

M7.08



TERENCE
O'ROURKE

FAREHAM BOROUGH COUNCIL LOCAL PLAN 2037
INDEPENDENT EXAMINATION
WRITTEN STATEMENT RELATING TO MATTER 7
MILLER HOMES LTD
MARCH 2022

FAREHAM BOROUGH COUNCIL LOCAL PLAN 2037
 INDEPENDENT EXAMINATION
 WRITTEN STATEMENT RELATING TO MATTER 7
 MILLER HOMES LTD
 MARCH 2022



Issue / revision	Prepared by	Sophia Goodhead
Reference 249501F	Signature	S Goodhead
This document is issued for <input type="checkbox"/> Information <input type="checkbox"/> Approval <input type="checkbox"/> Comment <input checked="" type="checkbox"/> Submission	Date	March 2022
	Checked by	Jacqueline Mulliner
Comments	Signature	J Mulliner
	Date	March 2022
	Authorised by	Jacqueline Mulliner
	Signature	J Mulliner
	Date	March 2022
	Please return by	

LONDON
 23 Heddon Street
 London
 W1B 4BQ

BIRMINGHAM
 3 Edmund Gardens
 117 Edmund Street
 Birmingham
 B3 2HJ

BOURNEMOUTH
 Everdene House
 Deansleigh Road
 Bournemouth
 BH7 7DU

TELEPHONE
 020 3664 6755

www.torltd.co.uk

© Terence O'Rourke Ltd 2022. All rights reserved.
 No part of this document may be reproduced in any form or stored in a retrieval system without the prior written consent of the copyright holder.

All figures (unless otherwise stated) © Terence O'Rourke Ltd 2022.
 Based upon the Ordnance Survey mapping with the permission of the Ordnance Survey on behalf of Her Majesty's Stationery Office © Crown Copyright Terence O'Rourke Ltd Licence number 100019980.

Terence O'Rourke Ltd Reg.
 No.1935454 Registered office
 Everdene House Deansleigh
 Road Bournemouth Dorset
 BH7 7DU Registered in England
 and Wales VAT No.905095727

Contents

- 1.0 Introduction
- 2.0 Matter 7: Housing Land Supply
- 3.0 Conclusions

1.0 Introduction

- 1.1 This examination statement is submitted on behalf of Miller Homes Ltd (MH) in respect to Matter 7 of the Fareham Local Plan 2037 examination process. The comments provided respond directly to the Planning Inspector's questions set out in the *Inspector's Matters, Issues and Questions for Examination*. The responses should be read in conjunction with the submitted examination statements regarding Matters 2, 3, 4, 6.3, 6.8 and 10 and Miller Homes Regulation 19 representations (ref: CD009 Part 1 – Page 837-870), copies of which can be re-provided on request.
- 1.2 In responding to the Inspectors' matters and questions, due regard is had to the NPPF paragraph 35 in assessing the Plan's soundness.
- 1.3 MH responded to the previous Reg 19 Submission Draft Local Plan consultation in Summer 2021, including submissions in relation to housing land supply in response to draft strategic policy H1 (Housing Provision). The previous representations remain valid, unless specifically updated with this submission and/or the agreed Statement of Common Ground (SoCG) between FBC and MH.
- 1.4 MH is promoting land to the west and east of Downend Road, Portchester, for residential development through the plan-making process, (HA56 as well as HA4 – including an extension to HA4 (SHELAA site refs: 3009, 3030, 3130)) on the basis that all three sites are sustainable, suitable and available. This is based on the evidence presented by both the Local Planning Authority (LPA) (with respect to the allocated areas) and MH (with respect to all areas), including the SoCG.
- 1.5 We are fully supportive of the HA4 and HA56 allocations. Additionally, MH is seeking an extension to the HA4 allocation, extending the allocation further northwards, to accommodate an additional 100 homes (SHELAA site 3130). This land was previously promoted by the Council as a sustainable alternative and included in the potential strategic growth area. The site's suitability for development is set out in the MH Regulation 19 consultation response (CD009 Part 1 – Page 840-847) which we would refer the Inspector so as not to repeat here.
- 1.6 An Outline Planning Application for 350 homes (ref. P/20/0912/OA) on HA4, with detailed access arrangements and provision of safe and suitable pedestrian links across Downend Road and its Rail Bridge, was allowed on appeal on 18 October 2021. A subsequent Reserved Matters application for a first phase of 180 dwellings was validated on 2 February 2022, with a target decision date of 4 May 2022. The site, including the extension land, is demonstrably in a sustainable location. An associated Outline Planning Application for improvements to Cams Bridge (ref. P/18/0001/OA), to enable direct pedestrian and cycle access to Portchester south of HA4 was approved on 3 May 2019. A subsequent Reserved Matters application was validated 28 April 2021, decision pending.
- 1.7 This examination statement responds to the Inspectors MIQs.

