

form onto greenfield sites adjacent or well related to existing urban area boundaries. This will inevitably cause a change to the landscape character of the site and immediately adjacent land. Criteria ii) and iii) require proposals to "conserve and enhance landscapes" and "recognise the intrinsic character and beauty of the countryside". It is not clear which "landscapes" are being referred to – the spatial extent of 'landscapes' should be defined here to avoid ambiguity. While the landscape as a whole could be enhanced by carefully designed development proposals, the principle of landscape change within the site itself should be established. If this requirement to 'conserve and enhance landscapes' is applied to the landscape features and character of a potential development site, then this requirement is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. Either the spatial extent of 'landscapes' should be defined or the requirement to 'enhance landscapes' be removed from the policy.

Moreover, it is not clear how the extent to which a proposal has recognised "the intrinsic character of the beauty of the countryside" can be measured. After all, those attributes can be "recognised" but then disregarded. It is true that every area of countryside has a "character" but not that every area of countryside has "beauty".

Criterion v) should include an exception for development which is brought forward under Policy HP4, where the application of the "tilted balance" would allow the loss of BMVAL.

Paragraph 3.39 fails to explain how this policy works in relation to housing policies.

Policy DS3: Landscape

This draft policy designates about a quarter of the land area of the Borough as "Areas of Special Landscape Quality" (as shown on Figure 3.3).

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'.

Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

However, if it is held that Policy DS3 should not be deleted, the following comments apply.

Paragraph 3.55 states that "...all parts of the Borough have some landscape quality and may be sensitive to landscape change". This is ambiguous. All landscape will be of 'a quality' but quality (in GLVIA3 aligned with condition) is only one consideration of landscape sensitivity.

With regard to "How the policy works", paragraph 3.56 states that "The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.". The GLVIA3 is an extensive and diverse document and, if it is to be used as basis for this policy then a specific reference or explanation should be provided as to how points a-g have been derived.

Paragraph 3.57 refers to the submission of "...a proportionate Landscape Assessment". In the event that Policy DS3 is not deleted, this should be amended to require the submission of a 'Landscape and Visual Impact Assessment'. There are many applications of Landscape Assessment and several forms of reporting. Reference to LVIA would be specific and clear as to what is required (and incidentally relates better to the approaches set out in GLVIA3).

Having specific regard to our client's land interest adjacent to 75 Holly Hill Lane in Sarisbury, the site has previously been promoted through FBC's SHELAA, the latest version of which is dated April 2021 (Site ID 1005) and was discounted solely because it is located within an ASLQ. Consequently, our client has appointed Terra Firma Consultancy to review this matter and a Landscape Response is attached to these representations at Appendix 1, together with an Opportunities and Constraints Plan for the site.

In summary, it is considered that if Policy DS3 is not deleted, it should better allow

for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive small-scale development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane / DS2: Development in Strategic Gaps

There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

The executive summary of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" (undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020) makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function..."*

The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. Development in that location would place development in a open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially

significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*

- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks

further ahead (at least 30 years), to take into account the likely timescale for delivery."

Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2.

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

Pegasus Group has reviewed the RPLP and its evidence base and concludes that the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities. contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 61 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;

- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year

supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

As currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:
- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors.

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test

can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land adjacent to 75 Holly Hill Lane for residential development

The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard Method would remain as previously.

The Council has decided to introduce Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings alongside other new draft allocations in order to help meet the higher housing requirement.

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which include Land adjacent to 75 Holly Hill Lane.

As set out above, the sole reason for discounting the site as an allocation within the SHELAA is because of its location within the proposed ASLQ designation, and our client's objection to this is set out above.

Otherwise, the SHELAA confirms that the principle of highway access to the site is acceptable, subject to allowing for the turning of refuse vehicles within the design of the access road, which could be addressed. It is confirmed that there are no known conservation constraints or noise/air quality constraints, and that the site is not within an identified area of archaeological potential. The SHELAA suggests that there is the potential for moderate to high quality habitats and ecological interest within the woodland areas, but this could be assessed and appropriately mitigated.

In terms of its accessibility and sustainability, the SHELAA confirms that the site is located within 800m of accessible green space or play space, within 800m of a community/leisure facility, within 1,200m of a Primary School and within 1,600m of a Secondary School. It is also noted that the site is located 0.5 miles (by road) to the south of the A27 and its associated local facilities and services. There are also bus routes that run along Barnes Lane to the east, and the A27.

The SHELAA concludes that the site is both available and achievable but that it is not suitable due to its location within an ASLQ.

The Landscape Response prepared by Terra Firma Consultancy submitted previously, and enclosed at Appendix A, includes an Opportunities and Constraints Plan for the site which identifies an indicative developable area extending to approximately 0.93 hectares. On the basis of a development density of 30-35 dph, this would equate to the provision of between 28-33 dwellings on the site.

On the basis of the above, the Council is encouraged to allocate Land adjacent to 75 Holly Hill Lane in Sarisbury for about 30 dwellings and amend the RPLP Proposals Map accordingly. This site is controlled by a highly reputable local housing developer – Bargate Homes – who has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five-year housing land supply.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Delete Policy DS3;

- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land adjacent to Holly Hill Lane for about 30 dwellings and amend the Proposals Map accordingly.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in the hearing session(s)

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

To contribute to testing the legal compliance and soundness of the RPLP for the reasons set out in these representations.

APPENDIX 1
Landscape Response prepared by Terra Firma Consultancy
and associated Opportunities and Constrains Plan

**Landscape Response to Representation to Fareham Local Plan 2037
Land adjacent to 75 Holly Hill Lane, Sarisbury
On behalf of Bargate Homes**

Areas of Special Landscape Quality

Section 3: Development Strategy and Policy DS3: Landscape

Bargate Homes does not support the inclusion of ASQL within the Fareham Local Plan 2037, for the reasons set out in the representations prepared by Pegasus Group. However, if such a policy is held to be necessary, this response has been prepared by Terra Firma Consultancy on behalf of Bargate Homes to assess the development potential of the site in landscape terms.

The Fareham Local Plan 2037 (Publication Local Plan) states at paragraph 3.9 that:

"Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications... Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas."

The land adjacent to 75 Holly Hill Lane lies at the eastern extent of the proposed Area of Special Landscape Quality (ASLQ) 2: Lower Hamble Valley whose boundary is based on Landscape Character Area (LCA) 2: Lower Hamble Valley as defined in The Fareham Landscape Assessment (2017). No clear explanation is given for why the boundaries of the ASLQ align with those of the LCA other than the LCA represent the land outside the settlement boundaries and it is a convenient sub-division.

Each LCA was subdivided into Local Landscape Character Areas (LLCA) to allow a more detailed analysis and these examined as part of the Assessment of Sensitivity and Development Potential which forms part 2 of the Fareham Landscape Assessment.

"The sensitivity assessment... [provides] detailed information and judgements on the sensitivity of areas of landscape beyond the existing defined settlement boundaries, and the potential impacts that new development might have on their particular characteristics, qualities and valued attributes."

LCA 2 was subdivided into 5 Local Landscape Character Area (some of which appear more than once) and these analysed:

"The assessment of sensitivity is concerned with analysing the ability of the different local landscape character areas beyond the urban area boundary to accommodate development without unacceptable adverse effects upon four specific roles:

- *As part of the Borough's landscape resource;*
- *As part of the visual environment enjoyed by people within the Borough (i.e. their visual amenity);*
- *As part of the setting and identity of urban areas within the Borough; and*
- *As part of the network of Green Infrastructure within the Borough and wider context."*

The land adjacent to 75 Holly Hill Lane, Sarisbury lies within LLCA 2.1b which is described as comprising:

"...the main area of semi-rural landscape within this LLCA. The valley side sweeps westwards down to the foreshore of the River Hamble from a highpoint of c.43m at the northern end and is indented by a series of minor tributary valleys which produce quite complex topography, clothed in a diverse patchwork of woodland, farmland, parkland and the gardens/grounds of private houses. The northern part of the area contains Brooklands, a Georgian country house (Grade II Listed), surrounded by designed gardens and parklands which include extensive woodland and lawned terraces sweeping down to the River Hamble, and are of high landscape quality. Further south is an area of landscape characterised by a mosaic of small scale pastures and larger fields under grassland, mature hedgerows, copses and more extensive areas of woodland, occupying the slopes of a gentle, minor valley. Apart from a marina development on the foreshore, there is little built development on the lower slopes but the upper slopes are lined with large detached houses set within wooded or well-treed plots and accessed by narrow, enclosed lanes.*

The abundance of tree cover means that this development is not conspicuous and the landscape retains a pastoral, semi-rural and relatively unspoilt character. Beyond this lies the thickly wooded landscape around Holly Hill Woodland Park, a mid and Late 19th century landscaped woodland park (owned and managed by the Borough Council as a public amenity), which occupies another minor tributary valley of the Hamble and includes lakes and woodland walks. As well as its value as a historic designed parkland, the woodland landscape is of considerable ecological and amenity value and connects into the woodlands and inter-tidal habitats of the Hamble Estuary which are covered by multiple designations."

The site itself, which is categorised as Landscape Type 'Horticulture & Smallholdings: Small Scale, lies to the west of one of these 'minor tributary valleys' and comprises 'small scale pastures' albeit very neglected. To the west of the site on Holly Hill Lane are 'large detached houses set within wooded or well-treed plots' which include plots which have been infilled and redeveloped.

It is not clear why the site was not included within LLCA 2.2a as were the two other areas of former nursery sites within the LCA which lie to the south (See Figure 'Landscape Character Types', Sensitivity Assessment, pg. 45). Bargate would argue that the site in question shares some of the characteristics of LLCA 2.2a:

"...the evidence of dereliction and lack of management of buildings and land has an adverse effect upon the quality and condition of the landscape. The character and quality of the landscape has already been affected by urban influences and landscape

value is relatively low and, therefore, tolerant of change. The presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing field pattern, without significant adverse effects upon landscape resources."

It is noted that LLCA 2.2a has been excluded from the ASLQ designation due to its 'suburban fringe character with some poor elements' (The Technical Review of Areas of Special Landscape Quality and Strategic Gaps), something that it shares with the site.

Despite the poor condition of the site and belonging to the same LCA as 2.2a the site has been placed within LLCA 2.1b and has been scored as a 'high match' against the GLVIA3 Box 5.1 criteria by the Technical Review of Areas of Special Landscape Quality and Strategic Gaps defined as:

"The area has exceptional scenic quality and is in good condition. It has an unspoilt rural character that is coherent and intact, with topographical and visual unity. It has many features of note, including natural and cultural designations. It has a high value for recreation. It has clearly demonstrable physical attributes and is an integral part of a wider 'valued ;landscape'. There are no, or very few detracting influences."

Bargate assert that the site, when studied individually does not match these criteria and therefore does not count as a 'high match' and does not belong within an ASLQ.



Figure 1: View south-east across site and stream valley showing poor landscape condition.



Figure 2: View west towards rear gardens of properties on Holly Hill Lane showing suburbanising influences

Bargate believe that despite the more detailed subdivision of the LCA into LLCA, and accepting the somewhat incongruous inclusion of the site within LLCA2.1b, there is still a need for further refinement before being used as the basis of the ASLQ designation. The Planning Context diagram (Sensitivity Assessment, pg. 43) clearly illustrates that LLCA 2.1b is, in effect, a landscape of two very different types. The north and south include landscapes with multiple designations (SINC, Historic Parks and Gardens, Conservation Areas, Country Parks, Ancient Woodlands, Local Nature Reserves, SSSI, SPA, RAMSAR) whereas the central section is free of such designations.

The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) states that:

"Inspectors' reports suggest that for a landscape to be considered 'valued', it should show some demonstrable physical attribute, form an integral part of a wider 'valued' landscape and have something 'special' or out of the ordinary that can be defined."

Bargate agree with the Sensitivity Assessment's assertion that:

"The presence of national or local landscape designations will signify recognition of high landscape quality, but they are not the sole indicator of value and the absence of a designation does not mean the landscape resource is not of high quality or valued in a local context."

Nevertheless, it is clear that these multiple designations contribute to this LLCA being of 'high' sensitivity and are also the most sensitive areas within this LLCA.

Bargate would assert that a more detailed, independent study of the site such as the Landscape and Visual Evidence Appraisal (LVEA) they commissioned, reveals that the site itself is of much lower sensitivity than the wider LLCA due to the impact of neighbouring properties, its former use, low level of connectivity and poor condition and that as the Sensitivity Study states:

"Further development of a similar kind (i.e. individual properties set within well-treed plots) could potentially be accommodated without altering this character, but more extensive development within the more open parts of the area, or which would result in loss of woodland/tree cover is likely to have unacceptable landscape impacts.

In area 2.1b the most sensitive areas from a visual perspective are the parklands surrounding Brooklands (where intrusion of development could have a major impact on the setting of the Listed Building and views across the River Hamble), the woodland landscape of Holly Hill Park (where there is extensive public access, highly sensitive viewers and high quality views, albeit restricted within wooded areas) and the more open, visually exposed slopes of the central valley area, where development may be visible from the river, PRow network and surrounding properties, intruding on high quality views. The potential for development in these areas is highly restricted. However, there may be some potential for development within the well-treed parts of the valley tops where it could be absorbed without substantial adverse influence on views or visual amenity, for example within and around existing residential areas along Holly Hill Lane and Barnes Lane.

The importance of the area in respect of settings lies with its heavily wooded, semi-rural and essentially unbuilt character as a high quality setting for the River Hamble and the western edge of the Borough. Any major loss of tree cover or extension of urban form that would intrude visually and weaken this role would be damaging, but there may be some potential for small scale development to be integrated without compromising the area's overall character or integrity."

Bargate would put the case that the land to adjacent to 75 Holly Hill Lane falls into the category of developable area and could therefore accommodate small scale development without detriment to the wider area. The LVEA highlighted the most sensitive features of the site as the topography, hydrology and the vegetation associated with the stream and the proximity of Holly Hill Park to the east. Sensitively design proposals which safeguard and enhance these, through careful design and siting and enhancing existing green infrastructure could also mitigate the negative impact of the rear garden boundaries of the existing properties, the poor condition of the site and bring benefits to the biodiversity of the stream corridor through enhanced planting and management.

Strategic Policy DS3: Landscape Areas of Special Landscape Quality states that:

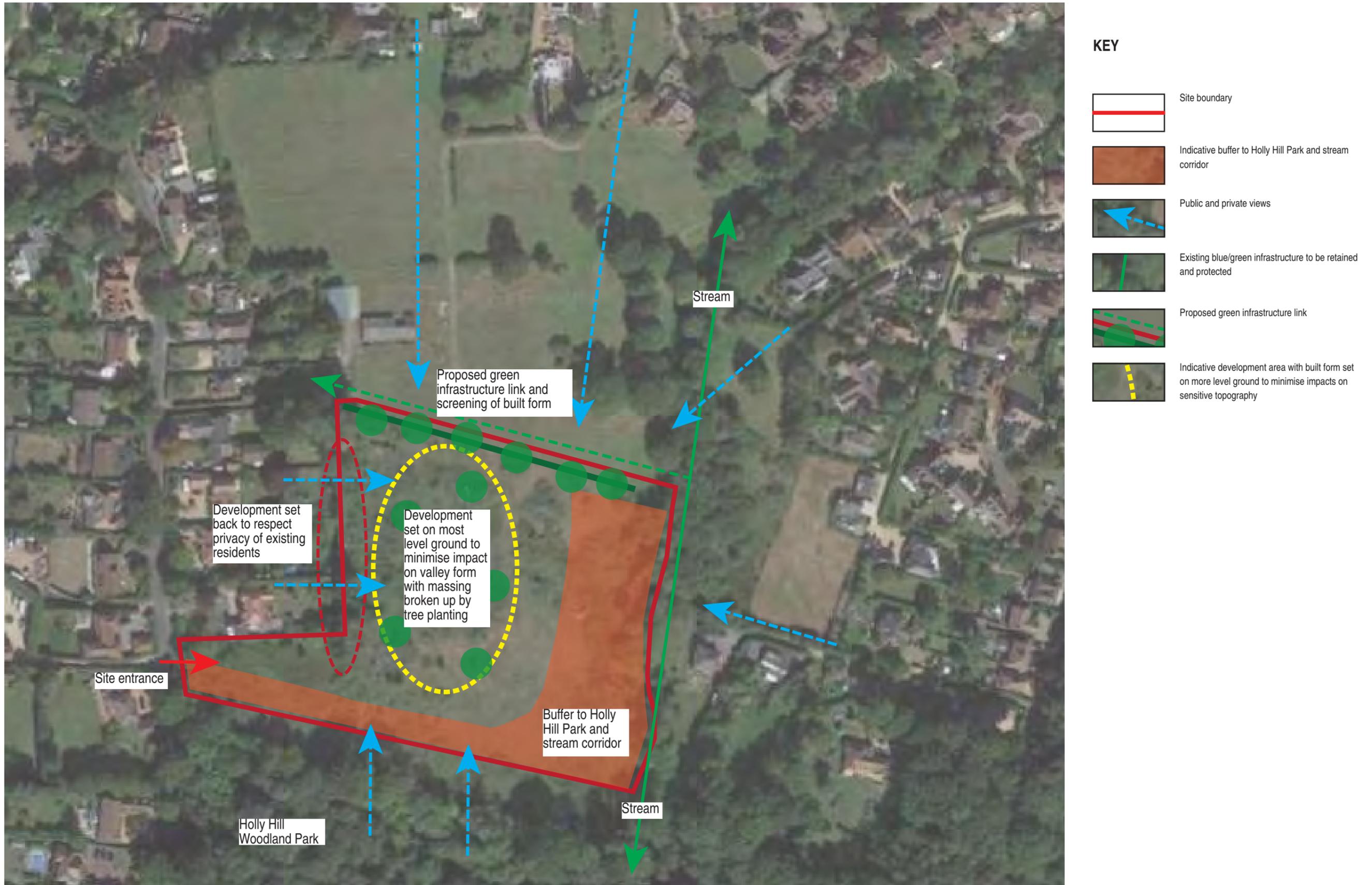
"Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced."

Bargate consider that the phrase '*protected and enhanced*' lacks clarity and flexibility and might be used as a barrier to the kind of sensitive small-scale development considered acceptable by the Fareham Landscape Assessment and discussed above. The phrase '*protected and enhanced*', without further qualification, appears contradictory when applied to sites which are degraded and of poor quality.

If the identification of ASQL within the Fareham Local Plan 2037 is held to be necessary, it is considered that the land adjacent to 75 Holly Hill Lane shares some characteristics with the lower sensitivity LLCA 2.2a, which is excluded from the ASLQ, and that Strategic Policy DS3 should better allow for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate the kind of development referred to above. It is considered that the site in question has capacity for development without detriment to the wider LCA and would also create opportunities for landscape enhancement and protection.

A copy of the Indicative Opportunities and Constraints Plan that informed the Landscape and Visual Evidence Appraisal is provided at the end of this appendix and indicates the approximate developable area of the site.

Figure 21 - Opportunities and constraints plan



FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

LAND WEST OF OLD STREET, STUBBINGTON

REPRESENTATIONS ON BEHALF OF BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales
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2.0 Completed Representations Form 2-25

1.0 Introduction

- 1.1 The following representations are prepared by Pegasus Group on behalf of our client, Bargate Homes. Our client has a interests in land to the west of Old Street, Stubbington (SHELAA ID: 31).
- 1.2 The site was previously the subject of development proposals for up to 160 (reduced to 150) new homes (planning application P/17/1451/OA refused on 23 March 2018, and appeal ref. APP/A1720/W/18/3200409 dismissed on 22 January 2019 refer). Since this appeal decision, and in the light of the Inspector's reasoning, extensive belts of strategic woodland planting have been undertaken at the site which will have the effect of visually detaching part of the site from the Meon Valley and creating a more modest sustainably located site for about 75 new homes on the edge of the urban area of Stubbington.
- 1.3 For the reasons set out in these representations, our client is strongly of the view that this site should be allocated for residential development in the Fareham Local Plan 2037 (hereafter referred to as the Revised Publication Local Plan (RPLP)).
- 1.4 Our previous representations (dated December 2020) on the Publication Local Plan set out suggested amendments to draft Policy wording. However, these changes have largely not been made. As such, these representations reiterate our client's concerns in this regard as well as expressing strong concerns relating to the latest approach to housing delivery set out within the RPLP.
- 1.5 Our client is an important stakeholder within Fareham and is keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the revised National Planning Policy Framework (NPPF) published on 20th July, 2021. Currently the plan is neither legally compliant nor sound.
- 1.6 The following representations utilise the same format as the Council's response form. Each area of the RPLP which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner



B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

HP5: Provision of Affordable Housing

B1c Which part of the Policies Map?

