
**Examination of the Submitted Fareham
Borough Local Plan**

STATEMENT FOR:

MATTER 2 – DEVELOPMENT STRATEGY

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On behalf of:

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Executive Summary

Foreman Homes Ltd (“FHL”) have a controlling interest in various sites within Fareham, including those with permission, those granted at appeal¹, sites currently at appeal, sites allocated for development in the submission Local Plan and those not proposed to be allocated.

The Plan fails to plan for sufficient housing growth (in terms of the overall housing target in Policy H1) and places undue reliance upon the delivery of housing from Welborne (which has failed to deliver at the rates previously suggested by the Council). and Additional site allocations should therefore be identified, including through reserve site allocations.

FHL’s objections may be summarised as follows:

- The Plan is **not positively prepared** in so far as the proposed strategy for growth will fail to deliver the identified housing need for a minimum of 10,197 dwellings during the period 2021 to 2038.
- The Plan is **not justified** having regard to the approach envisaged to maintain a rolling five year supply of housing land and/or in relation to the approach to the allocation of sites for housing, such that it cannot be said to provide the most appropriate strategy when considered against the reasonable alternatives.
- The Plan is **not effective** and will fail to provide a five year supply of deliverable housing land on adoption and nor will it deliver the requisite amount of housing during the plan period; when assessed against the objectively assessed housing need.
- The Plan is **not consistent with national policy** having regard to the need to ensure housing site allocations will maintain an adequate supply of deliverable housing land.

The failure to provide sufficient deliverable site allocations will serve to frustrate attempts to address key factors affecting worsening affordability and denying people the opportunity to own their own home, contrary to Government policy which is seeking to boost the supply of housing in order to address the current housing crisis.

The above changes are necessary to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF (2021).

¹ Including land south of Romsey Avenue, Portchester (PINS Ref: APP/A1720/W/21/3271412 (28 Jan 2022) (Appendix 14)

CONTEXT AND BACKGROUND

- 1.1. This Statement has been prepared by Woolf Bond Planning LLP on behalf of Foreman Homes Ltd (“FHL”), and addresses several questions posed for Matter 2 of the Hearing Sessions as set out in the Inspector’s Matters and Issues.
- 1.2. In setting out our response, we continue to rely upon the content of the detailed representations submitted on behalf of FHL in response to the Regulation 19 consultation on the revised Plan in July 2021 (as well as those representations submitted in late 2020).
- 1.3. Our answers to the questions should be read in the context of our position that insufficient deliverable and developable land has been identified in the submission Local Plan in order to maintain a rolling 5 year supply of housing land as obligated by paragraph 74 of the NPPF. The Plan would not be sound without an amendment to include additional site allocations within revised settlement boundaries².
- 1.5. This Statement details further responses to a number of the specific questions raised by the Inspector’s in their examination of the Local Plan.

² To include omission sites controlled by FHL (see the site schedule at Appendix 15)

MATTER 2: DEVELOPMENT STRATEGY (STRATEGIC POLICIES DS1-3)

Questions 1 to 5

Question 1: Does the development strategy in the Fareham Local Plan reflect the vision and strategic policies set out in the plan?

- 2.1. No.
- 2.2. Insufficient land has been identified to address the Borough's development needs (especially housing), including having regard to the importance of providing a contribution towards unmet needs of neighbouring areas, together with the wider PfSH area. To address this, further housing site allocations (together with reserve sites as outlined in the response to question 6 of Matter 4) are required.
- 2.3. Reserve sites can be brought forward quickly if there is a shortfall in housing supply against the Council's anticipated housing trajectory at any point over the Plan period. This will ensure that decisions regarding new development can remain Plan-led (paragraph 15 of the NPPF) and land is brought forward at a sufficient rate (paragraph 23 of the NPPF). Such a contingency is particularly important if the Council is relying upon complex, large sites to deliver much needed homes across the Borough.

Question 2: Is the development strategy for the location and nature of development in Fareham, justified as the most appropriate strategy for the sustainable development of the borough, when considered against the reasonable alternatives? What alternative strategies were considered by the Council in terms of options for the spatial distribution of development and why were these rejected?

- 2.4. No.

- 2.5. The High-Level Assessment in Appendix H of the Sustainability Appraisal (CD003) indicates that the Garden Community at Welborne was expected to contribute either 4,860 dwellings³ or 3,840 dwellings⁴ by 2036. However, the trajectory for Welborne (using an April 2021 base) as outlined on page 9 of the Council's HDT Action Plan (FBC008) indicates that the Garden Community is now only expected to contribute 3,310 dwellings by 31st March 2036 (increasing to 3,610 dwellings by 31st March 2037). Both these figures are marginally below the scale of contribution for Welborne envisaged in the SA during the plan period.
- 2.6. The representations to the Plan⁵ highlighted the consistently overly optimistic assumptions for delivery at Welborne. This has also been confirmed in numerous appeal decisions⁶.
- 2.7. The Council's SA has not considered alternative strategies which envisage a reduced reliance on Welborne to provide the bulk of the Borough's development, taking account the clear recognition of the overly optimistic assumptions relied upon by the Council.
- 2.8. As such, the SA has not considered any reasonable alternative which provides a reduced contribution from Welborne towards the Borough's growth.
- 2.9. Furthermore, whilst considering the potential suitability of different sites within the Borough for development, the SA has not appraised the wider benefits that increased housing and other development (including towards contributing towards unmet needs of neighbouring authorities) would have. This represents a failure of the SA process.

