

Fareham Examination Statement - Issue 7 Housing

Land South of Oakcroft Lane, Stubbington

October 2014

Examination Reference: DREP413 – Persimmon
Homes (South Coast)

Turley

1. Issue 7: Housing Allocations including alternative sites for consideration

Question 7.1 - Bearing in mind the legal judgement referred to in my Question 1 to the Council (and the Council's response), is the Council's approach towards the identified housing requirement justified and in all other respects sound?

What part of the Plan is unsound?

- 1.1 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound. In respect of the judgement it is relevant to consider that Wokingham Borough Council were meeting their Core Strategy housing requirement at the point their Site Allocations plan was being examined, and for the reasons set out in further detail below PH contend this is a fundamental difference between the Wokingham and Fareham situations.

Which soundness criterion it fails?

- 1.2 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

- 1.3 Whilst the Wokingham Judgement is acknowledged, PH contends that there are different circumstances in Fareham to those in Wokingham, and that the judgement should not mean the issue of meeting the adopted Core Strategy housing requirement and planning for objectively assessed needs in Fareham should be ignored during the examination of LP2.

- 1.4 By way of context it is important to first consider the relevant sections of the NPPF that relate to housing delivery and plan making. First paragraph 17 sets out core planning principles and bullet point 3 states that planning should:

“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities” (our emphasis).

- 1.5 Further paragraph 47 requires local planning authorities to “*boost significantly the supply of housing*” by using “*their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*”

- 1.6 The NPPF is therefore clear that the Council should make every effort to boost significantly the supply of housing and ensure that their Local Plan meets the full

objectively assessed needs for market and affordable housing in the Borough and wider housing market area.

- 1.7 The Council's Local Plan approach to setting and meeting a housing requirement for Fareham Borough comprises the Core Strategy, LP2 and LP3. We note, however, that the Council's position is that it is not for LP2 and LP3 to re-consider the strategic level housing requirement as this will be taken forward as part of the South Hampshire Strategy review, an approach that is purported to be supported by the Wokingham judgement. However, PH queries whether this approach can be considered to be in accordance with the aforementioned NPPF paragraphs in view of the specific housing need position in Fareham (namely the significant shortfall against the Core Strategy housing requirement that LPs 2 and 3 do not attempt to address).
- 1.8 In terms of the relevance of the judgement to LP2, the first key difference to recognise is that Wokingham Borough Council did not have any up to date evidence on objectively assessed needs available at the time when its Site Allocations DPD was being examined. Further, Wokingham was also meeting its Core Strategy housing requirements at the point the allocations plan was being examined so not issues with shortfall to consider. Therefore, the allocations plan for Wokingham was being brought forward when the adopted housing requirements were being met and where there was little evidence available as to whether objectively assessed needs had changed substantially from when the Wokingham Core Strategy was adopted.
- 1.9 When comparing this position to Fareham, the circumstances are very different as the Borough's objectively assessed need has recently been subject to new evidence in the form of the PUSH SHMA 2014. The PUSH SHMA 2014 identifies that Fareham's objectively assessed need (at Borough level) is recommended to be 395 per annum 2011 and 2036 under adjusted Projection 2, although could be higher still if increased levels of economic growth could be achieved. Further, the PUSH SHMA 2014 also identifies that housing needs across the whole PUSH sub-region are higher than that currently being planned for in the South Hampshire Strategy 2012.
- 1.10 The second key difference is the scale of housing shortfall that exists in Fareham when compared against the Core Strategy housing requirement, and that the combined Core Strategy, LP2 and LP3 suite of documents does not propose this will be addressed over the plan period to 2026. It is noted that this was not the case in Wokingham, where the adopted Core Strategy housing requirements were being met at the point the allocations plan was being examined, so there was no shortfall issue for that plan to address in that case.
- 1.11 As covered in further detail in PH's response to Issue 1, the Core Strategy envisages that the Welborne SDA will deliver 5,350 dwellings by 2026. However, the housing trajectory for Welborne in LP3 now claims that only 2,860 dwellings will be delivered to 2026, a shortfall of 2,490 dwellings. This is fundamentally where the Wokingham judgement is not directly applicable to Fareham as the Council are bringing forward a suite of local plans that do not meet the housing requirement of the Core Strategy, let alone the likely increase when considered against the numbers indicated in the PUSH SHMA 2014. This is clearly contrary to the NPPF and key principles that are aimed at

ensuring LPAs make every effort to boost significantly housing supply as established in NPPF paragraphs 17 and 47.