Land west of Old Street, Stubbington

Strategic Gap at above site

ASLQ designation

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 11 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.

Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. Pegasus Group has calculated that:

- There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
- The unmet affordable housing needs of neighbouring areas will increase this figure;
- Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
- In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP, then the supply of affordable home should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;
- Therefore, it is necessary for the RPLP to deliver a total of at least **13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will

therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been **'positively prepared, justified, effective and consistent with national policy'***

1.6 To be 'positively prepared' the Local Plan must:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- Be consistent with achieving sustainable development.*

To be 'justified', the Local Plan must:

- Provide an appropriate strategy, taking into account the reasonable alternatives; and*
- Be based on proportionate evidence.*

To be 'effective', the Local Plan must:

- Be deliverable over the plan period; and*
- Be based on effective joint working on cross-boundary strategic matters.*

To be 'consistent with national policy', the Local Plan must:

-
- *Enable the delivery of sustainable development in accordance with the NPPF."*

The RPLP has not been positively prepared because it:

- Fails to meet the area's objectively assessed needs as described above;
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

The RPLP is not justified because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough. This should include the allocation of Land west of Old Street, Stubbington for about 75 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. Pegasus Group are of the opinion that the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance includes:
 - (i) An assessment of the need for affordable housing over the plan period as required by paragraph 62 of the NPPF,
 - (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
 - (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 61 of the NPPF,

(iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,

(v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,

(vi) A detailed housing trajectory as required by paragraph 74 of the NPPF,

(vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 74 of the NPPF, and

(viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

The RPLP is not effective because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welborne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54 Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue, both of which lie in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.

For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.

Representations about specific draft Policies of the RPLP:

Section 3: Development Strategy

This section of the RPLP is substantially focused on restricting development outside the existing settlement policy boundaries of urban areas. As part of the previous round of consultation on the Publication Local Plan, we submitted strong objections to the overly restrictive nature of the policies contained within this section of the Local Plan. No material changes have been made as part of the RPLP in response to those objections and so our key concerns are re-iterated below.

Paragraph 3.9 of the RPLP states:

"Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas." (our underlining)

Our client objects to the identification of the Areas of Special Landscape Quality (ASLQ) in the borough, and particularly to the presumption against development in ASLQ and against the allocation of any sites for development within these areas. This is discussed in detail in the section relating to Policy DS3: Landscape below.

Policy DS1: Development in the Countryside

For housing development which is brought forward in the absence of a 5-year housing land supply, Policy HP4 applies. This will necessarily introduce new built

form onto greenfield sites adjacent or well related to existing urban area boundaries. This will inevitably cause a change to the landscape character of the site and immediately adjacent land. Criteria ii) and iii) require proposals to "conserve and enhance landscapes" and "recognise the intrinsic character and beauty of the countryside". It is not clear which "landscapes" are being referred to – the spatial extent of 'landscapes' should be defined here to avoid ambiguity. While the landscape as a whole could be enhanced by carefully designed development proposals, the principle of landscape change within the site itself should be established. If this requirement to 'conserve and enhance landscapes' is applied to the landscape features and character of a potential development site, then this requirement is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. Either the spatial extent of 'landscapes' should be defined or the requirement to 'enhance landscapes' be removed from the policy.

Moreover, it is not clear how the extent to which a proposal has recognised "the intrinsic character of the beauty of the countryside" can be measured. After all, those attributes can be "recognised" but then disregarded. It is true that every area of countryside has a "character" but not that every area of countryside has "beauty".

Criterion v) should include an exception for development which is brought forward under Policy HP4, where the application of the "tilted balance" would allow the loss of BMVAL.

Paragraph 3.39 fails to explain how this policy works in relation to housing policies.

Policy DS2: Development in Strategic Gaps

Under the heading 'Why we need this policy', Paragraph 3.43 of the RPLP states that "Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities". The introduction of 'settlement character' into the policy wording is not consistent with the evidence base which confirms at paragraph 2 in Chapter 4 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps that the "primary purpose of identifying

Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, protecting settlement identity and providing green infrastructure opportunities”.

Policy DS2 should only apply to land which provides a spatial function to maintain separation of settlements and define settlement pattern rather than defining settlement character. Land west of Old Street, Stubbington does not contribute to the spatial separation of settlements, therefore Policy DS2 should not be applied to this land.

This view is supported by the Inspector for the appeal relating to Land west of Old Street, Stubbington APP/A1720/W/18/3200409 who stated that:

"The Meon Gap lies between Fareham/ Stubbington and the Western Wards/Whiteley. Policy CS22 requires the integrity of the gap to be maintained and the physical and visual separation of settlements to be respected. In terms of separation of settlements there is no dispute that there would be no diminution either in physical or visual terms if the development were to go ahead. The policy indicates that the gap boundaries will be reviewed to ensure that no more land than necessary is included in order to maintain gap function".
(our underlining)

The Inspector goes on to state:

"It should be remembered that gap policy is a spatial tool. The Council referred to the role of the gap in maintaining the character or setting of Stubbington. This is considered in the 2017 LCA where the strategic gap designation is reviewed. However, the document makes clear that its purpose is to consider what role the landscape plays within the strategic gaps. It is not intended to examine the designation criteria, or the broad areas identified. This is important to note because it is landscape rather than spatial considerations that are key to settlement character and setting. The character and setting of Stubbington is not pertinent to gap designation or function in policy CS22".

The Inspector concluded:

"I appreciate that a review of gap boundaries was undertaken in 2012 and that no changes were recommended in relation to the land immediately adjacent to Stubbington. However, for the reasons I have given I do not consider that the proposed development of the appeal site would adversely affect the integrity of the Meon Gap". (our underlining)

For this reason, Policy DS2 should not apply to Land west of Old Street, Stubbington, because it has been confirmed that this land does not contribute to the function of the Strategic Gap. The Meon Valley is protected by many environmental designations which prevent development into this area from the Fareham side of the valley. The designated valley floor of the Meon Valley maintains separation of settlements to an extent that an adequate gap is maintained without the inclusion of Land west of Old Street, Stubbington within the Strategic Gap. Fareham Policy CS: 22: Strategic Gaps, states that "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." It is therefore unnecessary for Policy DS2 to apply Land west of Old Street, Stubbington.

At paragraph 7 of Chapter 4 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps states that "Where it is considered that there is capacity to absorb more development within the Fareham-Stubbington Strategic Gap, GI mitigation will be required, to a greater or lesser extent depending on the scale and nature of any development". Again, at paragraph 11 of the chapter 4 summary the Technical Review states "The ability to absorb development into the landscape exists, without compromising the integrity of the Gap function, again on the understanding that the settlement edges must include appropriate Green Infrastructure".

We submit that there is similar potential within the Meon Gap where the Gap is significantly wider than is the case for the Fareham-Stubbington Strategic Gap. This is particularly the case for Land west of Old Street, Stubbington where advance planting and green infrastructure has already been implemented during 2019 and is establishing well. This will continue to develop and establish a wooded edge to the Meon Valley, providing separation between the Meon Valley and Land west of Old Street, Stubbington. This would reinforce the wooded edge characteristics of settlements which are a feature throughout Fareham Borough, as referred to within

the Fareham Borough Gap Review 2012, which states "The edges of new housing are often more visible than older housing stock as a result of garden tree planting, which has helped to screen the older properties adjoining the gap. Properties which back onto woodland have the most robust edge to the gap". In the case of Land west of Old Street, Stubbington the advance planting will create a wooded edge, providing a strong boundary between the site and the Meon Valley (stronger than is the case for the older housing at Hill Head where rear garden boundaries are visible from the Meon Valley) and in so doing it would be more consistent with the character of the settlement edges of the Borough. These green infrastructure enhancements already implemented will bring benefits to the biodiversity of the Meon Valley through enhanced planting and management of the existing farmland.

Policy DS3: Landscape

This draft policy designates about a quarter of the land area of the Borough as "Areas of Special Landscape Quality" (as shown on Figure 3.3).

From the commentary provided in paragraph 3.49, it appears that the Council is equating its 'Areas of Special Landscape Quality' (ASLQ) with 'valued landscapes'. This is questionable. All landscapes are valued at some level by different people. NPPF paragraph 174 triggers a need to consider when landscape value is just a local consideration, or when landscapes are more 'out of the ordinary'. Fundamentally, for a landscape to be a valued landscape, it does not have to be designated - so by designating the ASLQ (or by creating a valued landscape designation) the Council is at risk of creating a policy that is irrelevant, because guidance says that non-designated landscapes can be valued, so site-by-site assessments will be required in any event. Given that Policy DS3 is irrelevant, it is unnecessary and it should be deleted.

However, if it is held that Policy DS3 should not be deleted, the following comments apply.

Paragraph 3.55 states that "...all parts of the Borough have some landscape quality and may be sensitive to landscape change". This is ambiguous. All landscape will be of 'a quality' but quality (in GLVIA3 aligned with condition) is only one consideration of landscape sensitivity.

With regard to "How the policy works", paragraph 3.56 states that "The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.". The GLVIA3 is an extensive and diverse document and, if it is to be used as basis for this policy then a specific reference or explanation should be provided as to how points a-g have been derived.

Paragraph 3.57 refers to the submission of "...a proportionate Landscape Assessment". In the event that Policy DS3 is not deleted, this should be amended to require the submission of a 'Landscape and Visual Impact Assessment'. There are many applications of Landscape Assessment and several forms of reporting. Reference to LVIA would be specific and clear as to what is required (and incidentally relates better to the approaches set out in GLVIA3).

The local plan evidence at page 50 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps does not include the requirement for the landscape to be "protected and enhanced". The requirement to "protect and enhance" the landscape is ambiguous because it is not clear whether it is intended to refer to the landscape of the ASLQ as a whole or if it would apply to a potential development site, within which the requirement to enhance is excessive and unachievable once the landscape 'change' from an undeveloped site to a developed site is taken into account. As an example, a development could provide enhancement to the ASLQ landscape through restoration of landscape features or new green infrastructure, but at a site scale the landscape 'change' from an undeveloped site to a developed site is unlikely to result in 'enhancement'.

Each of the Candidate Areas of Special Landscape Quality have been assessed against the GLVIA3 Box 5.1 criteria, which is an accepted tool to assess landscape value. Land west of Old Street, Stubbington is located within ASLQ 4: Meon Valley and in LLCA 6.1c which is described as within the Landscape Assessment (2017) as:

"On the eastern side of the valley floor, area 6.1c is occupied by similar land uses but with greater variation in field pattern and enclosure. The area comprises a mosaic of smaller-scale pastures bounded by strong hedgerows and trees (particularly within the northern and southern ends of the area), two small-scale enclosed tributary valleys and some larger fields with a more open, denuded

character within the central section around the Crofton Manor Equestrian Centre. Together with the adjacent horticultural glasshouses and other commercial operations, this lends a localised fringe character to the landscape but does not detract significantly from the essentially rural characteristics of the overall area”.

At Figure 3.3 each of the LCA within Fareham is assessed against the GLVIA3 ‘valued landscape’ criteria. Figure 1.3 explains the criteria in more detail, defining a ‘High match’, ‘Good match’, ‘Fair match’ and ‘Partial match’.

Land west of Old Street, Stubbington is located within LLCA 6.1c which is assessed as a ‘good match’ for all criteria, except ‘Associations’ which is a ‘partial match’. Figure 3.2 defines a ‘Good match’ as “The area’s scenic quality and condition are both relatively high. It has a generally unspoilt, intact and coherent character with a good level of topographic and visual unity. It has several features of note, including natural and cultural designations, and is valued for its recreational opportunities. There are some detracting influences, but these do not generally intrude”.

We submit that the assessment of LLCA 6.1c has attributed a higher value for the ‘Recreational value’ criteria than can be justified. The southern half of LLCA 6.1c does not have any means of public access so can not be described as being ‘valued for its recreational opportunities’. In the northern half there are infrequent public footpaths and the Crofton Manor Equestrian Centre, neither of which justify the area being defined as ‘valued for its recreational opportunities’. Instead, the term ‘Recreational value is relatively limited’ is a fair reflection of the recreation provision within LLCA 6.1c as a whole, which is the definition applicable to a ‘Partial Match’.

Landscape quality (condition) is also assessed as a ‘Good Match’, despite the Landscape Assessment (2017) acknowledging its ‘denuded character’ and ‘fringe character’. This character is a feature of LLCA 6.1c, and for this reason the ‘Good Match’ definition as ‘generally unspoilt, intact and coherent character’ is not justifiable. A ‘Fair Match’ is most applicable to LLCA 6.1c, defined as “condition is moderate to good. It is generally intact and coherent with some unspoilt characteristics”.

The criteria of ‘Conservation interests’ is also assessed as a ‘Good Match’, defined as “It has a number of features of note, including natural and cultural designations”. We submit that ‘Fair Match’ is a more balanced description of LLCA 6.1c, defined

as "some features of note which may include natural or cultural designations".

In summary, it is considered that if Policy DS3 is not deleted, it should better allow for flexibility when it can be proven that parcels of land within the ASLQ, when taken in isolation and studied in depth, can accommodate sensitive development. It is considered that our client's site has capacity for development without detriment to the wider Landscape Character Area and would also create opportunities for landscape enhancement and protection.

HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane / DS2: Development in Strategic Gaps

There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:

"Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."

Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:

"The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."

This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to the integrity of the Strategic Gap by physically and visually diminishing the

remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

The executive summary of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" (undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020) makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function..."*

The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. Development in that location would place development in a open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.

For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2.

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

Pegasus Group has reviewed the RPLP and its evidence base and concludes that the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities. contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 61 of the NPPF;

- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 68 of the NPPF, and
- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 74 of the NPPF.

The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is new proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council

identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

As currently drafted, Policy HP4 is more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the on the Countryside and, if relevant, the Strategic Gaps;* has been re-worded as below:
- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors.

Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and it is likely to mean that the Council will release even fewer sites for housing to meet its Five Year Housing Land Supply shortfall than it has done previously.

Representations about the RPLP Proposals Map: Allocation of Land west of Old Street for residential development & removal of Strategic Gap and ASLQ designations

The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard Method would remain as previously.

The Council has decided to introduce Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings alongside other new draft allocations in order to help meet the higher housing requirement.

In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and other sites that have a lesser / no impact upon the Strategic Gap and countryside should be allocated including those promoted by Bargate Homes which includes Land west of Old Street.

In 2019 the appeal Inspector concluded that the development of the site would not adversely affect the integrity of the Meon Valley Strategic Gap. Clearly, therefore, the site should be excluded from the Strategic Gap boundary. The boundaries of the strategic gap were defined in relation to Core Strategy Policy CS22 and they were drawn in the context of the understanding of development needs at that time – an understanding which no longer reflects current reality, that being a very substantial shortfall in housing land supply and the preparation of the RPLP by the Council which plans to under-provide housing against the Council's annual housing

requirement of 514 homes per annum. Strategic Gap boundaries must be reviewed as part of the process of allocating additional sites for housing in this local plan, and our client's site west of Old Street should be removed from the Strategic Gap.

For the reasons set out above, Policy DS3 should be deleted and the associated ASLQ designation removed from the Proposals Map.

The 2019 appeal Inspector found that Land west of Old Street site lay in an area of valued landscape. In this context, the value of the site's landscape has been re-assessed as part of our commentary on Policy DS3 above, against the GLVIA3 'valued landscape' criteria. As described, the site performs no better than as a Fair or Partial match against these criteria. When account is taken of the effect of the structural woodland planting undertaken over time, it is clear that development of the eastern part of the site will only have a minor impact on the wider landscape at most. Lying adjacent to the existing settlement of Stubbington, the introduction of development will appear entirely characteristic within the receiving landscape, while providing a strong, vegetated edge to the countryside in perpetuity. There is no doubt that the character of the developed part of the site would change, but that is no different for any greenfield development. There is no reason to assume that the site's development will be anything other than an attractive extension to Stubbington and one which is entirely congruous with its surroundings. The site's landscape containment has been enhanced through woodland planting which will both screen it from the Meon Valley and enhance its biodiversity.

Moreover, the western part of the site, beyond the woodland planting belt, is being used to provide mitigation habitat for Solent Waders and Brent Geese, off-setting development impact on low use SWBG sites elsewhere in borough. The segregation of this part of the site acknowledges this function and avoids its disturbance.

The west of Old Street site is also sustainably located for access to services and facilities and to sustainable transport modes (walking, cycling and public transport).

For all of these reasons, the Council is encouraged to allocate Land West of Old Street, Stubbington for about 75 dwellings. The site is controlled by a highly reputable local housing developer – Bargate Homes – which has a strong local track record of delivery and is keen to bring it forward for development immediately, such that the site can make an important contribution to the Council's five year housing land supply.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities;
- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Amend Policy DS1 as set out above;
- Amend the Proposals Map to remove Land west of Old Street from the Strategic Gap;
- Delete Policy DS3 and the ASLQ designation from the Proposals Map;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Allocate Land west of Old Street for about 75 dwellings and amend the Proposals Map accordingly.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

B4c Your suggested revised wording of any policy or text:

See above.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

Yes, I want to take part in the hearing session(s)

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

To contribute to testing the legal compliance and soundness of the RPLP for the reasons set out in these representations.

FAREHAM LOCAL PLAN 2037 REPRESENTATIONS

LAND AT NEWGATE LANE (NORTH AND SOUTH), FAREHAM

ON BEHALF OF BARGATE HOMES LTD AND SUSTAINABLE LAND

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PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

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1. INTRODUCTION

- 1.1 The following representations are made by Pegasus Group on behalf of our clients Bargate Homes Ltd and Sustainable Land. Our clients have interests in an area of land between Newgate Lane and Newgate Lane East (the new relief road) in Peel Common. Applications for outline planning permission (refs. P/18/1118/OA and P/19/0460/OA) have previously been made at 'Land at Newgate Lane' which together will provide for the development of up to 190 homes. Both applications were dismissed at appeal in June 2021. We address how the reasons for refusal given by the inspector can be overcome through a revised approach later in these representations.
- 1.2 Representations have previously been made in respect of the sites in response to the Regulation 18 consultation on the original version of the draft Local Plan in December 2017, and again in July 2019, in February 2020 and December 2020 on subsequent consultations for the new Local Plan. The site continues to be promoted through the Local Plan process as it represents a sustainable and deliverable option to deliver much needed housing in this authority.
- 1.3 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF).
- 1.4 The following representations utilise the same format as the Council's response form. Each area of the Revised Local Plan (RLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. The exceptions are questions A (1,2 & 3) and B5 (parts a & b) where a single response at the beginning and end of the representations is provided, respectively. This is because these responses are common to all questions and our representations.



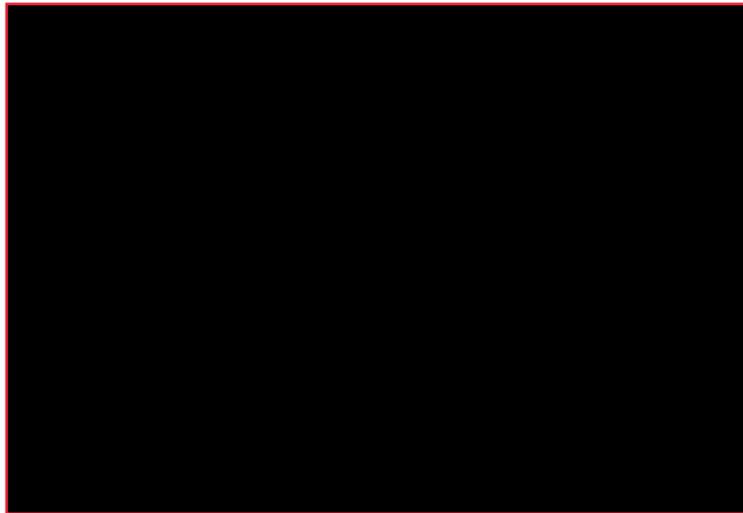
FIGURE 1 – NEWGATE LANE NORTH



FIGURE 2 – NEWGATE LANE SOUTH

Questions A1, A2, A3 Agent / Client details

	Agent	Client
Title	Mr	Bargate Homes and Sustainable Land c/o
First Name	Chris	Agent
Last Name	Marsh	



2. PLAN OVERALL

B1 Which part of the Local Plan is this representation about?