2.0 Matter 7: Housing Land Supply

- 2.1 The Inspector provided questions on Matter 7 in the *Inspector's Matters, Issues and Questions for Examination*. MH have previously submitted representations in relation to housing land supply in response to draft policy H1 and continue to raise issues in regard to the soundness of the Local Plan regarding this matter.

Question 1 – Is the reliance on Welborne Garden Village to deliver half of the housing requirement for Fareham justified as the most appropriate way of achieving sustainable development, the supply of new homes and the growth of the borough? If not, what are the alternatives?

- 2.2 There is clearly a significant reliance on the delivery of new homes at the Welborne Garden Village, which equates to nearly half of the housing requirement for the 16-year plan period. Specifically, Welborne accounts for 3,610 homes in the plan period and although positive progress is now being made, with outline planning permission granted in September 2021, this is a site that has already suffered from significant delays.
- 2.3 It is noted that details pursuant to condition 57 (Junction 10 of the M27 Funding Strategy) were approved on 24 November 2021, with funding now being secured for the required improvements to Junction 10 of the M27 motorway with Hampshire County Council as scheme promoters. However, reserved matter details will need to be prepared, submitted and agreed by the Council and there is an extensive list of pre-commencement conditions and details to be submitted prior to approval of the first reserved matters application that still require to be submitted and discharged. FBC's trajectory (ref. FBC001 table 5) shows first completions at Welborne in 2023/24 – a number of 30 suggesting that this would be towards the end of 2023 or early 2024, rather than a full monitoring year of completions. However, two years from outline approval to first completions, on a large and complex site is optimistic. National evidence suggests that the average time from outline decision to first dwelling completion on sites of over 500 homes is circa 3 years. Further, FBC's trajectory (Table 5) correctly shows that the highest levels of annual delivery are not expected until the medium to end of the plan period.
- 2.4 To meet the need and secure a rolling five year supply, avoiding the need for a stepped housing requirement, other deliverable and developable sites should be allocated to ensure positive and effective planning, to respond to pent up demand and meet needs when it arises. This would ensure the Local Plan is consistent with NPPF paragraph 60, which states that to significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 2.5 Although Welborne is important for housing supply over the plan period, it has been planned for well over a decade, with the Welborne Plan adopted seven years ago. It shouldn't be used as a reason to deny the allocation of other sustainable sites that have been tested against, and found to meet, the overarching distributional strategy (i.e. some of the omission sites). It should provide no justification to preclude positive and effective planning through the making of an appropriate level of sustainable housing allocations, enabling sufficient

development to come forward in the meantime and throughout the plan period on an annual basis.

- 2.6 Other sites are said, at paragraph 4.16 of the Local Plan (ref. CD001), to be expected to start delivering at the end of the five-year period. If this is the case, more land should be identified to contribute to the deliverable five-year supply.
- 2.7 The allocation of additional deliverable (on adoption of the plan) sustainable sites would likely alleviate the under delivery within the first few years of the plan period, as set out within MH response to Matter 3. In this context, and whilst now at a relatively late stage, known and tested sustainable additions should be made to the land supply in Fareham to ensure the Plan is positively prepared and effective.
- 2.8 The over reliance on Welborne for housing land supply, which FBC proposes, is unjustified given the additional sustainable sites available, that were previously promoted by the Council as sustainable alternatives (including Land to north of allocation HA4 Site ID 3130). Nothing has changed, and the current omission of these sites renders the plan unsound.

Question 2 - Does the plan provide sufficient contingency should this site be delayed? Is the 11% additional supply set out in para 4.12 adequate?

- 2.9 The level of housing provision the Revised Publication Local Plan is stated to include a contingency of 11% to address any potential slippages in delivery, with paragraph 4.12 of the Plan (ref. CD001) outlining that there are sufficient sites to provide 10,594 net new homes across Fareham Borough from 2021 up to 2037.
- 2.10 Whilst there is no definitive requirement in national policy to provide a contingency buffer within the plan, the inclusion of a buffer will help to ensure that the plan is effective and sufficiently flexible should delivery on some sites not match expectations. Indeed, the Plan highlights that the Planning Inspectorate recommend planning for a minimum of 10% additional supply but given the reliance on large sites, a more precautionary 11% is proposed. In previous drafts of the plan, the contingency had been set at 15%.
- 2.11 However, discussions in relation to matters 3 and 4 have already exposed the position that, in reality, an 11% contingency is not provided for. Instead, this contingency is being relied upon to address unmet need, affordable need (including affordable need associated with unmet need) and, potentially, a lengthened plan period, as follows.
- 2.12 The unmet need from Portsmouth (as requested by PCC to be met in Fareham) is in the order of 1,000 homes (whereas only 900 is provided for). There is also the question of unmet need from Gosport and Havant. If this additional need is confirmed in the housing requirement, as it should be, then the contingency reduces.
- 2.13 If affordable targets are to be met, there is reliance on the contingency to do so. There is no provision, or contingency allowance at the present time to meet any affordable provision associated with the unmet need from Portsmouth – all of the affordable provision to be secured under the supply will contribute (in plan terms) only to Fareham. Any such reliance on numbers should be contained within the

