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

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**STATEMENT FOR:**

**MATTER 7 – HOUSING LAND SUPPLY**

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**Prepared by:**

**Woolf Bond Planning LLP**

**On behalf of:**

**Foreman Homes Ltd**



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**March 2022**

**WBP Ref: 7671**



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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 appeal<sup>1</sup>, 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).

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<sup>1</sup> Including land south of Romsey Avenue, Portchester (PINS Ref: APP/A1720/W/21/3271412 (28 Jan 2022) (Appendix 1) and east of Posbrook Lane, Titchfield (appendix 2)

## **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 7 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 boundaries<sup>2</sup>.

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

## **MATTER 7: HOUSING LAND SUPPLY**

### **Questions 1 to 11**

#### ***General***

**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?**

#### Welborne Garden Village

- 2.1. No. It is not justified to rely upon Welborne Garden Village to deliver over half the Borough's housing supply during the plan period.
- 2.2. Table 4.2 of the Revised Submission Local Plan indicates that Welborne is expected to contribute 3,610 dwellings to the Borough's housing supply between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2037<sup>3</sup>.
- 2.3. As set out in our Regulation 19 representations (July 2021), the Council has consistently been overly optimistic in its expectations of delivery at Welborne. This continues to be the case with the Council's current assumptions which we consider further in the response to questions 6 and 7 below.
- 2.4. To compensate for a more realistic set of delivery assumptions for Welborne it will be necessary to ensure that mechanisms are in place to maintain housing supply and delivery.
- 2.5. As explored in the Hearing Sessions for Matters 1 and 3, the very significant housing need in Fareham and the unmet housing need across PfSH together with the continued failing to demonstrate a five year supply of deliverable

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<sup>3</sup> See also Appendix 1 to FBC001

housing land and the acute affordable housing need, it is essential that additional sites are allocated in the Local Plan to boost early delivery.

- 2.6. As previously explained, a stepped trajectory fails the test of soundness not least because it fails to remedy the continued delays in meeting identified development needs (contrary to PPG ID ref 68-021-20190722).

### The Alternatives

- 2.7. The alternatives could include (i) additional site allocations; and/or (ii) the identification of reserve sites (to be released based on robust monitoring).
- 2.8. The issue is the need to demonstrate both a deliverable and developable supply of housing land, to ensure a sufficient supply of homes in the Plan period.
- 2.9. As explained at the Matter 1 session, over reliance on Welborne serves to mask the issue of housing need/supply.
- 2.10. Whilst we support the intention behind HP4 (which evolves from previous policy DSP40), this of itself may serve to restrict development.

### **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?**

- 2.11. The Plan does not provide sufficient contingency should Welborne be delayed.
- 2.12. As such, the 11% additional supply should be seen very much as a minimum to provide the required flexibility, especially given the historic and ongoing overly optimistic assumptions of delivery in Fareham.
- 2.13. As set out above, our Regulation 19 representations summarise the Council's overly optimistic assumptions for delivery at Welborne (page 14).

2.14. The Council’s overly optimistic assumptions on supply (for Welborne and the Borough as a whole) have been reflected in the conclusions of numerous Inspectors for planning appeals.

2.15. The Inspectors’ conclusions in relation to the Council’s overly optimistic Council’s delivery assumptions for the Borough are stark; the findings of which are summarised in the below table.

Location	PINS ref	Appeal decision date	Borough Housing Land supply <sup>4</sup>		
			FBC	Appellant	Inspector
Land adjacent to ‘The Navigator’, off Swanwick Lane, Lower Swanwick <sup>5</sup>	2220031	20/1/15	13 years (para 25)	3 years (para 25)	3.4 years (para 62)
Land north of Cranleigh Road and west of Wicor Primary School, Portchester <sup>6</sup>	3156344	14/8/15	3.6 years (para 26)	1.9 years	Marginally over 2 years (para 26)
Land east of Posbrook Lane, Titchfield <sup>7</sup>	3199119	12/4/19	4.36 years (para 51)	3.08 years (para 51)	Cannot demonstrate 5 years (Paras 17, 51 & 52)
Land east of Downend Road, Portchester <sup>8</sup>	3230015	5/11/19	4.66 years (para 88)	2.4 years (para 88)	2.4 years (para 90)
Land at Newgate Lane (North & South), Fareham <sup>9</sup>	3252180 & 3252185	8/6/21	3.4 years (para 87)	0.97 years (para 87)	Closer to appellant than Council (Para 91)
Land at Newgate Lane East <sup>10</sup>	3265860 & 3269030	28/7/21	3.57 years (para 45)	0.95 years (para 45)	Likely to be lower but use 3.57 years as benchmark (para 45)
South of Romsey Avenue <sup>11</sup>	3271412	28/1/22	3.57 years (para 125)	0.93 years (para 125)	Considerable shortfall (para 127)
East of Posbrook Lane, Titchfield <sup>12</sup>	3254389	25/2/22	3.57 years (para 57)	0.93 years (para 57)	Substantial shortfall (para 113)