2.1 The following comments relate to the overall Local Plan.

B2 Do you think the Publication Local Plan is:

Legally compliant - No

Sound - No

Complies with the duty to co-operate - No

2.2 The Fareham Local Plan is not legally compliant and is unsound as it is not consistent with national policy, effective or justified.

B3 Please provide details you have to support your answers above.

Review of the Welborne Plan

2.3 Paragraph 1.18 of the draft plan indicates that there is no intention to review the Welborne Plan. Our previous comments on this aspect of the plan remain relevant (see December 2020 representations). We have repeated these below for reference.

2.4 The NPPF (paragraph 33) states that plans should be reviewed every 5 years and updated as necessary. Previously the local planning authority indicated that this local plan review would amalgamate the adopted Local Plan Parts 1, 2 and 3 into a single new plan. Part 3 is the Welborne Plan which was adopted in 2015. The total quantum of housing to be delivered at Welborne has reduced over the years, and the date for its commencement has repeatedly slipped back. Recently, serious doubts have been expressed over whether it is deliverable at all given the funding gap of tens of millions of pounds that exists in relation to the required upgrade of M27 junction 10. Certainly, the development is not currently "deliverable" in NPPF terms.

2.5 Taking all of this into account, the Welborne Plan should be reviewed, which it has not (RLP paragraph 4.9). It is also clear that at this stage the Council suggests that it is not intending to review the Welbourne Plan (Local Development Scheme (LDS),

paragraph 1.5). Given the importance of the Welborne Plan to housing delivery this is considered an issue of both soundness and legal non-compliance.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

- 2.6 Include a review of the Welborne Plan in this Local Plan review.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

- 2.7 Compliance with the NPPF requirement to review plans and provide an up to date framework to ensure housing delivery.

B4c Your suggested revised wording of any policy or text

- 2.8 Not applicable.

3. STRATEGIC POLICY DS2: DEVELOPMENT IN STRATEGIC GAPS

B1 Which part of the Local Plan is this representation about?

- 3.1 The following comments relate to the Policy DS2, the supporting text and the inclusion of our clients' land between Newgate Lane and Newgate Lane East (the new relief road) in Peel Common within this designation.

B2 Do you think the Publication Local Plan is:

Legally compliant – N/A

Sound - No

Complies with the duty to co-operate – N/A

- 3.2 The Fareham Local Plan is unsound as it is not consistent with national policy, effective or justified.

B3 Please provide details you have to support your answers above.

- 3.3 The RLP, paragraph 3.43, identifies that the:

“...primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities.”

- 3.4 The proposed policy seeks to strengthen the current Core Strategy policy position, contained within Policy CS22 with regards to preventing settlement coalescence. It is stated in the RLP this has been undertaken in response to the NPPF and recent planning decisions (paragraph 3.44). The Council's evidence in relation to this policy is contained within the September 2020 'Technical Review of Areas of Special Landscape Quality and Strategic Gaps' document. Chapter 2, section 4.2, seeks to apply the NPPF to this policy.

3.6 The interpretation of the NPPF in this section is selective and as such misleading. For example, in referencing paragraph 20 of the NPPF it states:

“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for... conservation and enhancement of the natural, built and historic environment, including landscapes.”

3.7 This fails to recognise that strategic policies should also set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development. The Council’s evidence also refers to paragraph 170 of the NPPF noting:

“planning policies and decisions should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes... (in a manner commensurate with their statutory status or identified quality in the development plan)”.

3.8 It must, however, be recognised that the strategic gaps do not have any statutory status and, therefore, shouldn’t be unduly restrictive. A tightening of restrictions would be contrary to the NPPF. The policy does identify that development can be accommodated within the Strategic Gap. Indeed, the previous iteration of the plan identified site HA2 and Strategic Growth Areas within the Fareham – Stubbington Strategic Gap. Thus, suggesting that development in the gap is not prohibitive per se.

3.9 Furthermore, the recent appeal decisions for land east of Newgate Lane East (i.e. land previously allocated under HA2)¹ have recently been allowed on the basis that the benefits of delivering housing in a sustainable location outweighed the harm to the strategic gap. This acuteness of the housing requirement can be used at the plan making stage to justify further development in the strategic gap, with specific criteria to ensure that the gap still performs an important role.

3.10 Furthermore, we would also repeat the comments in our previous representations with regard to the soundness of the evidence base and that this land should be excluded from the strategic gap. It remains our view that there is no need for land between Bridgemarky and Peel Common to remain open. The key purpose of a

¹ APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030

strategic gap in this location is to provide a clear break between Stubbington and Bridgemary. Development on our clients' site would have no adverse impact in this regard. We have elaborated on this point within our previous representations.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

- 3.11 The policy and proposals map should be amended to either exclude our client's site from the strategic gap or it should be identified as a location which could accommodate sensitive development.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

- 3.12 It would be justified by the evidence and would assist the Council in achieving an appropriate housing requirement.

B4c Your suggested revised wording of any policy or text

- 3.13 See response to B4a above.

4. POLICY H1: HOUSING PROVISION (INCLUDING ALL SUPPORTING TEXT)

B1 Which part of the Local Plan is this representation about?

4.1 Policy H1: Housing Provision and all supporting text.

B2 Do you think the Publication Local Plan is:

Legally compliant - No

Sound - No

Complies with the duty to co-operate - No

4.2 The Fareham Local Plan is not legally compliant and is unsound as it is not consistent with national policy, effective, positively prepared or justified.

B3 Please provide details you have to support your answers above.

4.3 The PPG (ID 2a-003-20190220) is clear that the current standard method should be used, and any other method should only be used in exceptional circumstances. We therefore welcome the Council's decision to amend the minimum housing requirement and we consider this now accurately reflects the figure derived from the Standard Method (541 dwellings per annum).

Unmet Need from Other Authorities

4.4 It is also unclear whether the RLP has planned to adequately accommodate unmet need from other authorities. The PPG (ID 2a-010-20190220) identifies that meeting unmet needs from neighbouring authorities, as set out in a statement of common ground, is one reason why local housing need calculated using the current standard should be exceeded.

4.5 Paragraph 4.4 of the RLP still states that unmet need in the sub-region over the plan period could be "circa 10,750 dwellings". At paragraph 4.5, Fareham's "immediate neighbours" are considered, and it is confirmed that Portsmouth City Council has requested that Fareham contributes 1,000 dwellings towards its unmet need, and that Gosport is "likely to have an unmet need issue, currently estimated to be in the region of 2,500 dwellings...".

- 4.6 In response, the RLP (Table 4.1) proposes to increase their contribution to meeting unmet needs to 900 dwellings.
- 4.7 We note that the Council's latest 'Duty to Co-operate Statement of Compliance' (DtCSoc) indicates that the 1,000 dwellings request from Portsmouth is out of date and the Council is instead 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."*
- 4.8 We also note that the RLP suggests that the actual need from PCC has reduced to 669 dwellings, based on figures released in September 2020. It is not, however, clear where this new figure has come from as it does not appear in any of the housing/cross-boundary background evidence published in 2020.
- 4.9 The issue is that the 900 unmet need figure appears to have arbitrarily been determined with no clear rationale behind it. Given the explicit request from Portsmouth City Council and the scale of Gosport's unmet need, even the boosted 900 dwellings figure appears to be low and not justified.
- 4.10 Contrary to the advice within the PPG (ID 2a-010-20190220) there are currently no statements of common ground identifying if the figure of 900 dwellings is adequate or accepted by other authorities. Rather, the Council continues to speculate that this contribution would be "ratified" by a subsequent Partnership for South Hampshire Statement of Common Ground (Duty to Co-operate Statement of Compliance, paragraph 4.5).
- 4.11 The SoCG published in January 2021 does not comment on this issue in any detail or provide an indication that the 900 dwelling figure that has been identified is acceptable. It would appear that the process of identifying the distribution of unmet need among the PFSH authorities has been deferred to a new Spatial Position Statement which is currently being prepared.
- 4.12 Whilst we acknowledge that Fareham is at least planning to meet its local objectively assessed housing need, the plan still fails to plan to contribute appropriately to meet the unmet housing need of the sub-region. This indicates a failure to work effectively with its neighbouring authorities on cross-boundary strategic planning for housing delivery and a failure "to support the Government's objective of significantly boosting the supply of homes" (NPPF, paragraph 59). Rather, the RLP

proposes to restrict the supply of homes in the plan period in a way which will exacerbate the local housing crisis.

4.13 The RLP is not consistent with the NPPF because:

- It is not planning to adequately meet the unmet housing needs of neighbouring authorities in the sub-region; and
- Its strategy lacks a robust evidential justification.

Phased Provision

4.14 In addition to the issues with the overall requirement, we note that Policy H1 still seeks to identify a 'phased' requirement. Whilst we note that the requirement now correctly identifies the minimum housing requirement, the need to provide for unmet needs from neighbouring authorities has not been robustly justified and, for the reasons set out above, should likely be higher than 900 dwellings. Further allocations may be required.

4.15 Policy H1 seeks to 'phase' this supply identifying the following:

- Approximately 900 dwellings (averaging 300 dwellings per annum) between 2021/22 and 2023/2024,
- Approximately 2,180 dwellings (averaging 545 dwellings per annum) between 2024/25 and 2027/28,
- Approximately 6,480 dwellings (averaging 720 dwellings per annum) between 2028/29 and 2036/2037.

4.16 We note that this phasing arrangement has been adjusted since the previous RLP consultation in December 2020; however, it is still clear that this phasing clearly will not meet the overall plan requirement.

4.17 The continued rationale for this phasing is due to an anticipation that many of the housing allocations will begin to deliver later in the plan period. This is simply a factor of the sites chosen rather than an evidence-based approach to need. The net effect is that in the early part of the plan period the full need will not be met. This will mean households will either be unable to form or will be forced to move elsewhere to find appropriate accommodation. This not only has an impact upon

affordability through increased demand but also has implications for social mobility and health for young and old alike.

- 4.18 We also note that the proposed phased approach has a much more significant 'ramping up' toward the later years of the plan than was previously proposed, with almost 100 dwellings anticipated to be delivered per year in the latter years (720 vs 625). Given the historic rates of supply in the have fluctuated between 290-374 over the past few years,² it is not obvious that the 720 dwellings figure is even sustainable or possible. The Viability Assessment Addendum does not comment on whether the proposed phasing could be sustained by the local housing market over the longer-term.
- 4.19 The lack of housing to meet needs in the short-term is exacerbated by recent under-delivery of both market and affordable housing. The Council recognises it has under-delivered in recent years due to the reference to the need for a 20% buffer in accordance with NPPF, paragraph 73 (paragraph 4.16, RLP).
- 4.20 The proposed trajectory is a cynical attempt to try and suppress the Council's housing requirement for the purposes of maintaining a sufficient five-year housing land supply position in the early years of the plan period. The housing requirement in the RLP should not be phased to manufacture a five-year housing land supply in the short-term. The plan should seek to address housing need now and to do otherwise is not justified or effective, especially in the context of the Government's directive to significantly boost the supply of housing.

Housing Supply

- 4.21 The second part of Policy H1 identifies the sources of supply. Whilst our clients do not wish to comment upon individual sites, we do have significant concerns that the sources of supply will not deliver the plan period housing requirement in full. The RLP, paragraph 4.16, acknowledges that many of the chosen sites will not deliver until later in the plan period. Therefore any slippage in timescale could well push delivery beyond the plan period. Furthermore, the Council is heavily reliant upon delivery at Welborne. Within our comments upon the Plan overall we identify the need for delivery from this site to be reviewed and indeed question whether it

² As set out in the most recent Annual Monitoring Reports.

is deliverable at all given the funding gap of tens of millions of pounds that exists in relation to the required upgrade of M27 junction 10.

- 4.22 Furthermore, the Council cannot currently demonstrate a five-year housing land supply. The Council's most recent assessment of its five-year housing land supply suggests a 3.57-year supply. This position was stated in the recently allowed appeals at Newgate Lane East (APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030) as an agreed position for the purposes of the appeals, while the Inspector agreed that it was certainly lower than 3.57 (albeit they did not conclude on the exact figure). However, in the earlier dismissed appeals (ref.) the Inspector indicated upon examination that the supply position was likely much closer to the appellants' stated position in all appeals of 0.95 years. Given these shortcomings it is essential that the RLP seeks to address this under-supply in the short-term.
- 4.23 Our client's sites, SHLAA references 3129 and 3161, should be considered for allocation. Both sites are sustainable being well located in terms of accessibility to services, facilities and employment. They also have good access to public transport opportunities. Furthermore, whilst the sites are located within the Fareham – Stubbington Gap, there are no unsurmountable specific statutory or non-statutory landscape related planning designations.
- 4.24 The SHLAA identifies that both sites are discounted because:
- "Development in this location would not be in keeping with the settlement pattern and would change the settlement character of Peel Common. The site is therefore considered unsuitable for residential development."*
- 4.25 Our clients fundamentally disagree with these points. This is discussed in greater detail within our response to Policy DS2 above. However, in summary the sites are well located in relation to the settlement of Bridgemary, especially following the allowing of appeals APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030, which will bring development up to the edge of Newgate Lane East and our clients' site.
- 4.26 Our evidence, with which the Council is no doubt familiar, also identifies that development in this location would have a limited impact due to the recent completion of the Newgate Lane East site. The proposals could also enhance the strategic gap through the provision of appropriate Green Infrastructure.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

4.27 The following amendments are necessary to ensure that the plan is legally compliant and sound.

- Provide Statements of Common Ground in relation to unmet need from neighbouring and PfSH authorities. Any agreements will need to be included as additional housing to the minimum 541hpa.
- In any event, plan for a level of housing which contributes to the achievement of sustainable development.
- Undertake SA of all reasonable alternative housing requirements.
- Provide a housing requirement which is not phased and meets needs now.
- Provide additional allocations, including our clients' site, which can deliver in the short-term.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

4.28 Compliance with the NPPF and PPG requirements to significantly boost the supply of housing and the guidance around establishing unmet needs from neighbouring authorities. To comply with relevant legal and procedural requirements.

B4c Your suggested revised wording of any policy or text

4.29 Not applicable, as this will be dependent upon the outcome of the work identified in response to question B3.

5. POLICY HP4: FIVE-YEAR HOUSING LAND SUPPLY

B1 Which part of the Local Plan is this representation about?

5.1 The following comments relate to Policy HP4 and all supporting text.

B2 Do you think the Publication Local Plan is:

Legally compliant – N/A

Sound - No

Complies with the duty to co-operate – N/A

5.2 The Fareham Local Plan is unsound as it is not effective or justified.

B3 Please provide details you have to support your answers above.

5.3 Aside from the positive wording change from 'may be permitted' to 'will be permitted', we still consider the current wording to be contrary to its stated purpose. The supporting text identifies that this policy is required to provide flexibility if a five-year housing land supply cannot be demonstrated. However, in accordance with the NPPF, paragraph 11d, in such cases the most relevant policies in the plan would be out of date and the presumption in favour of sustainable development would apply.

5.4 It is therefore not justified to seek to apply additional requirements upon developments should a five-year supply not be demonstrable. For example, the requirement for the scale of the site to be relative to the shortfall is not only unclear but could be prohibitive of sustainable sites being brought forward. Furthermore, many of the criteria are replicated from other policies and as such are superfluous.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

5.5 A more positive policy is justified. Parts a, c, d and e should be deleted to avoid repetition and conflict with the NPPF.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

5.7 See above.

B4c Your suggested revised wording of any policy or text

5.8 See above.

6. Participation at the examination hearing sessions

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

6.1 Yes, I want to take part in the hearing sessions.

B5b Please outline why you consider it necessary to take part in the hearing session(s):

6.2 There are several detailed and complex points made within our representations which would benefit from further debate and consideration. It is also important that our clients can respond orally to hearing statements made by the Council and other participants to ensure that the Inspector has a full understanding of our case.

7. LAND AT NEWGATE LANE (NORTH AND SOUTH)

7.1 As mentioned above, the clients control two parcels of land at Newgate Lane. The location of these parcels is provided below.



FIGURE 1 – NEWGATE LANE NORTH



FIGURE 2 – NEWGATE LANE SOUTH

7.2 Officers are likely aware of the recently dismissed appeals on the site. The issues identified in the appeal were as follows:

- Effect on character and appearance of the area;
- Effect on highway safety
- Sustainability of the location
- Effect on the spatial development strategy for the area
- Impact on Housing Land Supply.

7.3 The first three bullet points formed the substantive reasons for refusal with the conflict to the spatial strategy being outweighed by the Council's deficient housing land supply position.

7.4 The first three substantive reasons for refusal are considered below.

1. Impact on the character and appearance of the area

7.5 This criticism essentially had two:

- The proposed development would be an island of development, divorced from Bridgemary
- There would be an adverse impact on the character and appearance of Peel Common.

7.6 Taking each point in turn, the 'island' nature of the development was a function of the site coming forward ahead of land to the east, known as Newgate Lane East. This site was a draft allocation in the emerging Local Plan (HA2) but removed inexplicably in a subsequent iteration. An appeal for 99 dwellings was recently allowed on the site (APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030) and this post-dated the appeal decision on our clients' site.

7.7 We would now expect Newgate Lane East to be reinstated as an allocation and, as it comes forward, it will change the context in which our clients' site would be assessed. The development would no longer read as an 'island' of development, rather an extension to the existing urban area, thus overcoming this particular criticism.

- 7.8 Turning to the second criticism, there would certainly be scope to address this issue. This be achieved by viewing development as an extension and enhancement of Peel Common, which we would stress is an unexceptional cluster of mostly post-war bungalows and semi-detached properties with no real identity or core.
- 7.9 Alternatively, a reduced scale could come forward and an appropriate buffer between Peel Common and the westward expansion of Bridgemary could be provided to minimise the potential impacts on the former. Paragraph 23 certainly implies that the impact on the character and appearance of the area could potentially be mitigated through a reduction in the scale of the proposed development.
- 7.10 Either way, there is certainly a landscape/design response to these two criticisms and the significant harm identified to the character and appearance of the area could, therefore, be overcome.

2. Effect on Highway Safety

- 7.11 Whilst the findings of the inspector are strongly disputed by us, solutions which would improve the safety of the proposed access are currently being explored. The potential utilisation of 3rd party land is being explored to deliver a roundabout rather than signalised junction. Assuming that a satisfactory access can be delivered, then this issue can be overcome.

3. Sustainability

- 7.12 The inspector's conclusion on this matter were partly influenced by the site's detached location from the urban area of Bridgemary. This has, to some, degree, been addressed through the granting of permission at Newgate Lane East. This site was ultimately considered to be a sustainable location for development and convenient pedestrian routes can be established through to the existing services and facilities in Bridgemary. This would dramatically improve pedestrian accessibility to/from services in the surrounding area.
- 7.13 Otherwise, the inspector acknowledged that there are a range of employment, education, retail, health, sport, and leisure uses well within the average distances and durations set out in the National Travel Survey, 2019 (NTS).

- 7.14 It also accepted that the site has a range of services within convenient cycle distances and, whilst public transport options were not considered to be particularly good by the inspector, we maintain that there is an opportunity for them to be utilised by future residents.
- 7.15 They ultimately concluded that the proposals complied with Policy CS15 of the Core Strategy.
- 7.16 On the whole we consider the site to be a sustainable location for housing and an excellent candidate for allocation in the RLP.



25 June 2021

Dear Caroline Dinenage MP

I have been looking at the latest Fareham housing plan and wonder how the government arrive at their decision on housing numbers for a given area. Does anybody come and study an area to get a feel for the problems that a large increase in housing can cause regarding amenities and infrastructure, or do they just stick a pin in a map and come up with a figure.