- 1.12 Instead of addressing the fundamental issues of shortfall at Welborne as well as assessing the implication of the PUSH SHMA 2014 in LP2, the Council's preferred approach is for the consideration of housing requirements to be deferred to resolution by the updated South Hampshire Strategy planned for 2016, and then used to inform a Core Strategy review thereafter rather than be addressed now.
- 1.13 PH queries whether this is appropriate given the issues with need and shortfall that exist now. PH are particularly concerned with the timeframes involved in the proposed Core Strategy Review as in practice, if waiting for the South Hampshire Strategy update to establish an up-to-date objectively assessed Fareham housing requirement, the subsequent updated Fareham Core Strategy is unlikely to be adopted until 2018/2019. PH's concern is that the Council have failed to acknowledge and address the housing shortfall issue that exists now, when the evidence clearly points to the need for the requirement to be at least reviewed. These are not the same circumstances as in Wokingham and caution should therefore be exercised in using the judgement as a mechanism for the Council to avoid committing to an immediate (rather than an early) review of housing requirements, or resolving to address the shortfall that will occur from reduced delivery at Welborne.
- 1.14 In addition, the South Hampshire Strategy is not a statutory document and not bound by any legislation or timeframe for implementation and accordingly there can be no guarantee that the review will happen by 2016. The shortfall in Fareham exists now and it is therefore unreasonable to wait until 2016 (or such time when the South Hampshire Strategy is reviewed) for this key strategic matter to be addressed when it could be resolved through a positively prepared approach to LP2 that seeks to allocate more land than currently proposed. This further emphasises PH's concern that, contrary to the NPPF, the Council is not making every effort to either meet the adopted Core Strategy housing requirement or objectively assessed housing needs as set out in the PUSH SHMA 2014.

How the Plan can be made sound?

- 1.15 In terms of what options are available for the Council to make necessary amendments to ensure LP2 can be found sound, it is relevant to consider the approach taken at East Hampshire. In that case, East Hampshire had the same issue as in Fareham in so far that the Inspector identified concerns with the Whitehill and Bordon SDA being delivered at the rate required over that plan period. Although we recognise that LP2 is being prepared against an adopted Core Strategy, it is a strategy that is outdated and failing to deliver the adopted housing requirement, which is in urgent need of review.
- 1.16 The East Hampshire examination was suspended to allow the Council further time to consider housing requirements that ultimately resulted in the SDA requirement being conjoined with the rest of the Borough and more allocations across that district being required to safeguard against slow delivery from the SDA.
- 1.17 Overall, there are no material difference between the outcome at East Hampshire and the issues being considered at Fareham. The Council must therefore acknowledge that they have a duty to safeguard against the inevitable delay in delivery at Welborne by

ensuring there is sufficient flexibility contained within LP2 that will enable more land to come forward. This approach will be a positive policy response to assist in addressing the shortfall before the SDA can start to deliver the level of housing originally envisaged in the Core Strategy.

- 1.18 In view of this there are two options available to redress the issue of shortfall against the Core Strategy. The first being for LP2 (and LP3) to be found unsound and the Council be obliged to undertake a comprehensive and immediate review of the Core Strategy to ensure that a new plan can be brought forward that is up to date, based on objectively assessed needs, in accordance with the NPPF and that has resolved issues with shortfall from the SDA through proper dialogue with PUSH.
- 1.19 The other alternative, in addition to an immediate review of the Core Strategy (which must be forthcoming given the new evidence on objectively assessed needs identified in the PUSH SHMA 2014), is for further land to be identified in LP2 to help meet the shortfall at Welborne in the interim period before the Core Strategy and South Hampshire Strategy reviews can be finalised.

The precise change and / or wording that you are seeking.

- 1.20 PH support the latter option of LP2 being revised to commit the Council to an immediate review of the Core Strategy in conjunction with more land being allocated to provide sufficient flexibility to meet housing needs in the period before the review is completed. In this context, PH requests that their interests at Land at Oakcroft Lane are included as an allocation in LP2. The allocation of the site will provide a further 200 homes that will assist in meeting the current shortfall that is being brought by the Council.
- 1.21 In addition to the allocation of Land South of Oakcroft Lane we request that the Inspector inserts a new policy mechanism to facilitate the immediate review of the Core Strategy, rather than the Council's current proposal of an early review to follow the South Hampshire Strategy review timetable, which is noted will not be formally approved until 2016 at the earliest. It is imperative to recognise that the need to address the shortfall against Core Strategy exists now and there is no reasonable justification for the LPA in seeking to delay addressing this fundamental strategic issue by deferring to the South Hampshire Strategy, which is neither a statutory requirement or obliged to meet the purported 2016 adoption timeframe.