<sup>4</sup> References are to paragraphs in respective appeal decisions

<sup>5</sup> Appendix 4 with representation

<sup>6</sup> Appendix 5 with representation

<sup>7</sup> Appendix 7 with representation

<sup>8</sup> Appendix 8 with representation or FBC036

<sup>9</sup> Appendix 9 with representation or FBC030

<sup>10</sup> FBC036a

<sup>11</sup> Included as appendix 1 with statement

<sup>12</sup> Included as appendix 2 with statement

- 2.16. As explained, the above table demonstrates the long history of the Council's optimistic views of delivery over a sustained period of time.
- 2.17. The Council's response at point 8 to FBC001 refers to the "rigour" of the data they have collected on site delivery and the confidence they have about their delivery assumptions.
- 2.18. We are sceptical about the realism of these assumptions including on account of the Council's track record over the last seven years where Inspectors have consistently found the Council to be wrong on their assumptions (and by some margin). A main part of this has been upon the delivery of Welborne which has not and will not deliver at the rates envisaged by the Council.
- 2.19. This does not suggest that their current assumptions can be relied upon with any confidence.

**Question 3. The Framework in para 69a) requires that land to accommodate at least 10% of the housing requirement on sites of 1 hectare or less should be allocated unless there are strong reasons why this cannot be achieved. Paragraph 4.13 of the Plan demonstrates that for Fareham this figure is 9.4%. What is the justification for this target not being achieved?**

- 2.20. This is a matter for the Council.

**Question 4. What compelling evidence is there in accordance with paragraph 71 of the Framework that windfall sites should be part of the anticipated supply? Are the windfall projections in Table 2 of the Housing Windfall Background Topic Paper. ie. 51 dwellings on both small and large sites over the plan period justified?**

- 2.21. No. The annual allowances (initially 51dpa) are not justified.



Small windfalls (up to 4 dwellings)

- 2.22. Appendix 1 to FBC001 comprises the Council's Housing Trajectory at April 2021, indicating that small sites with permission will be delivered at 22dpa. In contrast, the windfall allowance is more than double that figure at 51dpa.
- 2.23. Although the windfall allowance is derived from the data in Table 1 of the Windfalls Topic Paper (HOP007), there is no indication of the extent that delivery since April 2019 has maintained the historic rate.

Large windfalls (5+ dwellings)

- 2.24. Whilst the Housing Windfall Topic Paper (HOP007) details the historic delivery rate (Table 1), there is no indication that the Council's inclusion of numerous sites from its brownfield register together with other sites allocated in the Plan have not reduced the pool of potential land from which this source has historically delivered. Furthermore, there is no information on the sites which the Council suggest were windfalls and subsequently can be relied upon to continue this role into the future.
- 2.25. In this context, it is not considered that a large windfall allowance should be included, due to its potential to duplicate with other sources of supply.

**Question 5. Does the Council apply a lapse rate for sites with planning permission or with resolutions to grant subject to a s106 agreement which may be delayed or do not come forward?**

- 2.26. This is a matter for the Council. However, given the historic and continuing overly optimistic assumptions for delivery as indicated in response to question 2, it is essential that a lapse rate is applied.
- 2.27. We propose the imposition of a 10% lapse rate to allow for non-implementation and/or non-delivery.

**Question 6. What assumptions have been made to inform the trajectory for the delivery of housing sites in terms of lead in times for grant of full planning permission, outline and reserved matters, and conditions discharge; site opening up and preparation; dwelling build out rates; and number of sales outlets? Are they appropriate and justified?**

- 2.28. It is for the Council to justify the assumptions for lead in times and delivery.
- 2.29. Consistent with the PPG (ID ref 3-022-20190722 and 68-007-20190722), the Council is required to provide robust evidence to substantiate its position.
- 2.30. The need for robust evidence has been confirmed in numerous appeal decisions, including Little Sparrows, Sonning Common, South Oxfordshire (Appendix 3) (paragraphs 17 to 21 refer). Of relevance is the Inspector's summary in paragraph 21 of the decision which states as follows:

**“Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute ‘clear evidence’. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.”**

- 2.31. For the Council's assumptions to be accepted, they need to demonstrate the same level of rigour as that set out above.