The number of houses Fareham has been assigned seems excessive given the problems it will create not just for Fareham but also for Gosport. Transport is a big problem in and out of the peninsular. The roads have been improved to some extent, but only to relieve existing problems and will not cope with extra traffic south of the M27. I think Gosport is the biggest town in the UK without a rail link, and so far as I know, you cannot get on a bus to go anywhere other than Fareham without having to change. This does not encourage use of public transport so cars are the only option for most of the population and more and more houses will mean more and more cars choking what roads we have.

Many schools are already oversubscribed as are doctors surgeries, and nowhere in the plan did I see any mention of expanding either of these to cope with the large increase in population. Does the government look at these areas prior to housing allocations? I think, probably not.

I realise that more housing is required, and Welbourn was supposed to cater for Fareham's needs, but the way things are going, we will be lucky if it is ever completed. Perhaps the government should pay for the M27 junction instead of the developers so that they can build more affordable housing instead of cutting them back to allow funds for the junction which seems

to be on an upward spiral.

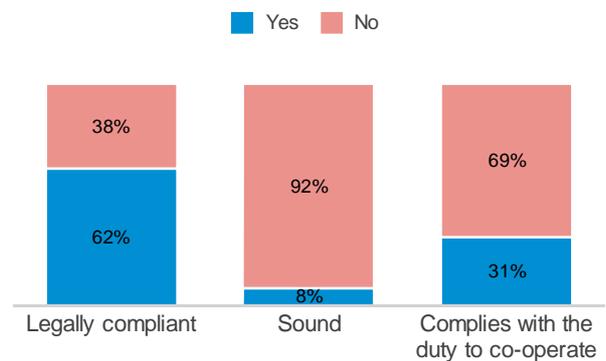
There seems to be some attempt to provide employment locally, but I would think it's still not enough to encourage people to walk or cycle to work, especially on a cold winters morning. The cycle paths are a botch-up, some quite reasonable for short distances and then either disappear or reduce to something that is quite dangerous. Again not encouraging pollution free transport, or tempting people away from their cars.

I know you have been against some of the proposed building and some plans have been thrown out, but, I think it should be brought to the Housing Minister's attention that this area, being a peninsular, has limited access because of its geographical location. This makes movement around the area that much more difficult over other more centralised towns and city's which have access from several routes.

Yours faithfully

Mr. Michael Berridge.

	Legally compliant	Sound	Complies with the duty to co-operate
Total	13	13	13
Yes	8 62%	1 8%	4 31%
No	5 38%	12 92%	9 69%



Respondent: Dr Simon Bray (147-21210)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

My comment is not strictly relevant on all points, but in short I feel that the central Govt. massaging of years (ie 2014 vs 2018) against which to assess housing need is really a cynical approach toward using the building industry to re-boot the economy thus placing more pressure on habitats and further missing biodiversity targets (the most risible effort in Europe – against which it was measured). On a personal level, I have no faith at all in the consultation process, having fought a development at the lower end of Swanwick Lane and despite Council and locals efforts, the planning inspectorate allowed it to proceed. And in more relevance to my opinion of consultation with local Govt., two wasted large meetings to discuss traffic calming in Swanwick Lane involving all residents – of which no “effective” calming structures ever went ahead, despite support and the sending out of design / planning documents. This amounted to a falsehood, so, do I trust the consultation process? Not at all.

What modification(s) is necessary to make the Revised Pub...

Revert to realistic figures, don't massage

How would the modification(s) you propose make the Revise...

It would reflect real need

Your suggested revised wording of any policy or text:

Start again

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: mrs Sandra Abrams (277-211844)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

The autumn consultation has been overturned by the government. Housing allocations have been increased by the government against the agreed quotas which was based legally on research of needs. A revised housing quota has therefore been imposed after the electorate had given their consent.

What modification(s) is necessary to make the Revised Pub...

Withdrawal

How would the modification(s) you propose make the Revise...

How did a u-turn by government make the revised plan legal?

Your suggested revised wording of any policy or text:

Fareham BC should remind Government that local residents and councillors made a decision based on local knowledge of housing need.

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Robert Megginson (287-16156)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Legal compliance The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in 'Fareham Today' on Page 4 of the Reg. 19 Statement of Consultation, which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This consultation process has specifically restricted public comments to the revisions and additions to this version as the previous draft Publication had to be scrapped. This was due to the premature and risky decision by FBC to apply the new housing need methodology before the government decided against adopting it. Restricting comments for this consultation is unjust and unfair. The public may wish to comment on the whole plan not just the revisions. The consultation website even restricts drop down options to the revised sections only. Para 4.2 describes the methodology used to calculate Fareham's housing need. This is not democracy but the Council yet again prescribing what the public can comment on. This methodology is in advance of the government's response to the Planning white paper 'Planning for the Future' and hence there is a risk that this will be changed. Resident have voiced their concerns since 2017 and been largely ignored by the Council. The 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. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until the outcome of the Government's response to the Planning white paper 'Planning for the Future' is known. In May 2021 residents challenged this council in the high court and won the case. The Judge confirmed: 1) that the council acted unlawfully and unfairly towards the residents, that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and; 2) that the Planning Committee failed to grapple with resident's request for a deferral. He stated the judgement needs to be shared with everyone concerned within the council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of their views being ignored. For all of the above reasons, this consultation process and Publication Plan is not legally compliant. Soundness: Policy HA1 (currently Greenfield sites), is proposed to be re-designated as an urban area (via the re-definition of Settlement Boundaries ref. WW17). In the Foreword to Publication Plan: Greenfield sites are less favoured locations for development. Para 2.10 states Fareham Borough will retain its identity, valued landscapes and settlement definition and will protect its natural, built and historic assets. The proposed allocation of Policy HA1 contradicts these aspirations and those of Para 2.12 "Strategic Priorities" which strive to maximise development within the urban area and away from the wider countryside and to create places which encourage healthier lifestyles. The re-designation of the Policy HA1 to urban status and the movement of the Settlement Boundary to encompass it, is a blatant and possibly, unethical, manoeuvre by stealth of the council, to suit its own planning aspiration and objectives. Publication plan 'Foreward' focusses development in urban or edge of settlement locations, rather than greenfield sites. Strategic priority 2. States In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition. Strategic Policy DS1 (Paras 5.6 and 3.36) deals with the need (in exceptional circumstances and where necessary and justified) for residential development in the countryside on previously developed land. Additionally, Policy HP1 calls for the efficient use of existing buildings to meet such need on a one-for one replacement dwelling basis. These conditions do not apply to HA1 and therefore it seems the "convenient" alternative was for FBC to redraw the urban boundary! Complies with Duty to cooperate: Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes have been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan.

Why does this process NOT permit comments against any site in the plan? New site/s appear to have been added to the HA 1 Cluster. This is immoral and potentially unlawful. As the previous plan was never adopted and hence previous comments not addressed, how is the considered 'consultation'?

What modification(s) is necessary to make the Revised Pub...

The Council have not demonstrated and desire to listen to residents or to accept any recommendation from residents, which is true consultation. It is currently an paper exercise as a tick box to achieve what the FBC want. The current process is extremely complex, sometimes inaccurate and has the effect of discouraging engagement from residents, not because they don't want to but because they find the whole process off-putting, totally overwhelming and utterly confusing. This Publication plan consultation is an example

Expand the process to cover ALL of the plan not just those added since the previous version.

How would the modification(s) you propose make the Revise...

Communication of any documents that impact the public need to be written clearly and concisely. Not everyone is trained in planning law. This would help to fulfil the council's legal obligation to consult. Application of the rules at all times should be a given. If the council's rules state a petition will trigger a debate at full council if it meets the required number of signatures, this should be applied. All evidence presented regardless of who presents it should at least be considered to carry equal weight by the council. Concerns over what may or may not happen if an application or consultation does not go the way the council want it to, shouldn't be a deciding factor. Council procedures need to be reviewed to ensure a democratic rather than autocratic approach to decision making More certainty on the council's own housing position with regard to dependancy on Welborne, its ability to meet unmet need of neighbouring boroughs and the capacity to do so in respect of it's 5 year land supply will avoid unnecessary taxpayer's expense such as we have seen in the preparation of this plan, the second one to be 'ripped up' and not adopted since 2017. Masterplans are required in order to comply with Design Policy D3 para. 11.44 Maximising development within urban ares is required to comply with Para. 2.12 "Strategic Priorities" There is a legal obligations to comply with the Habitats Directive Para. 8.60 Section 8 mentions the requirement of meeting CO2 emission targets but currently those targets are not stated. The infrastructure Deliver Plan at para.10.26 and 10.27 describes Education as critical prioritisation The infrastructure Deliver Plan at para.10.26 describes Health Care as critical prioritisation

It would allow all residents to comment on all the plan!

Your suggested revised wording of any policy or text:

A 'variety of methods' used to solicit comments from the public should be expanded to 'ensure the material is easily understood.' Members of the public need to be clear about what they can expect when engaging with the council. A simple 'if you do this', 'we will do that' would suffice. The rules and guidance need to be executed correctly. The council needs to demonstrate how they have applied equal weight to the public's contributions and that of other representatives regardless of whether 'for' or 'against' a proposal. References to be made to applying the recommended up to date methodology not one which may or may not be adopted in the future Any risk regarding dependencies impacting this council's ability to deliver the plan needs to be explicit with appropriate contingency built in. This plan should contain accurate accounts of due process and obligations Procedures need to be reviewed regularly to ensure compliance with guidance Policies and procedures must be reported on compliance and be seen to be applying them Its important to display policies and procedures in the public domain but equally important that this council follows its own guidance not changing the rules when it suits them Critical prioritisation and legal obligations must be addressed in plans

Allow all residents and organisations to comment on the the full breadth and depth of the plan!

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

To ensure a balanced view of the plan is heard by all

Because we have a right to be heard!

Respondent: Mrs Rosemary Petrazzini (307-261648)

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.

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.

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?

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.

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

Respondent: Mr Nicholas John (297-13127)

Legally compliant	Yes
Sound	No
Complies with the duty to co-operate	Yes

Please provide details you have to support your answers a...

Just testing if I can submit multiple representations. This 'Snap Surveys' approach seems to be designed to be as difficult as possible. Shame on you FBC!

This is another test to understand how this horrible Snap Survey thing works. If I say 'No' I don't want to make another representation will I be prevented from coming back later with another one?

This is a test to see if I can make multiple representations if I said 'No' on the last submission

Please provide details you have to support your answers a...

[I have prepared a comprehensive document objecting to aspects of this Local Plan. The 'consultation mechanism' is particularly obstructive so I am submitting this in parts. Parts 1, 2 and 3 are below which I have linked to the 'State of Consultation' (i.e. evidence base) and H1 for want of better places. (NB the 'Review of ASLQ and Gaps' is not available for selection). Parts 4 & 5 are submitted separately against HP4 and HA54/55 as best available approximations] Objection to the 2021 Revised Publication Local Plan At the end of 2020 FBC published a 'Publication Local Plan'. Apparently, there was a consultation about it, but no publicity was posted to my door. In the depths of Covid, I was totally unaware of it. That was based on an NPPF requirement to build 403 a year and seems to have been uncontroversial compared to the appalling 'SGA' Draft Plan (520 p.a.) that was floated a year ago. In December 2020, the government inexplicably decided not to use 2018 ONS statistics but revert to older 2014 stats for the NPPF, resulting in 541 homes p.a. In response, the FBC Executive has published a HIGHLY CONTROVERSIAL 'Revised' Plan. I consider this to be UNSOUND for several reasons. PART 1: Unreasonable Government Targets The total number of houses proposed is staggering. The Govt appears to be totally irrational in its expectations and does not see 'the big picture'. The numerical algorithm is flawed. The Govt and FBC have failed to hold an intelligent negotiation. The result is forcing FBC to make hasty, poor and dubious decisions with irrevocable bad consequences PART 2: Poor Consultation The Plan has been conceived by a small Executive as a fait accompli, avoiding opportunities for a proper 2-way discussion of alternatives. There has been publicity, but the feedback mechanism is obstructive and intimidating. Directed only to the Inspector, there is no stage for FBC to modify its Plan. PART 3: Partisan Solutions Faced with a difficult problem, the Executive seem to exhibit a hint of gerrymandering, with 99% of the additional housing allocated East of the Meon. ASLQ's are proposed to future-protect nearly all of the Western Ward green space. PART 4: Core Values and The Strategic Gap Rigorously developed policies to retain character and separation of town/village settlements ignored. Majority of new development in Strategic Gap. PART 5: Planning Proposals in The Strategic Gap (HA54 and HA55) To recommend deep encroachment into the Gap at the same point from both sides, having already taken out the middle with the By-pass, shows that this Plan is driven by the developers not by any objective consideration. I will submit more detail on PARTS 4 and 5 in separate Representations. PART 1: Government Targets This problem starts with Govt policy to deliver 300,000 new homes nationally. This is not particularly driven to 'house the homeless' or help first time buyers. The objective is to stimulate economic activity. Another stated policy is to 'level up' the economy across the country, but these policies are not working together. Post BREXIT, there should be less focus on the EU-facing South-East, and more business North and West. The NPPF algorithm appears to support a viscous circle of targeting more houses in the SE where there are jobs instead of boosting the economy elsewhere. South Hants is vastly over built but just getting worse. The decision to use 2014 stats is indefensible. FBC should be claiming a mitigating factor that more recent ONS stats indicate a lower demand. The NPPF number is then inflated by 20% because HMG are sceptical about FBC's ability to deliver due to its recent failure to meet 3YHDT. This is largely due to Nitrates restrictions and HMG should take this into account. Rather than concoct 'too clever by half' mitigation schemes, HMG should recognise the serious environmental 'algae' issue and look to REDUCING nitrates rather than 'net zero'. HMG does not actually want FBC to deliver more houses than are needed (silly), the buffer is a safety margin. Why then does FBC add an additional 11% margin on top for the same reason? As neighbouring councils appear to be benefitting from the 2014 stats U-turn, while Fareham loses out, the 'Unmet need' adjustments should reflect this. FBC is not generally delinquent on housing delivery. The Welborne project is finally coming together but the ramp up is slow. With a reasonable expectation of high housing delivery in later years, HMG should allow a slower start up. The desperation to grab low hanging fruit, meet 3YHDT and avoid the 20% buffer is driving FBC to make BAD proposals. FBC do not seem to be pushing back much. The Inspector may see his role as squeezing as many houses out of apparently compliant councils and keep his (or her) powder dry. Hopefully, in the public interest, he will on inspection recommend that FBC lower the targets. PART 2: Poor Consultation The U-Turn on NPPF stats was last December. The Executive knew that allocating the additional housing numbers would be controversial and unpopular. There was ample time to engage with the public and discuss best solutions, ideally around the May elections involving candidates and voters. Instead, this was kept under wraps, voters (and most councillors) thinking that their objections to the SGA's had been listened to and that the administration had reprieved the Strategic Gap and other areas. The Revised Plan was only later revealed, with apparently no time to 'revise' it by public debate or even in full council. There has been publicity and meetings, but feedback is only possible to the Inspector. Much handwashing, with FBC 'not interested' in alternative approaches. The feedback mechanism is quite diabolical, comments limited to 'legality, soundness and co-operation'. Users must specify unique policies or developments they want to comment on. Worse still, comments are restricted only to aspects that have changed in the Revision. 'Evidence' posted before the original 'consultation' cannot be refuted, even though it has only become relevant in the 'Revised' Plan. The 'Survey' system is obstructive and certain to intimidate all but the very dogged contributor. The process seems deliberately opaque. CAT meetings are sparse as people feel powerless. The Executive claim their process is entirely legal, but this merely speaks of the sorry state of local democracy. The Inspector may accept that formalities have been observed but should look carefully to be sure that the public interest is being fairly served. A Plan may be 'legal, sound and co-operative' but that does not mean it is a good, right or the best solution. PART 3: Partisan Solutions The requirement to find an additional 138 homes per year, must have been something of a challenge to Council Leaders, not least about positioning this to their own constituency voters in the May elections. FBC had already faced a similar challenge in 2019/20 and responded with a large housing 'Strategic Growth Area' to replace most of the Strategic Gap where there should be a presumption against development. I and many others submitted objections to that Draft Plan, but these are now excluded from the current Consultation. I will attempt to resubmit my 2020 objection as it is still relevant and provides background. Facing the new challenge, FBC has revamped and hardened the SGA approach, having worn down resistance and evading real consultation. Note that the FBC Executive, and the Planning Committee

What modification(s) is necessary to make the Revised Pub...

x

D

J

I have already suggested, for example to Cllr Woodward that Take out the 180 designated for Persimmon and (if you really, really need the numbers) put back in the 150 originally planned for Rookery Farm (that you make great mention of below) which mysteriously remain reprieved, despite the renewed government pressure. That could provide a crumb of decency. You already have 16-homes granted permission at 'The Grange', inside the Gap, to help balance. Having approved The Grange, there will now be housing development along one side of St Edmunds church and cemetery. The Persimmon development on the other side, and the resulting destruction of the 'country lane' ambience of Oakcroft Lane, would subsume the church and grounds into a housing estate. The Gap is supposed to protect 'settlement character' as well as provide 'settlement segregation'. I have heard say that the Rookery Farm proposal was difficult due to access etc for emergency vehicles etc. This suggests a lack of imagination. There is an existing small bridge over the M27 that could allow additional access from Addison Road - if not upgradable for general traffic it could at least allow emergency vehicles.

How would the modification(s) you propose make the Revise...

y

E

K

This would go a little way to removing the suspicion of Gerrymandering that may result from the fact that 99% of the additional housing in the Revised Plan has been directed to the Eastern side of the Meon with virtually nothing west of the Meon.

Your suggested revised wording of any policy or text:

z

F

L

See above

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

This 'on-line box filling' facility is completely unsatisfactory. I have a lot of things I want to say, with carefully constructed reasoning and arguments that represent a comprehensive criticism of many aspects of this Local Plan. There are linked issues that cannot be presented by this awkward, intimidating and user unfriendly mechanism

Just Testing how this works . . .

See other submissions

As mentioned in my representation I have prepared substantial concerns about the Plan and its evolution, which I would be happy to discuss with the Inspector. I also represent an informal group in my locality who have particular concerns about the Strategic Gap

Respondent: Mrs Hilary Megginson (237-11536)

Legally compliant	No
Sound	No
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

Legally Compliant: The Publication Plan Introduction Page 1 Para. 1.5 specifies that representations should focus solely on "Tests of Soundness" but is contradictory to FBC's guidance in 'Fareham Today' on Page 4 of the Reg. 19 Statement of Consultation, which includes the additional areas of "Legal Compliance" and "Duty to Cooperate". This is misleading and confusing to members of the public wishing to provide commentary in what is already a lengthy and complex process. This consultation exercise restricts public comments to the revisions and additions to this version but the previous draft Publication had to be scrapped, due to the premature and risky decision to apply the new housing need methodology before the government decided against adopting it. To restrict comments for this consultation is totally unfair as the public may want to comment on the whole plan not just the revisions. The consultation website even restricts drop down options to the revised sections only. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. 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. Para 4.2 describes the methodology used to calculate Fareham's housing need. This methodology is premature and risky until we know the government's response to the Planning white paper 'Planning for the Future'. In May 2021 residents challenged this council in the high court. The case was won with the Judge confirming 1) that the council acted unlawfully and unfairly towards the residents, that their evidence was ignored and that the residents were prejudiced by the late submission of documents by the Council and 2) that the Planning Committee failed to grapple with resident's request for a deferral. He stated the judgement needs to be shared with everyone concerned within the council in this case, as there are lessons to be learnt from this. Although residents are being consulted, this publication plan is another example of their views being ignored. For all of the above reasons, this consultation process and Publication Plan is not legally compliant. Complies with Duty to cooperate: Para 4.6 In agreeing to take up a shortfall in homes of 900 from Portsmouth, Fareham Council are taking a risk as we await the government's response to last year's consultation on the planning white paper, Planning for the Future, which proposes a key changes to remove the duty to cooperate and potentially removing the 5 year land supply. Page 37 Paras 4.12, 4.16 and Policy H1 Illustrates that whilst a contingency buffer of 1094 homes has been made, the Plan is heavily reliant on the certainty of delivery on 3610 houses at Welborne during the life of this plan. Sound: The total new homes proposed for specific sites across the Borough (not including Welborne) to 2037 is 5946. It is an unfair distribution for Warsash (proposed at 1001 dwellings) to contribute 17% of this quantum, with HA1 alone contributing 14%. The Western Wards contribution is 21%. There is no joined up "Masterplan" for HA1 (with all developers working in complete isolation of one another). Therefore, another environmental impact assessment must be conducted showing the cumulative effect of HA1 in its entirety. 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 masterplans is vital to ensure that developments are sustainable, appropriately planned and designed". Para 1.16: No mention is made of the 2017 unadopted draft Plan and Officers confirm it is the previous, 2015 plan which is extant. Para 4.8 Allows the LPA to consider Housing sites allocated in the previous adopted (extant) Local Plan. Yet, whilst HA1 did not feature in the extant 2015 Plan, page 38 ignores this, stating that housing will be provided through HA1 and other local sites. Developers have taken advantage of the LPA's decision to propose HA1 within (the now defunct) 2017 Plan and have submitted applications that the LPA have resolved to grant permission on (many ahead of and likely contrary to) the Publication Plan. Others claiming their sites fit well with HA1 has now resulted in the boundaries of HA1 being adjusted to accommodate them. This seems to mark an inappropriate powershift toward the Developers. It is discriminatory that community-generated evidence carries less weight than that provided by Developers consultants. E.g. regarding previous use of land in Nitrate budget calculations similarly with traffic survey results captured by residents and Community Speedwatch teams. Para 9.51 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 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

Please provide details you have to support your answers a...