requirement, not a contingency (the latter being effective to 'replenish' numbers not achieved though anticipated delivery). If this additional need is confirmed in the housing requirement, as it should be, then the contingency reduces.

- 2.14 The plan period should be lengthened by at least a year (a further 545 homes). If this is confirmed in the housing requirement, as it should be, then the contingency reduces.
- 2.15 Taking just the Portsmouth and plan period factors into account (setting aside any use – whether planned for or not - of the contingency to address the unmet need from Gosport and Havant and assuming Welborne does deliver as per the FBC trajectory – extending beyond the plan period), the “contingency” is reduced by at least 345 homes (100 + (545-300)).
- 2.16 To clarify, in this scenario, the requirement would be 10,201 (9556 + 100 + 545) and the stated supply 10,894 (adding a further year of delivery from Welborne in an additional year of the plan period (2037/38) of 300). This provides a contingency of 6.8% (693 dwellings).
- 2.17 Of course, a delivery delay at Welborne of one year (as can be expected) would remove a further 300 dwellings from the contingency and reduce this to 3.8% (393 dwellings).
- 2.18 Any use of the contingency to meet other 'unmet needs' would deplete the contingency in its entirety.
- 2.19 In terms of affordable housing, FBC has confirmed (response to Matter 3 Q11) that the need is 2,948 – 3,500 homes. In answer to Q12 FBC confirms estimated delivery of 2,804 affordable homes, which still falls short of need. In order to secure the local plan contribution to this (provision of 2,708 affordable homes), then this 'relied upon' supply must be matched to (part of) housing requirement. This is because, if it is part of the requirement, it can be monitored and steps taken to redress circumstances where delivery falls short (i.e. through the granting of additional planning permissions). In this scenario, there is no contingency.
- 2.20 It is further relevant, that 10% of the larger allocations are currently intended to be self/custom build and must remain available to the market for a period of 12 months before reverting to standard developer provision. This potential for delay should be factored in and such completions cannot be relied upon in the same way and they can though standard delivery.
- 2.21 Hence the approach is far from cautionary and fails to represent positive or effective planning. The reality is, the contingency buffer is not a contingency at all but a relied upon element of the planned supply and in that sense, in fact, part of the requirement – i.e. the housing requirement to meet need, be consist with national guidance, be effective and respond positively to the plans aims and objectives. There is no contingency, and further allocations should be made to address these matters and ensure the Plan is positively prepared, justified and effective.
- 2.22 To recall some of the background (as a short footnote to the above), the NPPF (paragraph 35), states that plans should be “based on effective joint working on

cross-boundary strategic matters that have been dealt with rather than deferred". Following the submission of the Local Plan and the agreed SoCG documents between the PfSH LPAs, both the PfSH Joint Committee Report SoCG 2021 (ref. FBC002) and updated SoCG between FBC and PfSH (Ref. FBC003) were published (October 2021) and state that the current level of unmet need is some 13,000 dwellings up to 2036. This is significantly higher than the unmet need level of 10,750 dwellings identified in the 2020 SoCG.

Question 7 - What evidence is there to support the anticipated delivery rate of Welborne Garden Village? Does this adequately reflect the time it will take to bring development forward and the necessary infrastructure requirements for the site?