Question 7.2 - What is the relationship between this plan and the Welborne Plan in terms of housing supply, particularly with reference to the number of houses now being proposed at Welborne?

What part of the Plan is unsound?

- 1.22 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound.

Which soundness criterion it fails?

- 1.23 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

- 1.24 PH contend that a fundamental failing of LP2 is that it does not adequately explain its relationship between with LP3 and what mechanisms are in place to safeguard the inevitable shortfall in delivery from Welborne.
- 1.25 It is noted in the joint developer's statements to LP3 that that the amount of houses to be delivered at Welborne will now be less than the 6,000 proposed in LP3. The viability papers suggest that the Joint Developers will now only bring forward 5,600 in the period to 2036, which places further questions over whether the Council will be able to rely upon delivery of even 2,860 homes by 2026.
- 1.26 It is clear from PH's response to Issue 1 and question 7.1 that taken together LP2 and LP3 will not deliver the amount of housing required to meet housing needs in the Borough and on a wider strategic level.
- 1.27 PH also contends that it is not appropriate for the Council to ring fence LP3 as a separate plan and requirement. Welborne is simply an element of supply to meet a confirmed need for more housing in the sub-region that has been identified to be provided in Fareham. LP2, as it also deals with supply, should therefore be flexible enough to provide more land as required to safeguard against the shortfall in delivery from Welborne over the current plan period.

How the Plan can be made sound?

- 1.28 See paras 1.15 to 1.19 of this statement.

The precise change and / or wording that you are seeking.

- 1.29 See paras 1.20 and 1.21 of this statement.

Questions 7.3 - Is the Council's approach to housing provision justified? Are the elements in Table 4 relating to the projected housing supply based on proportionate evidence?

What part of the Plan is unsound?

- 1.30 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound.

Which soundness criterion it fails?

- 1.31 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

- 1.32 PH object to only 615 dwellings being provided for by the proposed allocations in the context of the significant shortfall against the Core Strategy housing requirement that is not being addressed in LP2 and LP3.
- 1.33 It is also noted that many of the allocations are very small in scale (some only 5 units) and generally would be acceptable in planning terms in any event if brought forward as an application without the benefit of allocation.
- 1.34 We therefore consider that the Council has not considered all reasonable alternatives to boost significantly housing supply, which is confirmed by the Council not having carried

out the Settlement Boundary Review to consider sustainable opportunities adjacent to urban areas. On this basis, the approach in Table 4 in respect of supply fails NPPF tests of soundness.

How the Plan can be made sound?

1.35 See paras 1.15 to 1.19 of this statement.

The precise change and / or wording that you are seeking.

1.36 See paras 1.20 and 1.21 of this statement.

Question 7.4 - What is the status of the South Hampshire Strategy and how much weight should be attached to it?

What part of the Plan is unsound?

1.37 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound.

Which soundness criterion it fails?

1.38 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

1.39 PH acknowledge that the South Hampshire Strategy is an important tool for strategic planning in the region following the abolition of Regional Spatial Strategies, and provides a useful evidence base for statutory plan making by the individual authorities.

1.40 However, PH note that the South Hampshire Strategy is not subject to public examination but is used by the authorities as the principle mechanism to set housing targets that are then taken forward in Local Plans.

1.41 The weight that can be attached to it in terms of being the key determinate in setting housing requirements should, in PH's view, be limited. The issue of defining and planning for objectively assessed needs should be the responsibility of Fareham Borough Council first and foremost and then considered within PUSH to help address Duty to Cooperate and wider strategic issues.

1.42 However, it appears that the Council is seeking to avoid the issue of determining its own objectively assessed housing need by deferring to the non-statutory South Hampshire Strategy to resolve, which as explained in PH's responses to Issue 1 and questions 7.1 to 7.3 has failed to address housing shortfall in the sub-region to date.

How the Plan can be made sound?

1.43 See paras 1.15 to 1.19 of this statement.

The precise change and / or wording that you are seeking.