- 2.32. In addition, and in the context of assessing likely delivery rates, various Inspectors<sup>13</sup> have accepted the research by Lichfields in Start to Finish<sup>14</sup> as providing informed judgements on both lead in times and build out rates. This is especially important when comparing the Council's expectations of lead in times with that shown in figure 4 together with build out rates in figure 7 of the Lichfields' Research.
- 2.33. The Council's overly optimistic assumptions are illustrated by their expectations for delivery at Welborne.
- 2.34. As Welborne has outline permission for up to 6,000 dwellings (FBC012), the Lichfields Research (figure 7) indicates that a build rate of 160dpa would be appropriate. This is materially less than the delivery rates relied upon by the Council. This a further illustration of the inadequacy of the Council's approach of relying upon unpublished proforma's, which approach is not justified.
- 2.35. See reference to lead in times in response to question 7 below.

**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?**

- 2.36. As indicated in the response to question 6 above, the Council's delivery expectations are unrealistic.
- 2.37. The Lichfields Research (figure 4) indicates that for comparable sites to Welborne (2,000+ dwellings), there is a circa 2.3 years period from detailed permission to first dwelling completion.

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<sup>13</sup> See paragraph 14 of the Lady Grove appeal (appendix 5) and paragraph 78 of the Haslemere decision (appendix 6)

<sup>14</sup> Appendix 4

- 2.38. Currently, for Welborne, there is no known timeframe for the submission of a reserved matters application, let alone its approval. Accordingly, the earliest any dwellings could be completed at Welborne would be the end of 2024. This is at least a year later than outlined in Table 2 of the HDT Action Plan and is only achievable if a reserved matters application was imminent so that it could be approved in autumn 2022.
- 2.39. A delayed submission and determination of reserved matters application(s) will impact upon the timing for achieving first completions.

**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?**

- 2.40. No. As outlined in our Regulation 19 representations (and amplified in this Statement), the Council's expectations for delivery are overly optimistic. The basket of sites upon which they currently rely will not deliver at the rate envisaged. To address this, further deliverable and/or developable sites are required to be allocated in the Plan.

***Five-year housing land supply***

**Question 9. Would the Council be able to demonstrate a 5-year supply of deliverable housing sites on adoption of the Plan and a rolling 5-year supply throughout the plan period?**

- 2.41. No. There is a clear need for the Council to provide evidence to demonstrate the deliverability of the identified components of supply.
- 2.42. Whilst the Council's Statement for Matter 6 (Table 1) refers to Pro Forma's which have been submitted by site promoters, as indicated in the Little Sparrows appeal<sup>15</sup> (paragraph 21), the contents of any response must to be

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<sup>15</sup> Appendix 3 to this Statement

critically reviewed. This includes analysis against other evidence regarding the realism of expected lead in times and delivery rates, such as provided by the Lichfields' Research<sup>16</sup>.

2.43. The Council has not provided robust evidence to justify the inclusion of the various sites/sources it relies upon, especially as the Pro Forma's received are not available.

2.44. As explained during the Matter 3 Hearing, we object to the Council's stepped trajectory on the basis that it cannot be said to be justified in the context of paragraphs 35 and 60 of the NPPF, nor in relation to the advice in the PPG (ID 68-021-20190722). It fails to support the Government's objective of significantly boosting the supply of homes. Contrary to the PPG, it would not address the continued delay in meeting identified development needs.

2.45. As set out in Policy H1, the Council advances the following stepped trajectory:

- 300dpa between 2021/22 and 2023/24
- 545dpa between 2024/25 and 2027/28; and
- 720dpa between 2028/29 and 2036/37.

2.46. As we have previously explained, and as required at paragraph 22 of the NPPF, the Local Plan should look ahead over a minimum 15 year period from adoption. As the Plan is expected to be adopted within the 2022/23 monitoring year, it should look ahead to 2037/38. As such, and as a minimum, an additional years' requirement should be added with the Local Plan covering the period to 2037/38.

2.47. However, based upon the Council's artificially constrained approach to phasing the housing requirement, the minimum requirement to be met in the five year period April 2022 to March 2027 would be 2,749 dwellings<sup>17</sup>.

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<sup>16</sup> Appendix 4 to the statement

<sup>17</sup> 2 x 300 for 2022/23 & 2023/24 and 3 x 545 for 2024/25-2026/26 + shortfall from 2021/22 (300-244) + 20% buffer reflecting envisaged HDT results for 2022 as shown in Table 2 of the Council's Matter 3 Statement

- 2.48. Conversely, on the basis of a level or flat requirement of 600dpa<sup>18</sup> together with meeting the shortfall from 2021/22 (applying Sedgefield approach), the five year requirement for 2022 to 2027 would equate to 4,027 dwellings<sup>19</sup>.
- 2.49. Appendix 1 to FBC001 suggests a supply of 3,488 dwellings for the five year period April 2022 to March 2027.
- 2.50. If realised, this supply would exceed the requirement derived from the unjustified stepped requirement. However, it would result in a shortfall against the level target.
- 2.51. The respective positions are set out in the below table.