What modification(s) is necessary to make the Revised Pub...

Public consultation in the true sense of the word needs to be demonstrated by this council. It should not be an 'ask and ignore' approach which at best, is all we have had since 2016. To facilitate a consultation process that a lay man would understand, communicating the proposals and implications with clarity and in plain English. The current process is complex, sometimes inaccurate and has the effect of discouraging engagement from residents, not because they don't want to but because they find the whole process off-putting, overwhelming and confusing. This Publication plan consultation is an example. Equal weight needs to be applied to all party's representation in planning decisions and this has to be evident to all concerned. Premature and risky decisions like the ones made in this and the previous plan must not be repeated in the future. Restricting the scope of a public consultation should not be allowed. Lessons must be learned from High Court Judgements against this council on the way they handle members of the public. Distribution of new dwellings must be fair. High numbers of housing development on adjacent sites must be coordinated with a Masterplan Settlement boundaries need to be protected when making decisions and determining planning applications, not moved to enable the granting of permission in countryside Protected sites must be restored to favourable conditions and water quality improved. Biodiversity net gain targets must be planned for and achieved Lessons must be learned from High Court Judgements in order for this council to fulfil their legal obligations with regard to the Habitats Directive. CO2 emission targets need to be stated and achieved Education proposed extensions of child placements need to extend to the length of this plan i.e. up to 2037 and reflect the numbers of new dwellings such as 1001 in Warsash Health care provision needs to be expanded to reflect the numbers of new dwellings such as those in Warsash

How would the modification(s) you propose make the Revise...

Communication of any documents that impact the public need to be written clearly and concisely. Not everyone is trained in planning law. This would help to fulfil the council's legal obligation to consult. Application of the rules at all times should be a given. If the council's rules state a petition will trigger a debate at full council if it meets the required number of signatures, this should be applied. All evidence presented regardless of who presents it should at least be considered to carry equal weight by the council. Concerns over what may or may not happen if an application or consultation does not go the way the council want it to, shouldn't be a deciding factor. Council procedures need to be reviewed to ensure a democratic rather than autocratic approach to decision making More certainty on the council's own housing position with regard to dependancy on Welborne, its ability to meet unmet need of neighbouring boroughs and the capacity to do so in respect of it's 5 year land supply will avoid unnecessary taxpayer's expense such as we have seen in the preparation of this plan, the second one to be 'ripped up' and not adopted since 2017. Masterplans are required in order to comply with Design Policy D3 para. 11.44 Maximising development within urban areas is required to comply with Para. 2.12 "Strategic Priorities" There is a legal obligations to comply with the Habitats Directive Para. 8.60 Section 8 mentions the requirement of meeting CO2 emission targets but currently those targets are not stated. The infrastructure Deliver Plan at para.10.26 and 10.27 describes Education as critical prioritisation The infrastructure Deliver Plan at para.10.26 describes Health Care as critical prioritisation

Your suggested revised wording of any policy or text:

A 'variety of methods' used to solicit comments from the public should be expanded to 'ensure the material is easily understood.' Members of the public need to be clear about what they can expect when engaging with the council. A simple 'if you do this', 'we will do that' would suffice. The rules and guidance need to be executed correctly. The council needs to demonstrate how they have applied equal weight to the public's contributions and that of other representatives regardless of whether 'for' or 'against' a proposal. References to be made to applying the recommended up to date methodology not one which may or may not be adopted in the future Any risk regarding dependencies impacting this council's ability to deliver the plan needs to be explicit with appropriate contingency built in. This plan should contain accurate accounts of due process and obligations Procedures need to be reviewed regularly to ensure compliance with guidance Policies and procedures must be reported on compliance and be seen to be applying them Its important to display policies and procedures in the public domain but equally important that this council follows its own guidance not changing the rules when it suits them Critical prioritisation and legal obligations must be addressed in plans

If your representation is seeking a modification to the P...

Yes, I want to take part in a hearing session

Please outline in the box below why you consider it neces...

As the representative of thousands of local residents since 2016, there is a need for them to have a voice in decisions which impact their lives. Community involvement can easily be evidenced but consideration for their concerns and suggestions is absent and has been for years. The accuracy and undemocratic approach described in my submission is replicated in a number of topics within this plan.

Respondent: Mr David Greenaway (286-491637)

Legally compliant	Yes
Sound	Yes
Complies with the duty to co-operate	No

Please provide details you have to support your answers a...

1. The number of dwellings for which the council has to identify sites has changed from 403 to 541 since the previous requirement. However there is no evidence in the presentation material that the council has consulted over the changes with any other local authority or statutory body (police, fire & rescue service, highways authority and LEA) regarding effects on infrastructure needs since the requirement was changed from 403 to 541 pa.

What modification(s) is necessary to make the Revised Pub...

Consult with the organisations defined in the previous comment.

How would the modification(s) you propose make the Revise...

By ensuring that the council meets it's legal obligations

Your suggested revised wording of any policy or text:

Not applicable

If your representation is seeking a modification to the P...

No, I don't want to take part in a hearing session

Respondent: Mr Chris Sherman (307-541810)

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

White, Lauren

From: [REDACTED]
Sent: 22 July 2021 11:00
To: Consultation
Subject: Fareham Future Planning

Follow Up Flag: Follow up
Flag Status: Completed

Dear Team,

I appreciated receiving the Fareham Today brochure on local planning.

I found it a bit confusing about the section marked for North of Military Road, Wallington, which is the area I am concerned about, as complaints have been made about building in and around Military Road. I would like a clearer picture of your intentions.

Also, Welborne will take much longer to be developed than originally thought, will produce a lot of housing. Fine. However you are proposing further housing developments in small swathes around the town. (The one behind The Red Lion Hotel is very good. And is to be applauded)

If you are proposing to develop these smaller sites, cannot the numbers of houses at Welborne be reduced accordingly.

I appreciate this is a government proposal, probably from people who have never visited Fareham, but they never seem to be available for discussion, just leaving it to the local management to resolve all the issues. Future development is also a worry as we now have a declining population nationally.

I have just visited southern Scotland, where there seems to be ample space for development, and with a population forecast of only 1.3% child birth, they need people and housing more than we do.

I am scared that Fareham has a certain semi rural character that will be killed by so much future development. Portsmouth is a prime example of congested housing, we don't want another mess like that, Do we?

A good point has been made by Liverpool losing its world heritage badge because of thoughtless development Blind ambition, which could have been avoided.

Regards

Ron Bryan



30th July 2021

FAO: planningpolicy@fareham.gov.uk

Fareham Local Plan 2037 Publication
Revised Version Consultation

Dear Sirs,

Please find attached comments from CPRE Hampshire regarding the Revised Version of the submission Fareham Local Plan 2037. We have only commented on those changes highlighted in red in the Revised Version and assume that our comments remain extant as per our submission on 15th December 2020. Our submission is attached as Appendix A.

It is important to state that it seems extremely strange to be filling in these arduous forms yet again. For those of us who are volunteers this is an onerous and time-consuming process, all done in our own free time.

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG for its housing numbers. CPRE Hampshire fundamentally rejects the use of out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG. We expect that the 2021 Census will confirm that the 2018-based projections have more validity and combined with the likely changes in demographics following Brexit and Covid, that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan. The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PfSH Spatial Strategy.

Furthermore, there has been challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation has asked ONS to make some more checks on this aspect of their projections. This is particularly relevant as the Fareham Local Plan seeks to take some housing for Portsmouth, which may not be required. Documents are attached as Appendices which relate to this matter.

We reiterate that CPRE Hampshire is extremely pleased to see that Fareham BC have approached their new Local Plan from a landscape-based perspective, a process which we wholly support. Furthermore, we fully endorse Fareham BC's inclusion of a Climate Change policy, which must underpin all other policies and spatial planning, but believe it could be more front and centre, as has been recommended by the most recent NPPF July 2021.

And we remain disappointed that there still seems to be no mention of a potential new South Hampshire **Green Belt** in this Revised Submission Version. In an earlier consultation by Fareham BC in July 2019, there were a number of mentions of this option, notably in Section 10c regarding the Meon Valley, where it said: "The Council will also be working with PUSH to consider the potential for greenbelt land across local authority

areas, and there could be scope for this area to become part of a South Hampshire greenbelt.” As CPRE Hampshire has long campaigned for a sub-regional area of restraint in order to encourage urban regeneration and prevent sprawl, this was very much welcomed. Sadly, this does not seem to have been included in either the December 2020 Reg 19 document or this Revised Version, and we consider its exclusion to be a significant wasted opportunity, as the NPPF allows local authorities to designate Green Belt as part of the Local Plan process. It has been agreed that the PFSH authorities are to consider a new Green Belt as part of their forthcoming Statement of Common Ground, and we would have hoped to see Fareham BC leading the way.

CPRE Hampshire has completed Response forms for individual policies which have been changed since December 2020 and these are attached below this letter. We reiterate that our comments from December 2020 are still considered relevant for policies which are unchanged and assume they will also be passed to the Inspector. Our December 2020 submission is attached as Appendix A.

Yours faithfully,

Caroline Dibden



Attachments:

Appendix A – CPRE Hampshire Submission to Fareham Local Plan 2037, previous Reg 19 version, dated 15th December 2020

Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021

Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021

A1 Is an Agent appointed:

No, an agent is not appointed

A2 Please provide your details below:

Title:

Mrs

First Name:

Caroline

Last Name:

Dibden

Job Title:

Organisation:

Address:

Telephone:

Email Address:



POLICY H1: Housing Provision

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 4.1 to 4.20

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Strategic Policy H1: Housing Provision

B1c Which part of the Policies Map?

B1d Which new housing allocation site? E.g. HA55- Land south of Longfield Avenue

B1e Which new or revised evidence base document? E.g. Viability Assessment

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant		NO
Sound		NO
Complies with the duty to co-operate		NO

B3 Please provide details you have to support your answers above

We recognise that Fareham BC have been forced by the NPPF Standard Method to use the 2014-based household projections from MHCLG to calculate its so-called housing need numbers. CPRE Hampshire fundamentally rejects the using out-of-date projections and has informed the Government at all levels that it is surely in accordance with the NPPF to use up-to-date figures where they are available. We believe that the 2018-based projections are based on a more rigorous analysis by ONS and are superior to those calculated previously by MHCLG.

We expect that the 2021 Census will confirm that the 2018-based projections have more validity, and this will only be reinforced by likely changes in demographics following Brexit and Covid-19. We suggest that Fareham BC should seek an early release of the Census figures as it has such a significant impact on its Local Plan.

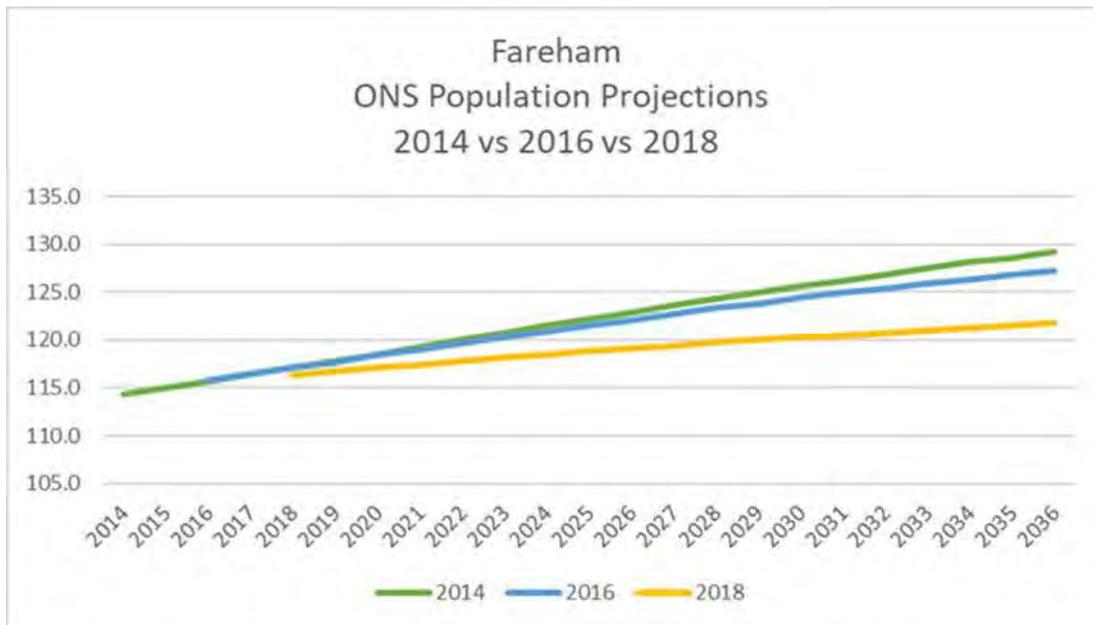
Graph H1_1 below shows the substantial differences in population by using the differing projections for Fareham. Using the most up-to-date data for Fareham would result in an annual housing need of 327, even lower than that expected in the abortive previous Regulation 19 Version Local Plan of December 2020. This difference is so significant, that several large sites in Strategic Gaps might not be required. Over the 16 years of the plan period the comparative numbers are 8,656 with the 2014 projections, and 5,232 with the 2018 ones, a difference of 3,424 dwellings.

CPRE Hampshire therefore believes that Fareham and PFSH should use the latest base data on household projections (the 2018-based projections from the ONS) as it conforms with Para 31 of the NPPF "The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

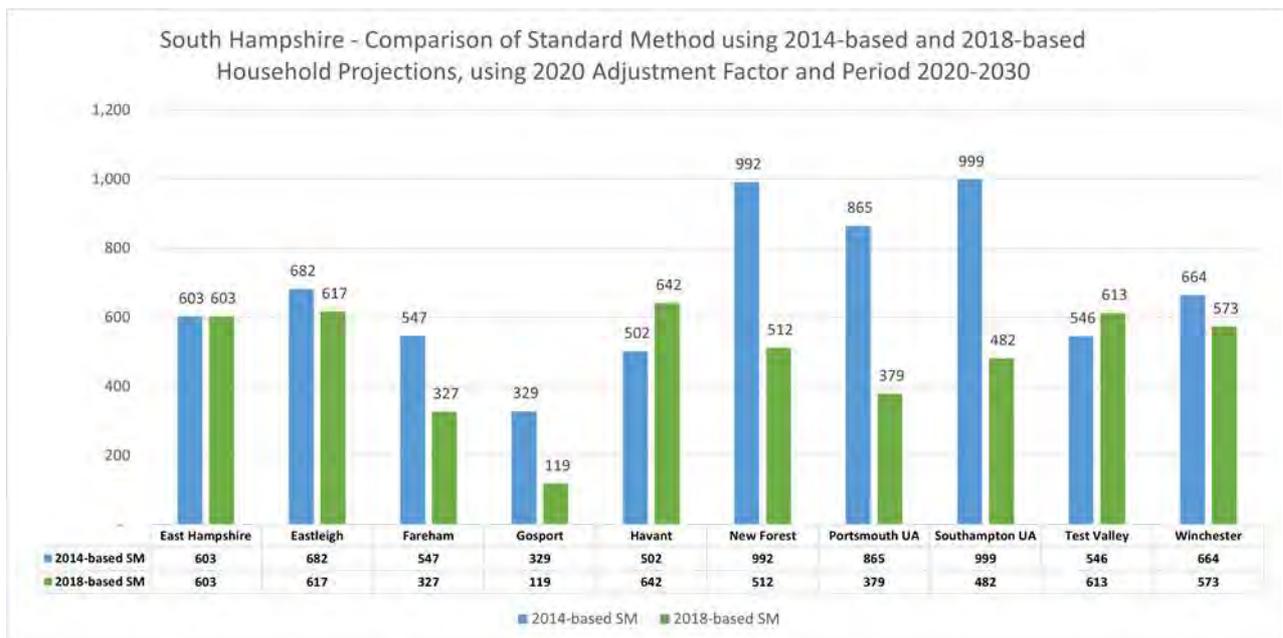
The lowered level of household growth in the 2018-based projections is seen across most of the South Hampshire authorities, not just Fareham, and this will have a substantial impact upon the duty to cooperate vis the PFSH Spatial Strategy. As can be seen from the graph H1_2 below, the outcome of the Standard Method using 2014 and 2018-based projections for all the South Hampshire local authorities shows a substantially lower requirement. Across the six most urban of the PFSH authorities (Southampton, Portsmouth, Gosport, Eastleigh, Havant and Fareham) the difference is some 1,358 dwellings fewer annually. Using the 2014-based projections for those 6 urban authorities gives a housing requirement of 3,924 dwellings but using 2018-projections only 2,566 dpa, not including the metropolitan uplift for Southampton. With a 35% uplift for Southampton, the 2014-based figure would be 4,274, and the 2018-figure would be 2,735, with a difference of 1,539 dpa; an even more extreme difference between the 2 projection dates.

We believe that this must be factored into the next PFSH Spatial Strategy. Notably Portsmouth, who have requested help from Fareham in meeting their housing need, would see a fall in requirements from 865 dpa to 379 dpa. Should this be borne out by the Census results, it is a nonsense for Portsmouth to require any housing to be accommodated by Fareham.

The impact of Brexit, Covid-19, and corresponding economic fallout, on migration patterns will remain unclear for some time, and it is therefore sensible to use a cautious approach to planning and development.



Graph H1_1



Graph H1_2 (excludes 35% uplift for Southampton)

Furthermore, there has been recent challenge to the ONS population projections in 50 university cities and towns, and this impacts Portsmouth and Southampton, both of which feed into the PfSH joint work. The Office for Statistics Regulation (10th May 2021) has asked ONS to make some more checks on this aspect of their projections. Relevant papers are attached as Appendix B – Letter from Office of Statistics Regulator to ONS, dated 10th May 2021, and Appendix C - OSR Review of Population Estimates and Projections Produced by the ONS, dated May 2021.

In essence the issue relates to how students are handled in university cities. It seems that students have been “counted in” at the start of their studies, but not “counted out” at the end. This is particularly the case for foreign students, whose presence after university does not tie up with home office visa data and HESA destinations surveys.

The bulge in the apparent resulting population is also not corroborated by other data, such as doctor registrations, A&E attendance, new car registrations, school admissions, benefit claims, voter numbers, gas and electricity use etc. In the 50 cities likely to be impacted by these discrepancies, Southampton comes in 9th place, Portsmouth at 23rd.

The inclusion of Portsmouth is particularly relevant to the Fareham Local Plan, as it includes 900 dwellings for Portsmouth, which may not be required. Documents are attached as Appendices B and C which relate to this matter. Checking Portsmouth’s data shows that in 2019, births were lower by 484 than predicted by the 2014-based projections, and deaths were 172 higher. Over 16 years of the plan period, this simple calculation indicates that population might be overestimated by some 10,496 or very approximately 4,400 households.

In 2019, around 644 foreign students were apparently not counted out of the city, based on data from Home Office exit checks. HESA surveys indicate that some students will return to the UK, but only 18% of those who return are likely to remain in Portsmouth.