³ Strategic Options 1A & 1B

⁴ Strategic Options 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B & 3C

⁵ i.e. paragraphs 5.24-27 of representation on land south of Romsey Ave, Fareham

⁶ Those included as appendices 4-9 which accompanied the representation for land south of Romsey Ave, Fareham alongside the others. There is also the appeal decision of land east of Newgate Lane, included as appendix 2.

- 2.10. The Environment Assessment of Plans & Programmes Regulations 2004 (as amended) is clear (Schedule 2, part 8) that in preparing the plan, that “**An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information**”. This is consequently a legal obligation for the Local Plan.
- 2.11. The NPPF (paragraph 32) provides further guidance on this legal requirement indicating how the Sustainability Appraisal⁷ and Strategic Environmental Assessment⁸ is to be prepared and examined. The NPPF indicates that where significant adverse effects are identified, it is necessary to consider firstly mitigation measures and where this is not possible, compensatory measures.
- 2.12. The challenges resulting from the overly optimistic assumptions for delivery of Welborne indicate that alternatives should have been considered which reduced the reliance of this site to deliver the Borough’s housing and other development needs (including contributing towards unmet needs of neighbouring authorities).
- 2.13. Given the clear need for development to address the identified delays in delivery at Welborne, the SA has failed to adequately and robustly test an alternative strategy which either reduce or eliminate any identified significant adverse impacts.
- 2.14. The acknowledgement within the NPPF (paragraph 32) to “reduce” implies that an alternative strategy that gives rise to a degree of impact, as opposed to no impact, could, and should have been pursued. Secondly, NPPF (paragraph 32) also makes clear that where adverse impacts are unavoidable, those alternative strategies should not be rejected but suitable mitigation measures be considered and proposed or, where this is not possible, compensatory measures should be considered.

⁷ Required by Section 19 (5) of the Planning & Compulsory Purchase Act 2004 (as amended)

⁸ Pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)

- 2.15. There is no evidence that the SA has considered these additional steps consistent with the legal obligations and the NPPF.
- 2.16. In failing to consider reasonable alternative strategies for addressing the Borough's development needs, it has also not appraised whether these other approaches could have contributed towards meeting unmet needs from the City of Portsmouth, or the wider Partnership for South Hampshire (PfSH) area.
- 2.17. As indicated in the representation, the SA does not adequately appraise an alternative strategy with less reliance on Welborne and consequently a greater provision of smaller sites (such as the omission sites detailed in the representations).
- 2.18. The failure to adequately consider credible and obvious alternative sized sites effectively was one of the reasons why the Inspector examining the St Albans Local Plan concluded that the SA was flawed⁹. The same conclusions must therefore apply to the Fareham Borough Local Plan.
- 2.19. As the SA is to be an iterative process (as confirmed in the Regulations and Court judgements¹⁰), this inconsistency can be addressed through the examination of the Local Plan, although this is subject to the conclusions of a refined SA information the Plan which is subsequently adopted. This addressing through subsequent stages is however dependent on the reasons for rejecting alternatives to be clearly identified and justified, taking account of any changes in circumstances¹¹.

⁹ See paragraph 3 of Inspectors letter on St Albans Local Plan (appendix 1).

¹⁰ See paragraph 16 of *Save Historic Newmarket v Secretary of State & Forest Heath DC* [2011] EWHC 606 (Admin) (appendix 3), paragraph 96 of *Ashdown Forest Economic Development LLP v Secretary of State & Wealden DC* [2014] EWHC 406 (Admin) (appendix 4) and paragraph 36 of *Flaxby Park Ltd v Harrogate BC* [2020] EWHC 3204 (Admin) (appendix 5)

¹¹ See paragraph 40 of *Save Historic Newmarket v Secretary of State & Forest Heath DC* [2011] EWHC 606 (Admin) (appendix 3)

Settlement boundaries

Question 3: What is the justification for defining settlement boundaries?

- 2.20. Whilst this is a matter for the Council, for the reasons set out in our 2021 representations, additional sites should be allocated for residential development to meet the Borough's development needs (including unmet needs of neighbouring authorities) whilst seeking to maintain a rolling 5 year supply of housing land.
- 2.21. The sites proposed to be allocated and the associated settlement boundaries do not achieve these essential objectives of the Plan as specified in paragraph 74 of the NPPF.

Question 4: Has the approach to reviewing and defining boundaries followed a robust process?

- 2.22. No. See response to Question 3 above.
- 2.23. There is a need to amend the settlement boundaries to provide for additional housing allocations to meet identified housing needs as well as the anticipated slippage in the delivery rates to be achieved at Welborne.

Question 5: Will settlement boundaries, combined with other policies and allocations, enable the Plan to meet the need for housing and employment whilst providing sufficient flexibility to adapt to change?

- 2.24. No.
- 2.25. As indicated in our 2021 representations, additional sites should be allocated for residential development to meet the Borough's development needs (including unmet needs of neighbouring authorities) whilst seeking to maintain a rolling 5 year supply of housing land.

- 2.26. The settlement boundaries as envisaged do not achieve these essential objectives of the Plan as specified in paragraph 74 of the NPPF. Consequently, the boundaries as proposed, alongside other policies do not provide sufficient flexibility to adapt to change.
- 2.27. To address the inflexibility of the approach, as detailed in the representations we advocate revisions to the policies concerning development adjoining settlement boundaries (proposed policy DP4 which is an update of current policy DSP40).

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