	<b>Stepped Req.</b>	<b>Level Req.</b>
5yr Requirement	2,749	4,027
Supply	3,488	3,488
Shortfall/Surplus	+739	-539
Yrs Supply	6.34yrs	4.33yrs

- 2.52. There is also a need to add an additional 282 dwellings to the supply for the current five year period (arising from the recent appeals at Romsey Avenue<sup>20</sup> (225 dwellings) and Posbrook Lane<sup>21</sup> (57 dwellings)).
- 2.53. If, as the Council suggests, their assessment of supply has been robust and undertaken with 'rigour, there is no justification to apply an artificially constrained approach to meeting the minimum housing requirement.
- 2.54. In addition, adding the 282 dwellings to the supply results in a deficit of only 257 dwellings based upon the application of a level requirement.

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<sup>18</sup> The minimum of 10,197 dwellings from 2021 to 2038 as detailed in paragraph 2.6 of our Matter 3 Statement

<sup>19</sup>  $600 \times 5 + (600 - 244) + 20\%$  buffer reflecting envisaged HDT results for 2022 as shown in Table 2 of the Council's Matter 3 Statement

<sup>20</sup> Included as appendix 1 with statement

<sup>21</sup> Included as appendix 2 with statement

- 2.55. However, the above must also be viewed with caution. As the Council's contended supply is heavily reliant upon unjustified expectations of delivery, as indicated in the response to questions 6 and 7 above.
- 2.56. To conclude, a phased requirement is not justified. In addition, if the Council is so certain of its delivery assumptions, there is no justification to adopt a Plan with such an artificially constrained stepped requirement.
- 2.57. Informed by the Council's track record on five year housing land supply, we do not consider there will be a five year supply of deliverable sites on application of a NPPF-compliant requirement.
- 2.58. The Council's delivery assumptions have consistently been found to be overly optimistic, even with the continuously revised trajectories for Welborne. To date, none of their assumptions have been realised (over a circa 7 year period and dating back to the conclusions in the Navigator appeal<sup>22</sup>).
- 2.59. The Council's continued reliance on delivery at Welborne represents a key constraint to housing delivery which is of the Council's making.
- 2.60. This Local Plan process affords the opportunity to inject some realism into the Council's assumption and to identify and allocate deliverable sites. It is not acceptable for the Council's to perpetuate the problem by slavishly adhering to a strategy that has resulted in the ongoing failure to deliver the much-needed new homes.
- 2.61. Deliverable sites do exist. It is just that the Council resolved not to allocate them. The recent appeal decisions at Romsey Avenue<sup>23</sup> and Posbrook Lane<sup>24</sup> are prime examples.

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<sup>22</sup> Appendix 4 with representation

<sup>23</sup> Included as appendix 1 with statement

<sup>24</sup> Included as appendix 2 with statement

2.62. As such, we do not consider the Council will be able to demonstrate a five year supply of deliverable housing land on adoption of the Plan without additional site allocations being identified through modifications.

**Question 10. Is there a need for and are there any additional sites which could contribute to the first 5 years' supply post adoption should delivery of any of the allocated sites stall in the first 5 years?**

2.63. Yes, there is a demonstrable need for additional site allocations.

2.64. Since the Council's update on housing land supply using a 1<sup>st</sup> January 2022 base date (FBC024), permission has been granted at appeal on (i) land east of Crofton Cemetery, Stubbington<sup>25</sup>, (ii) land south of Romsey Avenue, Portchester<sup>26</sup> and; (iii) land adjacent to Great Posbrook Farm, Titchfield<sup>27</sup>. These sites amount to 488 dwellings and can be readily included in the Council's deliverable supply. The latter two sites (totalling 282 dwellings) comprise those that were not allocated nor within current or proposed settlement boundaries in the Local Plan.

2.65. Representors have advanced numerous site options as alternatives, which options include the omission sites controlled by Foreman Homes identified in Appendix 15 to our Statements for Matters 1, 2, 3, 4 and 6. The sites represent deliverable opportunities in sustainable locations that can help meet the identified need for market and affordable housing in the current five year period.

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<sup>25</sup> FBC038 – appeal for 206 dwellings

<sup>26</sup> Included as Appendix 1 of this Statement.

<sup>27</sup> Included as appendix 2 of this Statement



**Question 11. If I were to conclude that a 5-year supply of specific, deliverable housing sites would not exist on adoption, what would be the most appropriate way forward for the Plan?**

- 2.66. In our opinion, there are two potentially solutions to addressing any identified shortfall.
- 2.67. This could require the Council to identify additional allocations within the Local Plan (including land controlled by Foreman Homes (see paragraph 2.65 above).
- 2.68. Alternatively, or in combination with, reserve housing sites could be identified, to be brought forward based on robust monitoring.

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