Significantly, for Fareham to agree to take unmet need from Portsmouth is premature, predating as it does any response from ONS to the request for a review from the Office of Statistics Regulation.

It is also clear that there remains a significant reliance on delivery of housing at Welborne, which is subject to a separate plan. Delays to infrastructure finding at Welborne could have an impact on Fareham’s overall strategy for delivery of its housing needs in the plan period.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Use ONS 2018-based household projections, giving 5,232 dpa. With a buffer of 10% this gives a requirement of 5,755 dpa.

Remove the requirement to take 900 dwellings from Portsmouth CC.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

Use of up-to-date data is in accordance with Para 31 of the NPPF.

B4c Your suggested revised wording of any policy or text:

Use 5,232 dpa as the annual housing need with a 10% buffer to give a requirement of **5,755 dpa**.

Simply remove the requirement to take housing from Portsmouth CC.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a recognised authoritative voice on Hampshire's housing numbers, the standard methodology and has been involved in this aspect of Fareham's Local Plans since the time of the South-East Plan in 2005, and the formation of PfSH (Partnership for South Hampshire).

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers and would like to appear at the hearing sessions to SUPPORT the use of the most up-to-date household projections.

POLICY HA1: North and South of Greenaway Lane, Warsash

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Housing Allocation Policy: HA1 North and South of Greenaway Lane, Warsash

B1c Which part of the Policies Map?

Figure 4.1

B2 Do you think the Publication Local Plan is:

Yes

No

Legally compliant

YES

Sound

NO

Complies with the duty to co-operate

YES

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about the piecemeal development already seen, and proposed, in the Warsash area. Population growth in the 10 years 2009-2019 has reached 9% in Warsash and the western wards, while Fareham itself has only grown by 4%. As Warsash has no access to the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.1, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA1 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Para 127 of the NPPF states “Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics.” It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities.

It is clear that the settlement policy boundaries have been moved to accommodate the applications pending for Warsash. This is not consistent with a plan-led approach but is simply reactive to a developer-led situation, and takes no account of the area’s defining features.

Para 22 of the new NPPF may require proposals for Warsash to be looked at over a 30 year period.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

More analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA1 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA1 framework meets NPPF prerequisites.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire, the countryside charity, has worked for some years with local campaign group Save Warsash and the Western Wards, and a number of our members will be affected by the proposals for such a large allocation of housing to one small settlement. We would like to take part in the hearing sessions to represent their concerns for initial choice of an unsustainable site, loss of countryside and open space in Warsash, and poor design due to lack of a masterplan.

POLICY HA55: Land South of Longfield Avenue

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input checked="" type="checkbox"/> | The policies map | Go to B1c |
| <input checked="" type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input checked="" type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Housing Allocation Policy: HA55 Land South of Longfield Avenue

B1c Which part of the Policies Map?

Figure 4.4

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire has significant concerns about incursion of this proposed site into the Strategic Gap. It will significantly diminish the form and function of the Gap, and lead to an increasing perception of urbanisation in one of the few remaining open spaces between Gosport and Fareham. It is likely to have detrimental impacts upon the ecological network. We note that it has been moved from a green network opportunity to a non-statutory status in the Revised Version of Appendix C, Local Ecological Network Map.

The housing numbers include 900 homes from Portsmouth which CPRE Hampshire believes should be removed from Fareham's housing target. Were this to be done, it would weaken the justification for Fareham BC to allocate such a large site in the Gap. The need to allocate HA55 would be entirely unnecessary should the 2018-based household projections be used to calculate housing targets.

As the site is located some distance from the rail network, this pattern of development could not be considered sustainable. It therefore fails the soundness tests.

An indicative framework as shown in Figure 4.4, but this does not meet the requirements for a masterplan, and it is not adequate for long-term planning to integrate the various separate sites and applications by a series of different developers. Policy HA55 will fail to meet any government aspirations for promoting a sustainable pattern of development as set out in the new July 2021 NPPF Para 11a, or for placemaking and beauty as set out in the NPPF Chapter 12, Paras 126 to 134, and is therefore unsound.

Para 126 of the new NPPF states "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Para 127 of the NPPF states "Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics." It is apparent from discussion with CPRE Hampshire members that there has not, to date, been any meaningful involvement of local communities, who have long opposed incursion into the Strategic Gap.

Para 22 of the new NPPF may require proposals for Longfield Road to be looked at over a 30-year period.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Remove HA55 from the list of allocations and remove the 900 houses which Fareham has agreed to take from Portsmouth.

In any event, more analysis of the sustainability criteria for the overall development strategy, such as access to public transport is required before sites such as HA55 are confirmed. Has every opportunity for brownfield development around rail networks been ruled out?

Much more consultation with the local community is required before the proposed HA55 framework meets NPPF prerequisites.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in compliance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire believes that site HA55 represents an unnecessary incursion into the Strategic Gap and we would like to appear at the Hearings to further explain our case.

POLICY HP4: Five-year housing land supply

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1.

Paragraphs 5.22 to 5.28

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy HP4: Five-year housing land supply

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

The previous December 2020 version of **Policy HP4** stated “If the Council cannot demonstrate a five-year supply of land for housing against the housing requirement set out in Policy H1, additional housing sites, outside the Urban Area boundary, may be permitted where they meet all of the following criteria.....” The problem with this policy is that inadvertently it encourages the first choice of sites to be “outside the Urban Area”. CPRE Hampshire is sure that this is not what Fareham BC intends, and in any event it would not be in accordance with the councils own aspirations for a brownfield first approach, nor in accordance with the new NPPF Para 119, and is therefore unsound. NPPF July 2021 states “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

CPRE Hampshire suggests that to be in accordance with this aspiration, a sequential approach should be used, even in the event of a lack of a five-year housing land supply.

Our concerns regarding **Policy HP4** have been made much more critical as the word 'may' has been replaced with 'will' in the Revised Submission Version, so all such sites will essentially benefit from permission in principle, with no opportunity for Fareham BC to make any decisions based on sustainability.

The problem is exacerbated by the linkage of **Policy HP4** with **Policy DS1**, particularly **DS1 Criterion (e)** as discussed in CPRE Hampshire's submission in December 2020.

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Policy HP4 should be rewritten to include a sequential approach, which "makes as much use as possible of suitable brownfield sites and underutilised land" as per Para 137 (a) of the NPPF.

The linkage of **Policy DS1 (e)** and **Policy HP4** should be removed.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is part of an expert group in the National CPRE network on housing numbers, and the five-year housing land supply, and would like to appear at the hearing sessions to discuss its impact on the Fareham Revised Submission Local Plan 2037.

POLICY E1: Employment Land Provision

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1.

Paragraphs 6.8 to 6.20

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy E1: Employment Land Provision

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

The Revised Submission Plan has major changes to the Employment Provision section, referring to the Stantec Report of March 2021. Para 6.10 refers to the PPG for assessing floorspace needs, based on a labour demand model and past take-up. But it then goes on to say in Para 6.10.1 that past-take up would imply a negative need for office space and therefore this was not used in practice. However, this is perverse as not only were past take-up rates falling, but we now have the Class E permitted development rights and likely post-Covid changes in employment patterns, with more people working from home and having virtual meetings. It is to be expected that the lower requirement suggested by past take-up rates is likely to be accelerated rather than an under-estimate. To just say that the requirement within the Revised Local Plan is aspirational takes no account of current circumstances. This is then exacerbated by adding a so-called underdelivery over past years, despite falling take-up rates.

Para 6.20 states “The policies in this Local Plan secure an overprovision of approximately 121,000 sq.m. compared to the requirement identified by the Stantec assessment. Whilst this is a significant quantum, it is considered an acceptable approach to cater for flexibility and choice in supply both in terms of time and type of employment space as set out in the NPPF and PPG.”

CPRE Hampshire suggests that not only was the Stantec assessment likely to be an overestimate of needs, but that to then allocate an over provision of 121,000 sq.m. is entirely unnecessary. Any cursory look at employment sites around South Hampshire shows large sites available for rent, and these should be used in advance of any new provision. This can be demonstrated by looking at websites such as Rightmove (<https://www.rightmove.co.uk/commercial-property-to-let/Fareham.html>) or Property Link (<https://propertylink.estatesgazette.com/commercial-property-for-rent/fareham>).

B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?

Remove the over-provision of employment land.

B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

It would be in accordance with the NPPF.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire would like to appear at the hearing sessions to clarify why we do not believe that the proposed excessive over-provision of employment land is necessary.

STRATEGIC POLICY CC1: Climate Change

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 8.1 to 8.10, 8.60

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Strategic Policy CC1: Climate change

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant		NO
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire generally SUPPORTS the approach taken by Fareham BC to Climate Change. But we believe that **Policy CC1, Criterion (a)** does not go far enough to encourage/enforce a truly sustainable pattern of development and is unlikely to lead to a meaningful reduction of emissions from private car use. The Revised Submission Version simply adds a comment in Criterion (e) about Building Regulations, but this is merely tinkering around the edges of what could and should be achieved.

Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires that a local authority's development plan documents must: (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

The new NPPF Para 152 further includes the requirement that “the planning system should support the transition to a low carbon future in a changing climate”, should “shape places in ways that contribute to radical reductions in greenhouse gas emissions” and Footnote 53 “in line with the objectives and provisions of the Climate Change Act 2008.”

CPRE Hampshire believes that one of the most fundamental ways of combating the likelihood of adverse climate change, is to plan development where it can use better public transport and be less reliant on the car. The aspirations in **Policy CC1** are more about how development can respond to climate change, and rather less about how spatial planning of future development can help prevent it. We consider that this is a missed opportunity. According to Camilla Ween, Harvard Loeb Fellow, speaking on behalf of Transport for New Homes “Transport is responsible for about 26% of greenhouse gas emissions, much arising from personal car journeys. Our society will not be able to achieve the UN goals if we do not change the way we travel; that means we need to create new communities that are NOT car dependent. That means careful consideration of where new development is located, as well as how we design new communities, for example, places that are well connected with high quality public realm and movement infrastructure that encourage people to want to move to a car-free lifestyle.” It must be a fundamental tenet of the Fareham Local Plan that NO development should be permitted that relies on the car as its main means of access.

Nothing less than a drastic change to spatial strategy and a move away from South Hampshire’s historic pattern of sprawling suburbs will enable any meaningful contribution to the fight against adverse climate change. We owe it to future generations to do our utmost to shift patterns of behaviour that have become entrenched with the use of the private car. Even electric cars will not solve many of these issues as they still leave residues from tyres and fluids and are unsustainable in terms of battery manufacture.

We are aware that Client Earth wrote to the council in September 2019 to remind them of the legal obligations to address climate change and this objective clearly is in line with that requirement. We look forward to seeing the details of how the council will address climate change in the plan. In particular we would like to see clarity on detailed objectives and recognition of the need to measure progress against the objectives. Hampshire County Council have set out a very detailed plan with objectives on climate change and this may help Fareham BC when they are drawing up their own detailed plans. Ensuring new development is sustainable in terms of location and design will be central to achieving carbon neutrality. This is addressed above and below.

All policies, plans and decisions need to be measured against the objectives of the Climate Change Act 2008. The RTPI have studied this in their January 2021 report ‘NET ZERO TRANSPORT - The role of spatial planning and place-based solutions’. They say: “The planning system should also prioritise urban renewal that enables growth while achieving a substantial reduction in travel demand”.

It might also help to see the outcome of a study carried out by Cool Climate at the University of Berkeley to demonstrate the most substantive action local authorities can take to minimise greenhouse gases, Graph CC_1. Although it used US cities for the study, the principles would apply just as much to Fareham, and showed the single most effective measure is to increase urban infill in preference to car-based development.

Policy CC1 is therefore not legally compliant unless the large part of Fareham’s spatial strategy is geared to development around mass public transport hubs and avoiding sites which are car-dependant. It is clear that sites such as Policy HA1 would fail to meet this condition.

CPRE Hampshire recommends the checklist provided by Transport for New Homes, which sets out an objective approach to planning new housing areas without dependence on cars:

<https://www.transportfornewhomes.org.uk/wp-content/uploads/2019/10/checklist.pdf>

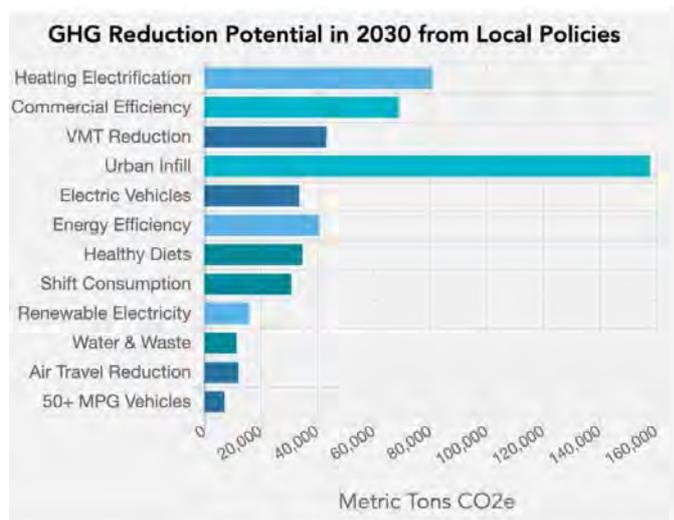


Figure 10: Cool Climate Network, 2018

Graph CC_1

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

CPRE Hampshire recommends strengthening **Policy CC1, Criterion (a)** to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

It would be in accordance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF Para 152 in terms of shaping places that contribute to radical reductions in greenhouse emissions.

B4c Your suggested revised wording of any policy or text:

Policy CC1 (a) A development strategy that minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a more ambitious spatial strategy for planning housing in Fareham borough, such that it is located and designed appropriately around public transport hubs to minimise emissions and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy CC1** in this regard.

POLICY NE2: Biodiversity net gain

B1 Which part of the Revised Publication Local Plan is this representation about?

<input checked="" type="checkbox"/>	A paragraph	Go to B1a
<input checked="" type="checkbox"/>	A policy	Go to B1b
<input checked="" type="checkbox"/>	The policies map	Go to B1c
<input type="checkbox"/>	A new housing allocation site	Go to B1d
<input type="checkbox"/>	The evidence base	Go to B1e

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 9.28 to 9.44

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy NE2: Biodiversity net gain

B1c Which part of the Policies Map?

The Local Ecological Network map in Appendix C

B2 Do you think the Publication Local Plan is:

Yes No

Legally compliant **YES**

Sound **YES**

Complies with the duty to co-operate **YES**

B3 Please provide details you have to support your answers above

The approach taken by Fareham BC is sound, and CPRE Hampshire SUPPORTS the requirement for biodiversity net gain as per the forthcoming Environment Act. However, we have significant concerns about the revised text in Para 9.32 about Fareham's ability to assess habitat condition and type, and to enforce any failure to achieve promised improvements. We refer you to the paper by Sophus Zu Ermgassen - *Exploring the ecological outcomes of mandatory biodiversity net gain using evidence from early-adopter jurisdictions in England*, June 2021

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12820#>

And the Revised Plan needs to be updated in Para 9.35 and Footnote 85 to reflect the updated Defra Biodiversity Metric 3.0 which has recently been released.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a spatial strategy for planning development, such that it is located and designed appropriately to see a net gain in biodiversity of the area and would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy NE2** in this regard.

POLICY TIN1: Sustainable transport

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 10.1 to 10.11, 10.13

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

Policy TIN1: Sustainable transport

B1c Which part of the Policies Map?

B2 Do you think the Publication Local Plan is:

	Yes	No
Legally compliant	YES	
Sound		NO
Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire SUPPORTS the approach taken by Fareham BC and consider **Policy TIN1** to be a good starting point. CPRE Hampshire recognises that Fareham BC aspire to have ‘good growth’ with existing and proposed transport corridors influencing choice of development, however we feel **Policy TIN1** does not go far enough. The Council should feel empowered to reject development which is not already located around, or can provide, public mass transit hubs, in particular the rail network. The policy as it stands does not give Fareham BC a sufficiently robust mechanism for achieving this. It is therefore unlikely to comply with the aspirations to meet climate change objectives as set out in **Policy CC1** or for air quality in **Policy NE8**.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

CPRE Hampshire recommends strengthening **Policy TIN1**, with an additional Criterion to enable a spatial strategy more likely to meet the requirements set out in Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and the new NPPF, by including a requirement for mass public transport hubs should be the first approach for development, and to enable Fareham to refuse car-dependent applications.

The principles of development and transport as set out in the Transport for New Homes checklist should be followed - <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>.

CPRE Hampshire does not believe that the additional words added in the Revised Version in Para 10.13 are sufficiently robust to have any appreciable impact on reducing emissions, and do not give Fareham BC the powers to reject development with unsuitable transport provision.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

The policy would then comply with climate change and air quality objectives, and with **Policy CC1**.

B4c Your suggested revised wording of any policy or text:

Policy TIN1 Development will be permitted

(d) minimises the need to travel by allocating sites and generally directing development to locations **near to mass public transport hubs**, with better services and facilities, or where they are capable of being improved.

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire is a keen proponent of a spatial strategy for planning housing, such that it is located and designed appropriately around public transport hubs to minimise emissions and impacts on climate change. We would like to appear at the hearing sessions to discuss the likely effectiveness of **Policy TIN1** in this regard.

POLICY D1: High quality design and place making

B1 Which part of the Revised Publication Local Plan is this representation about?

- | | | |
|-------------------------------------|-------------------------------|-----------|
| <input checked="" type="checkbox"/> | A paragraph | Go to B1a |
| <input checked="" type="checkbox"/> | A policy | Go to B1b |
| <input type="checkbox"/> | The policies map | Go to B1c |
| <input type="checkbox"/> | A new housing allocation site | Go to B1d |
| <input type="checkbox"/> | The evidence base | Go to B1e |

B1a Which Paragraph? Please enter the correct paragraph found in the Revised Publication Local Plan, e.g. 1.5 would be the fifth paragraph in chapter 1

Paragraphs 11.1 to 11.36

B1b Which Policy? Please enter the correct policy codes from the Revised Publication Local Plan, e.g. HA1 is Housing Allocation Policy 1- North and South of Greenaway Lane

POLICY D1: High quality design and place making

B1c Which part of the Policies Map?

B2	Do you think the Publication Local Plan is:	Yes	No
		YES	
	Legally compliant		
	Sound		NO
	Complies with the duty to co-operate	YES	

B3 Please provide details you have to support your answers above

CPRE Hampshire welcomes the approach taken by Fareham BC towards high quality design in **Policy D1** but would like to see the inclusion of the words countryside and landscape into **Criterion (i)**. The omission of these words makes it inconsistent with **Strategic Policies DS1 and DS3** and therefore unsound.

The design quality of future developments starts with overall masterplanning and landscape context as well as specific building details. Fareham has seen a proliferation of poorly designed car dependant nondescript developments over recent years, and it is critical that major improvements are made for the future.

The Submission plan will need to be updated to take account of the National Model Design Codes and Para 132 of the NPPF which states that development that is not well designed should be refused permission, especially where it fails to reflect local design policies and government guidance on design.

B4a What modification(s) is necessary to make the Local Plan legally compliant or sound?

Include the words countryside and landscape into **Criterion (i)**.

B4b How would the modification(s) you propose make the Local Plan legally compliant or sound?

This would then be in accordance with **Strategic Policies DS1 and DS3**. And would concur with the new NPPF Para 132.

B4c Your suggested revised wording of any policy or text:

B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

YES

Yes, I want to take part in a hearing session

B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):

CPRE Hampshire has many members in Fareham who are keenly interested in the design of future developments and would like to see major improvements over previous failures in design quality, which has historically resulted in large sprawling estates of car-dependant nondescript housing.



Ed Humpherson, Director General for Regulation

Sir Andrew Watson
Chair, CPRE Warwickshire
(By email)

10 May 2021

Dear Sir Andrew

Review of Population Estimates and Projections produced by ONS

Following my letter to you on 3 December 2020, I am pleased to let you know that we have [published our findings today](#) concerning the population estimates and projections produced by the Office for National Statistics (ONS).

It is not within our remit to regulate operational decisions made by government or local authorities, nor to form judgements on decisions made about government policy. Therefore, this review has solely focused on the population estimates and projections produced by ONS in the context of the principles in the [Code of Practice for Statistics](#).