- 2.23 The delivery rate of Welborne Garden village is set out within the Housing Delivery Test Action Plan June 2021 (ref. FBC008) and FBC's response to the Inspector (ref. FBC001), with the latter setting out that the delivery timescales included within the housing trajectory were agreed with the site promoters and submitted to the Council by their agents. However, neither the Action Plan nor FBC's response provide clarity, or robust justification, as to how the site will be able to deliver as envisaged. Providing this certainty is a fundamental requirement to meet the definition of 'deliverable' under the NPPF.
- 2.24 For example, the developer's approach to delivery of the site is set out in the Welborne Delivery Strategy Oct 2019 (ref. FBC014). This strategy sets out Buckland Development Ltd's approach to land release, investment in infrastructure, the selection of housebuilders and the control of design and safeguarding of the vision for the site. Whilst it sets out that Buckland's Land Sale Strategy will seek to encourage offers from a mix of housebuilders, large to small, to deliver Welborne's housing over the duration of the build, there is no commitment or evidence to date to confirm how many house builders are likely to be involved and necessary to achieve (and therefore justify) the delivery rate set out, which assumes up to 300 dpa are to be delivered between 2029-2037.
- 2.25 Not only is the delivery rate currently unjustified, MH considers that the lead-in period suggested is unrealistic, with the first 30 homes expected to be delivered from next year (2023-2024). Given the marketing exercise, outstanding reserved matter details that will need to be prepared, submitted and agreed by the Council and list of pre-commencement conditions and details to be submitted and discharged prior to approval of the first reserved matters application as well as significant infrastructure, including Junction 10 of the M27 motorway, that will need to be provided first to support the new homes it is highly unlikely that the first homes will be delivered from next year.
- 2.26 Further, it appears from the Housing Delivery Test Action Plan (ref. FBC008) that FBC are to work with the developer to put in place a Design Code for the development. This Design Code has not yet been submitted and approved.
- 2.27 MH consider that the current anticipated delivery rates proposed for Welborne is unjustified by evidence and does not adequately reflect the time it will take to bring development forward, or the necessary up front infrastructure requirements for the site. Until sufficient evidence is published, there is no clarity of the delivery rates or the supply of this site across the plan period.

2.28 As mentioned in response to question 1 above, the over-reliance on Welborne for housing land supply is unjustified given the additional sustainable sites available, that were previously promoted by the Council as sustainable alternatives (including Land to north of allocation HA4 Site ID 3130). Nothing has changed, and the current omission of these sites renders the plan unsound.

Question 8 - Overall does the Plan allocate sufficient land to ensure the housing requirement of the borough will be met over the plan period? Is the average delivery of 720 homes per annum in 2028-29 and 2036-37 achievable considering past delivery in the borough?

2.29 No. As previously set out and highlighted through the debate on matters 1 – 4, there is insufficient provision resulting from:

- An unjustified approach to unmet need
- A mis-match between affordable need, requirement & supply
- An unjustified and overly optimistic view in terms of delivery at Welborne
- An unrealistic view of the level of available contingency
- An unjustified approach to HDT/HLS/stepped trajectory

2.30 Ultimately the only robust response, which would satisfy the tests of soundness and ensure an adequate rolling five-year housing land supply, would be to allocate more sites for residential development.

2.31 With regard to past delivery, the latest Authority Monitoring Report (AMR) covers the period 1 April 2020 to 31 March 2021. The report sets out at paragraph 3.4 the below table and with the exception of 2015-2016 and 2016-2017, eight of the ten years outlined in the table historically show housing completions below the initial 3 years (2021-2022, 2022-2023 and 2023-2024) of stepped requirement of 300 homes and significantly below the average delivery of 720 homes per annum in 2028-29 and 2036-37.

2.32 Similarly, housing completions within the same time period were all significantly below the average annual need of circa 541 dpa which FBC estimates is needed going forward.

2.33 Over the 10 year period there has been an average delivery rate of circa 266 dpa showing that FBC have consistently failed to meet the housing need and requirements anticipated going forward.

Year	Affordable Dwellings (net)	Total Dwellings (C3) (net)	% of Total Dwellings
2011-2012	93	275	34%
2012-2013	66	238	28%
2013-2014	41	154	27%
2014-2015	96	287	33%
2015-2016	79	371	21%
2016-2017	98	349	28%
2017-2018	54	291	19%
2018-2019	15	290	5%
2019-2020	27	285	9%
2020-2021	29	117	25%

Table 1: Housing completions from Fareham Borough Council Authority Monitoring Report 2020-2021

- 2.34 FBC's track record of housing delivery falls well short of the average delivery of homes needed within the Publication Local Plan.
- 2.32 It is clear that both housing need and requirements will likely not be met in the future. Consequently, without the release of additional greenfield sites, the stepped housing requirement will not be met.
- 2.33 The allocation of additional sustainable sites in the deliverable supply, including land to the north of allocation HA4 (site ID 3130) would help meet the housing need and target requirement going forward.

3.0 Conclusions

- 3.1 MH support the LPA's approach to progressing the Local Plan 2037 and the general need to meet the need for homes based on the Standard Method figure. However, MH considers that to ensure the Plan is sound and ensure consistency with national policy, specifically, the need to significantly boost the supply of housing, in the Plan and the five-year period, the Borough needs to allocate more sites for housing now. SHELAA site 3130 should be allocated to help boost supply and meet the requirement. There is no evidence of justification for not including this site within the Plan.
- 3.2 The total housing supply is insufficient for the reasons given above, and is unlikely on the evidence to be effective in meeting the plan objectives. MH therefore request that sustainable sites such as SHELAA site 3130 be allocated to ensure the Plan is sound, justifiable and consistent with National Policy.