Our review considered the population estimates and projections independently of the specific issues that were raised to us by individual areas. During our review, we conducted our own research and spoke to a number of expert demographers, academics and representatives from local government. We found that the population estimates for some cities such as Coventry, did seem to be inconsistent with, and potentially higher than, local evidence would suggest. This also appeared to be the case in a number of smaller cities with large student populations. Our review expands on this point further and also on our other findings. ONS has tried to tackle the limitations around data on highly mobile groups such as students and have acknowledged that there are issues.

As we have outlined in our letter to ONS, we feel that ONS did not adequately consider your concerns and more needs to be done to investigate the root and scale of the issue associated with students and outward migration. We expect ONS to report back to us with its plans for addressing our findings in July 2021. Our review recommends that ONS should work with you as it continues to develop new population estimates through its transformation programme.

Yours sincerely



Ed Humpherson
Director General for Regulation



Office for
Statistics Regulation

Review of population estimates and projections produced by the Office for National Statistics

May 2021

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The role of the Office for Statistics Regulation

As an independent UK-wide regulator, we are in a unique position to take a broader look at issues of importance to society and to make the case for improved statistics across organisation and Government boundaries. This is supported by our ability to convene, influence and highlight best practice from other sectors.

This review forms part of our programme of systemic reviews which, underpinned by the [Code of Practice for Statistics](#), are aimed at driving improvements in the public value provided by official statistics.

We want to ensure that statistics provide a robust evidence base for national and local policy development and decision making. We champion the need for statistics to support a much wider range of uses, including, by charities, community groups and individuals. They should allow individuals and organisations to reach informed decisions, answer important questions, make the case for change or hold government to account.

Foreword

Estimating the UK's population is not straightforward. It involves taking the figures from the last Census, and updating them for births, deaths, and migration. At the local level, there are complicating factors because the migration that is of interest is not just of people leaving the UK or coming to the UK, but also people moving from one place to another inside the country.

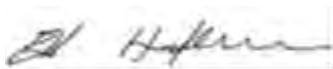
So ONS's population estimates are challenging to produce, relying on a range of assumptions about how people move into, from and within the UK.

The ONS's population estimates are also important. They provide insight into the size and location of the UK's population – important in itself; but the estimates also feed into a range of other data sets, like household projections – and these in turn inform important operational and policy decisions.

In the light of these two characteristics of difficulty and importance, we conducted our review to consider whether ONS's estimates and projections can always bear the weight that is put on them.

We found that ONS is taking a sensible approach, particularly at the national level, drawing on its own expertise and that of external experts. It conducts a very wide range of engagement activities to keep users informed about the statistics. The estimates are highly regarded, but there is a risk that ONS misses the bigger picture of what the population data inform and is not regularly sense checking what it does against local insight. Part of this sense checking involves drawing on the challenges from users in different parts of the country – in effect, for ONS to be open to the insights that come from people who say “those figures don't reconcile with what we see in our area”. That is not to say that the insight should be taken without question. We are simply urging a creative conversation that regards this sort of feedback as useful intelligence to help sense check and quality assure the ONS estimates.

In short, then, we conclude in this review that ONS needs to build on what it does already and enhance its approach in three ways: improve methods; enhance communication; and embrace challenge.



Ed Humpherson

Director General for Regulation

Executive summary

Introduction

- ES.1 Our review was initiated in response to concerns raised with us in November 2020 regarding the population projections and mid-year population estimates for Coventry. The concerns were around the perceived inaccuracies of the population estimates on which the household projections and subsequent housing need are based.
- ES.2 The population estimates and projections are important data with implications for many other statistics and which influence decision making by individuals, national and local governments. The projections feed into local planning decisions which can have a long-term commitment and therefore the impact of issues can have far reaching consequences.
- ES.3 It is not within our remit to regulate operational decisions made by government or local authorities, nor to form a judgement on decisions about government policy. Our review focused on the population estimates and projections in the context of the principles in the Code of Practice for Statistics.

What we found

- ES.4 ONS collaborates with a range of experts to determine the methods, data and assumptions which underpin the population estimates and projections. Its approach is generally seen as fit for purpose and is highly regarded internationally. One area of challenge has been migration, where there are limitations in the data available. ONS has sought to address this challenge by introducing some methodological fixes, such as the way students leaving university are identified. However, more needs to be done to investigate the root and scale of the issue associated with students and outward migration.
- ES.5 ONS has a number of methods for quality assuring the statistics, including deep dives, triangulation of data it holds and comparisons against historic data. ONS developed a range of variant projections to cater for the different uses of the data. We recommend that ONS develops case studies of how these variants are being used in practice to support their use more widely, as some users were unclear on which variants would best cater to their needs.
- ES.6 ONS engages regularly with experts, academia, and other users, and participates in relevant events and conferences. We found that while ONS is good at sharing its work outwardly, there is room for improvement in the way it takes on board feedback and handles challenge. We would like to see ONS be more open and responsive to issues when they first arise and view challenge as an opportunity to improve outputs and not a criticism of its approach. We recognise that ONS is balancing competing priorities, but a more open and constructive approach to responding to user feedback would create opportunities for ONS to continually improve the population estimates and projections, and ensure users feel listened to.

Recommendations

ES.7 We have identified a number of actions for ONS to take in response to our findings. These are provided in more detail later in this report and are summarised below.

Improving methods

- ONS needs to investigate the root and scale of the issue associated with cities with large student populations and communicate its findings publicly, to support the appropriate use of the existing data.
- ONS needs to integrate a more flexible and responsive approach to methodological changes in its design for admin-based population estimates, working with its external partners, so that improvements are more timely.
- ONS should collaborate with others to incorporate local insight and carry out sensitivity analysis to enhance its approach to quality assurance.

Enhancing communication

- ONS should be open with users about its short-term solution to bridge the gap of migration data until the administrative data alternative is fit for purpose and ready to use.
- ONS should provide more specific guidance on interpreting the levels of uncertainty associated with the population estimates and projections, to help support the appropriate use of the statistics.
- ONS should develop case studies of where the variant projections have been used in practice and beneficial to users, to support their use more widely.

Embracing challenge

- ONS should take a more open and constructive approach to responding to user feedback, by improving its complaints procedure and viewing challenge as an opportunity to improve the statistics and outputs.
- ONS should collaborate with experts to frame the statistics for different audiences and scenarios.

Next steps

ES.8 We expect ONS to reflect on our findings when developing its new admin-based approach to population estimates and projections. ONS should report back to us in July 2021 with its plans for addressing our recommendations. Further check points to discuss progress against plans will be arranged in the second half of the year.

ES.9 To support the delivery of the recommendations, ONS should focus on determining whether the issues raised here have an impact on other official statistics. We would encourage ONS to engage with the devolved administrations, through its existing working level partnerships, to assess how the issues concerning students and emigration may impact their estimates and projections.

Introduction

Scope of this review

- 1.1 Our review was initiated in response to concerns raised with us in November 2020 regarding the population projections and mid-year population estimates for Coventry. The concerns were around the perceived inaccuracies of the population estimates on which the household projections and subsequent housing need are based. Upon announcing our review, we received further concerns from a number of other areas with related concerns.
- 1.2 While we investigated the concerns raised with us as part of our review, we also considered whether the methods and approaches are as good as they can be, and to what extent the estimates and projections can bear the weight put on them where they are used in decision making, in line with the principles set out in the [Code of Practice for Statistics](#). It is not within our remit to regulate operational decisions made by government or local authorities, nor to form a judgement on decisions about government policy.
- 1.3 Our review is based on [national and subnational mid-year population estimates for England](#) and the biennial [national](#) and [subnational population projections for England](#).
- 1.4 Some of the concerns we received related to the way population estimates feed into the household projections from which housing need is determined. We took the decision to focus our review on population estimates and projections, as an underlying source for household projections, to understand in the first instance whether the concerns raised with us affect other areas or other policies beyond house building.
- 1.5 To inform our review, we carried out interviews and focus groups with individuals with an interest in or experience using population estimates and projections. This approach ensured that we obtained the views of a wide range of users from differing backgrounds. These meetings took place between February and March 2021. A list of users we engaged with is provided in Annex A.

The statistics

- 1.6 The population estimates and projections are important data with implications for many other statistics as they are used for weighting or as a denominator. For example, labour market statistics are based on sample surveys that use the population estimates to be scaled up for the population. The projections feed into local planning decisions which can have a long-term commitment and therefore the impact of issues can have far reaching consequences.
- 1.7 The population estimates and projections for England and Wales, at national and subnational levels, are a long-standing set of data produced by ONS. The subnational mid-year population estimates for England and Wales are calculated first and the national estimates are produced by aggregating the

subnational estimates. The estimates are produced annually in June and are initially rebased following a census year and then the component parts of births, deaths and migration are rolled forward each year by applying [the cohort component methodology](#).

- 1.8 The population estimates then act as the starting population for producing the population projections. Projections for successive years are produced by taking the starting population for each age and then accounting for net migration, births and deaths for each onward year projected. Again, the subnational population projections take the mid-year population estimates as the starting point and for the principal projection, data for the preceding five years are used. The principal projection is the headline figure presented in the main statistical bulletin and analysis. ONS also produces several variant projections which are based on differing underlying assumptions to the principal projection. The projections based on these trends are then constrained to the totals used in the principal population projections for England.

Wider Context

- 1.9 In March 2014, the [National Statistician recommended](#) that the census in 2021 should be predominantly online, making increased use of administrative data and surveys to both enhance the statistics from the 2021 Census and improve statistics between censuses. The government's response to this recommendation was an ambition that censuses after 2021 will be conducted using other sources of data. In 2023, ONS plans to present its recommendations to government as to the future of census arrangements, in the light of the progress that has been made in switching to an [Administrative Data Census](#).
- 1.10 As part of this ambition for an admin-based approach, the ONS has been working to transform its population and migration statistics more broadly. The current population system is heavily reliant on the decennial census which affects the quality of population estimates as we move further away from the census year. Using its data-sharing powers through the Digital Economy Act 2017, ONS has been progressing research into how it can bring a range of government data sources together to build an integrated system for measuring population and migration.
- 1.11 This report has been completed within this period of change and development for ONS, with the timing also coinciding with the Census in England and Wales. The 2021 Census will provide ONS with a refreshed foundation to estimate from and may lead to some estimates from the past decade being rebased. As such, our recommendations have been written with a forward look. ONS should consider our findings in respect of its plans for future migration and population statistics and consider if our findings around its approach to user engagement and feedback may have a wider impact across ONS as a whole.

What we found

Quality

ONS takes a sensible approach to measuring the population

- 2.1 The methodology documents published by ONS on the population estimates and projections, at both the national and subnational levels, are very detailed and informative. They include information on how the estimates and projections are derived and record any changes that have been made to the methodologies. The impact of these and details of data sources used for quality assurance purposes are also documented.
- 2.2 At the national level, we consider the approach taken by ONS to produce population estimates and projections is fit for purpose. The choice of methods, data and assumptions has been supported by expert advice from demography and academic partners. The methods are viewed by demographers and statisticians as strong internationally and ONS is seen as being at the forefront of addressing the complex challenge of measuring the population, in the absence of a national identification register.
- 2.3 At the subnational level, it is widely understood by users that the accuracy of the estimates will be variable due to factors such as the size and mobility of the population in a given area. We found that in some smaller cities that had a large student population, the population estimates did appear to be inconsistent with, and potentially higher than, local evidence suggests. ONS's population estimates team recognises that areas with high population churn are harder to estimate and it has introduced a number of methodological changes, which are detailed later in this report, aimed at mitigating this issue. However, these fixes do not appear to have fully addressed the perceived overestimation of these groups in some areas.
- 2.4 The mid-year population estimates (MYE) are produced annually and the population projections once every two years. Following each decennial Census, the estimates are rebased to be in line with the Census population estimates so at this point they are at their most reliable. Each year thereafter, the cohort component method is applied to roll forward the estimates, taking account of the three base components of births, deaths and migration. Whilst the Census provides the most complete data on the population, the timeliness of the data affects the quality of estimates in the interim years and there are known coverage issues for some groups such as young men and those in houses of multiple occupancy.
- 2.5 ONS works with expert partners to review and update the assumptions which underpin the methods used to produce the population estimates and projections. Where assumptions are made based on historic trends which do not reflect current behaviour, there is a risk that ONS builds in systematic bias by carrying through an error into the rolled forward estimates and then subsequently the projections, which compounds the effect of the error. For

example, where the female student population in an area is over-estimated, as this group is of child-bearing age, the rolled forward estimates will impact the fertility rate which further exacerbates the issue.

2.6 To ensure future population statistics are based on sound methods and suitable data, ONS's population estimates and projections team needs to:

- a. Investigate the root and scale of the issue associated with cities with large student populations and communicate its findings publicly, to support the appropriate use of the existing data.**
- b. Use its partnerships with experts to discuss the evidence provided to OSR in the review concerning the impact of assumptions being rolled forward.**
- c. Assure itself and others that concerns raised regarding the current methods are considered throughout the development of its admin-based population estimates.**

ONS has introduced a number of methodological fixes but the impact of these changes is still unclear

- 2.7 ONS's population estimates and projections team has tried to address some of the methodological challenges it faces in relation to the migration component that feeds into the population estimates, despite it being no easy feat. For example, it introduced the [Higher Education Leavers Methodology](#) (HELM) to improve estimating the internal movement of students on leaving university and a change in the modelling approach for estimating international outward migration. When the results from the 2021 Census are available, ONS can assess the impact of the steps it has taken.
- 2.8 Whenever ONS has made these changes, it has carried out a range of user engagement activities to test the approach with users. For example, it has previously run touring roadshows in an effort to talk directly to users and experts. Some users told us that previous fixes that have been made to the methodology have had unintended consequences on other areas. For example, a fix introduced for international migrants arriving in London who were previously being recorded in Westminster rather than the borough they intended to stay in, appears to have led to errors in the way international migrants are recorded elsewhere.
- 2.9 ONS told us it does consider whether there are systematic issues when it receives complaints but that it is hard to see if the impact is likely to be temporary until a few years down the line. Though it does not have a specific rule regarding the number of changes it makes, ONS told us that it aims to limit methodological changes to once per decade to prevent disrupting the time series. Whilst we understand that it would not be sensible to have too frequent changes to the methods underpinning the estimates and projections, ONS has a responsibility to prevent systematic bias being built into the

statistics and should have a more flexible approach to addressing issues where the impact is felt across a number of areas and over time.

- 2.10 The pandemic has [sharpened the focus](#) on the definitions of migration and population in these statistics, and what the population estimates and projections were designed to do. The definitions are premised on stability which has raised questions about whether they are fit for purpose in this period.
- 2.11 The pandemic and the UK's departure from the EU have both caused shocks to migration patterns in the UK. It is difficult to unpick how these shocks interplay in the data and to what extent they have individually impacted migration behaviour. The standard cohort component methodology is designed around stability but doesn't deal well with shocks to the system. ONS has been exploring this issue and is looking to communicate its work in this area with users to draw out the insights from how our understanding of population has changed during the pandemic.
- 2.12 To enhance the transparency of developments concerning the quality of the statistics, ONS should:**
 - a. Integrate a more flexible and responsive approach to methodological changes in its design for admin-based population estimates. While we appreciate that there should not be adjustments made in response to every concern raised, ONS's population estimates and projections team should work with its partners in local government, academia and across the devolved nations, so that changes are implemented in a more timely way.**
 - b. Share the insights it has gathered from the work it is doing to understand the changing nature of migration and population, as part of its transformation programme, so that users' views inform the way this work is taken forward.**

Migration data continues to be a challenge for ONS

- 2.13 We found that users generally had no issues with the source data used for births and deaths which feeds into the population estimates. However, there were some strong concerns expressed about the potential bias in the emigration data for some groups, such as international students, that are hard to count.
- 2.14 The accuracy in the internal migration (i.e. movement within England) component of the estimates can be problematic as it is largely dependent on General Practice (GP) registration data which is known to suffer from data quality issues. For students and young professionals in particular, they may not re-register with a new GP when moving to a new area until they need to use its services, or they may not re-register at all. Some individuals may also choose to register with a GP close to their work rather than their home.
- 2.15 The international migration component that feeds into the population estimates has been predominantly based on ONS data derived from the

[International Passenger Survey](#) (IPS) with additional input from administrative sources. ONS has acknowledged the limitations and weaknesses of using IPS data for international migration and continues to work to develop new and exploratory methods and data solutions to improve these statistics. This work has been expedited as the IPS was suspended in March 2020 as a result of the pandemic and no long-term migration estimates have been produced since the last publication covering long-term migration in the year ending March 2020.

- 2.16 International outward migration has historically been hard to estimate as there are few and only partial data sources which do not provide a complete picture. ONS's population estimates and projections team takes a modelling approach to estimating emigration but the outflow of people is more uncertain. This creates issues for capturing international students who return home after their studies.
- 2.17 ONS is taking a joined-up approach to tackling the challenges in measuring migration, population and the labour market during the COVID-19 pandemic. It outlined its approach to overcoming these challenges in a [blog](#) to inform users about its plans. As part of its longer-term transformation programme, ONS is looking to make greater use of administrative data to enhance these statistics but there is no quick solution to addressing this data gap. The pandemic has also created a greater time lag for some of the administrative datasets that it was intending to use for measuring migration, which were already lagged due to the nature of measuring long-term migration, and it is now exploring greater use of modelled estimates and nowcasting for migration data.
- 2.18 We are pleased to see that ONS has recently published several updates about the progress of this work, including the development of [admin-based estimates](#) and its [statistical modelling approach](#). It is positive to see ONS share its thinking and it should continue to communicate its progress in overcoming the challenges with migration data, particularly around international outward migration.
- 2.19 As ONS continues to develop its long-term plans for the future of migration data, ONS's migration team should be open with users about its short-term solution to bridge the gap of migration data until the administrative data alternative is fit for purpose and ready to use.**

ONS could think more creatively about its approach to quality assurance

- 2.20 ONS has processes in place to quality assure the data and methods used to produce the population estimates and projections. This often involves ONS's population estimates and projections team triangulating data it holds and making comparisons against previous trends. ONS receives advice from a panel of experts in the fields of fertility, mortality and migration, which helps it determine the underlying assumptions. ONS also publishes an [interactive mapping tool](#) to allow users to compare subnational population projections (SNPP) with other areas and projections.

- 2.21 The team in ONS carries out ‘deep dives’ into areas which have counter intuitive results and will use external sources to investigate the issue. For example, it sometimes uses Google Maps to look at changing street pictures or data from the [Higher Education Statistics Agency](#) (HESA) to look at changes in student numbers in a given area.
- 2.22 Although ONS does look to triangulate data sources to quality assure the estimates or to investigate issues, we found that it could be more open to local sources of information where it overwhelmingly disputes the population estimates. We acknowledge that it is not practical for ONS to do this for all areas and that one source of information will not provide a complete picture for an area. However, where substantial local evidence points to a trend contrary to the population estimates, this should be investigated as a priority during the quality assurance process.
- 2.23 The systems which ONS is working with enable it to carry out sensitivity analysis. We found that the [Greater London Authority](#) (GLA), who conduct their own analysis of population estimates and projections, make good use of sensitivity analysis to understand the impact of different assumptions and scenarios and publish the results. We would encourage ONS to enhance its approach to quality assurance by carrying out and publishing relevant sensitivity analysis.
- 2.24 To enhance its approach to quality assurance, ONS’s population estimates and projections team should:**
- a. Collaborate with others to learn from best practice – for example learning from demographers and the Greater London Authority who produce their own estimates and projections.**
 - b. Incorporate local insight and evidence as part of its deep dives and investigations into issues.**
 - c. Run sensitivity analyses to accompany the existing estimates and explain to users how these analyses should be interpreted.**

ONS has taken steps to communicate uncertainty

- 2.25 ONS’s population estimates and projections team has made a concerted effort to communicate the statistical uncertainty of the population estimates and projections, including presenting confidence intervals and caveats. It also publishes a range of variant projections, which are explained in more detail in the next section of this report, to provide an indication of the ‘fan of uncertainty’ around its assumption setting.
- 2.26 Despite this, the language used to describe the statistics, for example ‘the number of women **has** increased by’ rather than ‘is **estimated to have** increased by’, and lack of rounding in the figures implies a precision that doesn’t exist and can therefore be interpreted as an exact figure rather than a central estimate.

- 2.27 We found that ONS could do more to interpret the uncertainty for non-analytical users to highlight the robustness of the data for practical uses. For the projections in particular, there should be clearer guidance on the uncertainty or ‘shelf-life’ of different length trajectories so that decision makers can determine the appropriate projections to use to inform longer term strategies.
- 2.28 The effects of the pandemic and the UK’s departure from the European Union are challenging for population statistics. ONS’s population estimates and projections team is currently collaborating with international colleagues to share insights and explore the best way forward in dealing with these challenges.
- 2.29 To support users’ understanding of the uncertainty associated with these statistics, ONS’s population estimates and projections team should:**
- a. Research and implement additional ways to communicate the uncertainty around the population estimates and projections, beyond the use of confidence intervals and variant projections.**
 - b. Provide more specific guidance on interpreting the levels of uncertainty associated with the statistics, to help users understand the appropriate use of the statistics for short-term planning compared with longer-term planning.**

ONS produces a range of variant projections to meet the range of user needs for population projections

- 2.30 ONS produces a range of variant population projections in addition to the principal projections. These variant projections are based on different assumptions of future fertility, mortality and migration which users find helpful as it allows them to select the projection which most suits their needs for the context which they are working in. These variants also provide projections which are based on different lengths of historic data so that users can benefit from the trend length which suits their purposes for the projections.
- 2.31 ONS’s recent publication on [Early Indicators of UK Population](#) gave more prominence to the effects of applying different migration variant projections in light of the COVID-19 pandemic. This was a useful way of presenting and communicating the different scenarios to users.
- 2.32 For the internal (within-England) migration component needed for the SNPPs, the variants are also based on the number of years used for the base period. Previously, ONS used the latest five years of records as the basis for its principal projection but changed in the most recent projections to the latest two years of data and also released a 5-year and a 10-year-based alternative. To illustrate, a projection that has been produced using 5 years of past trend data will be less suitable for making planning decisions for the forthcoming 15 to 25 years than one that has 10 years or even 25 years of historical trend. The more years of past trend data that are included, the more stable the

projection for future local planning needs. However, there will be other situations where a projection based on 5 years of past data will be suitable.

- 2.33 The pros and cons of switching from a 5-year to 2-year base for the principal projections are likely to vary depending on the use to which they are put. ONS suggested that the latest 2 years might better represent the future as the latest methodological changes are included but suggest that users should refer to the variants if this was felt not to be the case.
- 2.34 ONS's population estimates and projections team told us that its approach to producing the variant projections is customer led and the team offers advice on how to use them. While users we spoke to told us that they find the sub-national variant projections useful, we found that those involved in local planning decisions lack the confidence to use the variant projections as they are not seen as carrying the same weight as the principal projection. At the Local Authority level, the process for using the SNPPs is built around using the principal projection. There is also a reluctance to use the variant projections where there are known issues in the underlying population estimates, for example the overestimation of students, as this can lead to the variant projections presenting implausible scenarios.
- 2.35 Some users also told us that it would be beneficial to have projections which are based on more than 10 years' worth of data, as some government departments deliver projects with up to 25-year timescales that would benefit from a longer trajectory – for example transport planning.
- 2.36 ONS has recently announced its [plans for 2020-based interim national population projections \(NPPs\)](#) following a consultation to assess user need. The UK Census Committee (UKCC) decided that, in order to meet user needs identified through this consultation and to support the forthcoming State Pension Age Review, a principal national population projection only will be published for each UK constituent country and for the UK as a whole, with no variant projections.
- 2.37 The feedback from users particularly on variants will be valuable beyond decision making for the 2020-based NPPs and ONS should consider how it feeds these through to its plans for future developments.
- 2.38 To maximise the use of the variant projections, ONS's population estimates and projections team should expand on the support it gives users to illustrate where the use of these alternative projections may be beneficial and develop case studies of where they have been used in practice.**

Value

Users feel ONS's data cannot be challenged and ONS could be more open in its approach to responding to user feedback

- 2.39 ONS's population estimates and projections team engages regularly with experts in demography and subject matter experts for the components which underpin the population estimates. The team attends biannual Central and Local Information Partnership (CLIP) meetings with local authority users, and also engages with the UK Population Theme Advisory Board. The team remains alert to emerging interests through engagement with social media, newsletters and through participation at relevant population statistics events and conferences such as those run by the British Society of Population Studies.
- 2.40 ONS has convened several user groups for migration statistics, including an expert group made up of key technical experts in the migration field, and a Government Statistical Service steering group made up of senior representatives from relevant government departments. These groups provide ONS an opportunity to test its research, provide challenge and steer developments for migration statistics.
- 2.41 Where issues have been raised about the statistics, ONS has offered meetings with these users, to listen to their views and explain how the statistics are produced. It told us that it engages fully with all correspondence relating to complainants until the issues are resolved.
- 2.42 However, there seems to be a disconnect in how much ONS feels they have supported users and how well users feel listened to. We found that the way ONS engages can at times be perceived as ONS being selective in its choice of points to respond to and that the engagement can become closed if ONS feels it has already addressed the concerns elsewhere.
- 2.43 Users do not feel there is a reasonable process to challenge the estimates even when presenting local administrative data to illustrate their points. While we acknowledge the competing priorities that ONS must balance, inviting and responding to external scrutiny is an important way for ONS to improve its work. ONS could do more to involve local decision makers in the production of the statistics so that they can aid understanding and provide insight which may be useful for enhancing the methodology.
- 2.44 To ensure the statistics remain relevant to users, ONS's population estimates and projections team should:**
- a. Take a more open and constructive approach to responding to user feedback by improving its complaints procedure and viewing challenge as an opportunity to improve the statistics. A fully open approach will help ONS demonstrate its commitment to user**

engagement and ensure a range of perspectives are fed into the development of the statistics.

- b. Reflect and learn from its experience of challenging user engagement and identify potential solutions and best practice from the [User Engagement Strategy for Statistics](#).**

ONS needs to be a vocal advocate of using these statistics appropriately to serve the public good

- 2.45 The population estimates are vital and have a very widespread use in non-Census years. They are used for weighting or as the denominator in the production of many other statistics, and they feed into the population projections that are in turn used for many aspects of local planning.
- 2.46 There is a potential risk to other statistics that use the population estimates if a systematic bias in the estimates (even if one segment of the population) is relevant for a particular topic area. A second issue comes from the nature of the method for disaggregating the national level to local areas, when the disaggregated data are constrained to match the national level, inherent biases in the data could lead to skewed local area data.
- 2.47 Where the estimates for some Local Authorities might not reflect the local situation well enough, it can have a knock-on effect well into the future. This issue is compounded by the fact that most planning policies are designed around having one figure to reflect need and do not take into account the uncertainty of that figure. We heard from users that there is a lack of analytical resource within most Local Authorities to question the figures and therefore the principal estimates and projections are interpreted as precise and not open to challenge. This can lead to local planning interventions being mismatched with local needs.
- 2.48 The population projections inform the household projections. The Ministry of Housing, Communities and Local Government (MHCLG) made a policy decision to specify that Local Authorities use 2014 household projections as part of the standard method for calculating housing need, rather than the more recent 2018 household projections produced by ONS. This means any methodological changes made by ONS to improve the population estimates since 2014 are not reflected in the statistics which inform housing need. For some Local Authorities, this means the over-estimation of population in certain age groups is driving policy targets in a different direction to local priorities.
- 2.49 ONS produces statistics with integrity and impartiality, in line with the Code of Practice for Statistics. It is not the role of ONS to regulate how the statistics are used to inform policies, but it is its role to advocate for the appropriate use of the data. ONS must take responsibility for ensuring the strengths and limitations of the statistics can be appropriately understood by those who intend to use them, particularly where the use of the statistics may have significant long-term impacts on those affected by the policy. We recognise

that ultimately ONS cannot control the decisions of policy makers but ONS should be vocal in speaking up against those who choose not to use the most up to date and comprehensive figures, where there is not a reasonable argument for them to do so.

- 2.50 To increase the public value of these statistics and support their use, ONS's population estimates and projections team should:**
- a. Carry out user engagement to understand who is using the data and for what purposes. Through this, it should promote the appropriate use of the data.**
 - b. Collaborate with experts to frame the statistics for different audiences and scenarios, presenting appropriate use cases of the data.**

Trustworthiness

ONS is seen as a capable and informed statistics producer

- 2.51 ONS is seen as a credible and reliable statistics producer, whose methods are robust and highly regarded internationally. At the local authority level, this means the estimates are sometimes seen as "fact" rather than estimates, and the level of uncertainty associated with them is not sufficiently considered. This relates to our findings around the wider lack of understanding of how to interpret uncertainty.
- 2.52 ONS could be more transparent about its approach in dealing with challenge around the population estimates and projections, as we have set out earlier in this report.
- 2.53 We do not have any recommendations concerning the Trustworthiness pillar of the Code.

Summary of recommendations

- 3.1 We have identified a number of actions that we would like ONS to take in response to our findings. These are set out below.
- 3.2 To ensure future population statistics are based on sound methods and suitable data, ONS's population estimates and projections team needs to:
 - Investigate the root and scale of the issue associated with cities with large student populations and communicate its findings publicly, to support the appropriate use of the existing data.
 - Use its partnerships with experts to discuss the evidence provided to OSR in the review concerning the impact of assumptions being rolled forward.
 - Assure itself and others that concerns raised regarding the current methods are considered throughout the development of its admin-based population estimates.
- 3.3 To enhance the transparency of developments concerning the quality of the statistics, ONS should:
 - Integrate a more flexible and responsive approach to methodological changes in its design for admin-based population estimates. While we appreciate that there should not be adjustments made in response to every concern raised, ONS's population estimates and projections team should work with its partners in local government, academia and across the devolved nations, so that changes are implemented in a more timely way.
 - Share the insights it has gathered from the work it is doing to understand the changing nature of migration and population, as part of its transformation programme, so that users' views inform the way this work is taken forward.
- 3.4 As ONS continues to develop its long-term plans for the future of migration data, ONS's migration team should be open with users about its short-term solution to bridge the gap of migration data until the administrative data alternative is fit for purpose and ready to use.
- 3.5 To enhance its approach to quality assurance, ONS's population estimates and projections team should:
 - Collaborate with others to learn from best practice – for example learning from demographers and the Greater London Authority who produce their own estimates and projections.
 - Incorporate local insight and evidence as part of its deep dives and investigations into issues.
 - Run sensitivity analyses to accompany the existing estimates and explain to users how these analyses should be interpreted.

- 3.6 To support users' understanding of the uncertainty associated with these statistics, ONS's population estimates and projections team should:
- Research and implement additional ways to communicate the uncertainty around the population estimates and projections, beyond the use of confidence intervals and variant projections.
 - Provide more specific guidance on interpreting the levels of uncertainty associated with the statistics, to help users understand the appropriate use of the statistics for short-term planning compared with longer-term planning.
- 3.7 To maximise the use of the variant projections, ONS's population estimates and projections team should expand on the support it gives users to illustrate where the use of these alternative projections may be beneficial and develop case studies of where they have been used in practice.
- 3.8 To ensure the statistics remain relevant to users, ONS's population estimates and projections team should:
- Take a more open and constructive approach to responding to user feedback by improving its complaints procedure and viewing challenge as an opportunity to improve the statistics and outputs. A fully open approach will help ONS demonstrate its commitment to user engagement and ensure a range of perspectives are fed into the development of the statistics.
 - Reflect and learn from its experience of challenging user engagement and identify potential solutions and best practice from the User Engagement Strategy for Statistics.
- 3.9 To increase the public value of these statistics and support their use, ONS's population estimates and projections team should:
- Carry out user engagement to understand who is using the data and for what purposes. Through this, it should promote the appropriate use of the data.
 - Collaborate with experts to frame the statistics for different audiences and scenarios, presenting appropriate use cases of the data.

Next steps

- 4.1 We expect ONS to reflect on our findings when developing its new admin-based approach to population estimates and projections. ONS should report back to us in July 2021 with its plans for addressing our recommendations. Further check points to discuss progress against plans will be arranged in the second half of the year.
- 4.2 To support the delivery of the recommendations, ONS's population estimates and projections team should focus on determining whether the issues raised here have an impact on other official statistics. We would encourage ONS to engage with the devolved administrations, through its existing working level partnerships, to assess how the issues concerning students and emigration may impact their estimates and projections.

Annex A – User engagement

Our review was based on desk research of published material as well as written submissions we received from users. We also carried out stakeholder engagement in the form of interviews and focus groups. We spoke to users from a range of different backgrounds including:

- ONS statisticians working on population statistics
- ONS statisticians working on migration statistics
- Home Office statisticians working on migration statistics
- Statisticians in the Ministry for Housing, Communities and Local Government
- Representatives from the Countryside Charity - Campaign to Protect Rural England (CPRE)
- Representatives from several local areas including Guildford, Greater London, Oxfordshire, Warwickshire and the Wirral. These representatives had a range of backgrounds from town planning to working in local government.
- Opinions Research Services
- Population specialists in academia
- Expert demographers

**Revised Submission Fareham
Borough Local Plan 2037: Regulation
19 Consultation (June 2021)**

Representations Submitted on behalf of:



**Policies:
H1, HA1 and HP4**

WBP REF:7619

JULY 2021



Woolf Bond Planning
Chartered Town Planning Consultants

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APPENDICES

1. Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021)
2. Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020)
3. Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054
4. Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031)
5. Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344);
6. Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431)
7. Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119)
8. Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015)
9. Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185)
10. Report to Planning Committee on 17th March 2021 (LPA Ref: P/18/0756/OA)
11. Update Report to Planning Committee on 17th March 2021
12. Decision Notice for P/18/0756/OA (18th March 2021)
13. Highways Statement for an Appeal in relation to P/18/0756/OA (Hydrock)
14. Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021)

1. INTRODUCTION

- 1.1. Our clients [REDACTED] own land between and to the rear of 56-66 Greenway Lane, Warsash (SHLAA Site Ref: 1263).
- 1.2. The Site has been promoted through earlier stages of the Local Plan process as part of the wider HA1 allocation of land to the north and south of Greenaway Lane, Warsash.
- 1.3. This reflects the sustainability credentials of the Site as a location for housing growth adjoining the acknowledged suitability of Warsash, as indicated in the Council's SHELAA.
- 1.4. Whilst our clients support the allocation of the Site for housing, they have a number of objections to the soundness of the Plan that need to be addressed through modifications prior to its submission to the SoS for examination or by means of proposed modifications as part of the examination process.

2. REPRESENTATIONS AND SUPPORTING INFORMATION

2.1. Our comments upon the various draft policies and proposals are set out below and are accompanied by the following Documents:

- Duly Completed Response Form.
- Inspector's Report into Examination of the Tonbridge & Malling Local Plan (7th June 2021) (**Appendix 1**)
- Inspector's Report into Examination of the Sevenoaks Local Plan (2nd March 2020) (**Appendix 2**)
- Sevenoaks DC v Secretary of State for Communities, Housing & Local Government [2020] EWHC 3054 (**Appendix 3**)
- Land adjacent to 'The Navigator', off Swanwick Lane, Lower Swanwick – allowed on 20th January 2015 (Ref APP/A1720/A/14/2220031) (**Appendix 4**)
- Land north of Cranleigh Road and west of Wicor Primary School, Portchester – allowed on 14th August 2017 (Ref APP/A1720/W/16/3156344) (**Appendix 5**);
- Sawmills Industrial Park, Wickham Road, Fareham – dismissed on 10th September 2018 (Ref APP/A1720/W/17/3192431) (**Appendix 6**)
- Land east of Posbrook Lane, Titchfield – dismissed on 12th April 2019 (Ref APP/A1720/W/18/3199119) (**Appendix 7**)
- Land east of Dowend Road, Portchester - dismissed on 5th November 2019 (Ref APP/A1720/W/3230015) (**Appendix 8**)
- Land at Newgate Lane (North & South), Fareham – dismissed on 8th June 2021 (APP/A1720/W/20/3252180 & 3252185) (**Appendix 9**)
- Report to Planning Committee on 17th March 2021 (LPA Ref: P/18/0756/OA) (**Appendix 10**)
- Update Report to Planning Committee on 17th March 2021 (**Appendix 11**)
- Decision Notice for P/18/0756/OA (18th March 2021) (**Appendix 12**)
- Highways Statement for an Appeal in relation to P/18/0756/OA (Hydrock) (**Appendix 13**)
- Housing Land Supply SoCG for an appeal at Romsey Avenue, Fareham (8 July 2021) (**Appendix 14**)

2.2. Our clients' representations upon the Draft Local Plan can be summarised as relating to the following:

Policy	Representation
Policy H1 – Housing Provision	Objection
Policy HA1 – North and South of Greenaway Lane	Objection
Policy HP4 – Five-year Housing Land Supply	Objection

3. OVERARCHING POSITION

- 3.1. We have a strong belief in the principle of the plan-led system and in setting out our representations upon these polices, we hope to be able to work with the Council between now and the formal submission of the Revised Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

- 3.1. We have considerable experience and expertise in dealing with and realising development schemes through the planning system. In this context, a principal constraint to the timely delivery of housing is the way in which policies for the allocation of sites have been formulated.

- 3.2. Local Plans must be capable of delivering from the point at which they are adopted. This means scrutinising the policy wording to ensure the Plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Councils to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to over burden and/or stifle sustainable and appropriate development.

- 3.3. In this instance, the draft Local Plan needs to be amended in order to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance. This therefore indicates that the Plan must seek to deliver the minimum of 10,738 dwellings between 2021 and 2039 rather than at least 9,560 dwellings from 2021 to 2037 as currently envisaged.

- 3.4. To address this requirement for additional homes, we contend that further land should be allocated alongside increasing the expected contribution from the land controlled by our clients.

- 3.5. The representations also highlight a failure of the plan as currently drafted to contribute sufficiently towards addressing the acknowledged unmet needs of

neighbouring authorities and the allocation of further land alongside increased densities will contribute to resolving this issue.

- 3.6. We also advocate other revisions to the Draft Submission Local Plan to ensure it is consistent with the evidence base prepared by the authority.
- 3.7. We are concerned to ensure that the Local Plan is robust, and it is in this context that we set out our representations.

4. THE NPPF TESTS OF SOUNDNESS

- 4.1. Section 3 of the NPPF (July 2021) sets out the principal components to be included in Local Plans.
- 4.2. Paragraph 35 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 4.3. A positively prepared plan provides a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other Authorities so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.
- 4.4. In order to be justified, the Revised Draft Submission Local Plan must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 4.5. Effective means the document must be deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.
- 4.6. The Local Plan should seek to meet the Council’s full housing need. However, we have concerns regarding the rationale for and robustness of the housing numbers the Council is seeking to accommodate within the Revised Draft Submission Local Plan. We also have concerns regarding the appropriateness certain of the proposed allocations and their ability to contribute towards meeting the Borough’s identified housing need.
- 4.7. For the reasons set out in these representations there are several shortcomings with the Plan, as currently drafted, that result in the need for amendments.
- 4.8. These amendments relate to the need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.

5. POLICY H1: HOUSING PROVISION

Representations

The Housing Requirement and Plan Period - Robustness of Supply

- 5.1. Policy H1 indicates that the Local Plan must accommodate land for at least 9,560 dwellings over the period 2021-2037.
- 5.2. Table 4.1 of the Revised Draft Local Plan details the derivation of this housing requirement through determining the area's minimum Local Housing Need consistent with the NPPF.
- 5.3. Although we acknowledge that the minimum local housing need when calculated using the approach detailed in the Guidance, we dispute the reasonableness of the expected Plan period and its consistency with the obligation to provide strategic policy for at least 15 years post adoption¹.

Housing Needs of Neighbouring Authorities

- 5.4. Paragraph 60 is clear that in determining an areas' housing need, account should be taken of any requirements which cannot be addressed by neighbouring authorities.
- 5.5. The Council's Duty to Co-operate (DtC) Statement summarises the discussions and engagement that the authority has had with other bodies pursuant to the Duty to Co-operate.
- 5.6. The DtC Statement is clear that the City of Portsmouth has identified clear challenges for the authority to meet its housing needs.

¹ NPPF, paragraph 22