1.44 See paras 1.20 and 1.21 of this statement.

Question 7.5 - Are the proposed housing allocations based on a sound assessment of land availability and delivery? Is there any evidence that any of the housing sites being proposed by the Council are not viable or deliverable? If it can be satisfactorily demonstrated that a proposed housing site is not sound, is there any evidence that would enable a conclusion to be drawn that the allocation of any of the following suggested sites would be sound:

What part of the Plan is unsound?

- 1.45 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound.

Which soundness criterion it fails?

- 1.46 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

- 1.47 PH requests that Land South of Oakcroft Lane, Stubbington is allocate for up to 200 units in LP2. The overall rationale for the site's allocation is in the context of the need for more land to be made available in Fareham to meet needs arising both in the Borough but also those across the sub-region. Linked to these issues is the need to also safeguard against delayed delivery from Welborne over the plan period.
- 1.48 The sustainability credentials of Land South of Oakcroft Lane are set out in further detail in PH's Regulation 19 representations. To summarise, PH contend that Stubbington is a sustainable and appropriate settlement for growth as it benefits from a range of services such as a local centre, doctors, dentists, two primary schools, a secondary school and a community centre.
- 1.49 The sustainability of Stubbington is also set to be enhanced by the progression of plans for the Stubbington Bypass. The bypass will unlock the ability for the key employment site at Daedalus airfield to be brought forward, which will provide significant new employment opportunities at Stubbington and further enhancing the settlement as a suitable location for growth in the Borough.
- 1.50 PH also question whether it is appropriate for LP2 to allocate so many sites within the built up area that will deliver low yields (10 out of 18 proposed allocations have yields less than 20) which would all generally come forward in any event through assessment against other development plan policies.
- 1.51 In contrast, Land South of Oakcroft Lane, Stubbington will potentially deliver a more meaningful number of units that will have a far greater contribution towards boosting housing supply in accordance with the NPPF. In addition, Land South of Oakcroft Lane will have far greater potential than the smaller sites to deliver affordable housing, on and off-site infrastructure and open space that will have significant local and strategic benefits.

Have these non-allocated sites that are being promoted by representors (and sites where a different land use is being proposed) been subject to sustainability appraisal compatible with that for LP2 and to public consultation? Are the sites deliverable?

1.52 As highlighted above, PH confirms the site is in a sustainable location for development. To aid the Inspector on the site's sustainability credentials, attached at **Appendix 1** is a sustainability appraisal of the site. For consistency, the Appendix 1 SA uses the Council's framework that was used to assess all the LP2 proposed allocations. Appendix 1 highlights that the Land South of Oakcroft Lane site scores well in sustainability terms.

1.53 In addition, PH confirms that the site is both developable and deliverable over the plan period. The Regulation 19 representations summarise the range of studies and surveys that have been undertaken to demonstrate that the site is free from constraints and will achieve a logical rounding off of the settlement that will not have any sustained harm or impact on the overall function of the strategic gap.

How the Plan can be made sound?

1.54 See paras 1.15 to 1.19 of this statement.

The precise change and / or wording that you are seeking.

1.55 See paras 1.20 and 1.21 of this statement.

Question 7.6 - Are the suggested housing mix and densities of the allocated housing sites appropriate and justified? Are the boundaries correctly defined?

1.56 Whilst PH notes that many of the allocations are small scale in nature no specific comments are made to this question.

Question 7.7- Is policy DSP40 sufficiently flexible to accommodate changing circumstances (e.g. in relation to delivery)? What is the Council's fall-back position in the event that development does not come forward as expected?

What part of the Plan is unsound?

1.57 Persimmon Homes (PH) considers that all aspects of LP2 relating to housing requirements and allocations of land for housing are unsound.

Which soundness criterion it fails?

1.58 LP2 fails the positively prepared, justified and effective tests of soundness.

Why it fails

1.59 In short the plan is not sufficiently flexible to accommodate changing circumstances and it is not clear what the Council's fall-back position is. In particular, it is noted that no mention is made as to how LP2 should operate in safeguarding against shortfall in delivery from Welborne.

- 1.60 Welborne has been identified for many years and not yet progressed to a planning application. During this time, the allocation's requirement has been continually reduced (from 10,000) and stands to reduce further should LP3 be adopted.
- 1.61 In contrast, housing need across the sub-region has, by virtue of recent evidence, increased over the same period yet has not provided for elsewhere and therefore there is a duty of Fareham to incorporate measures to protect against sustained non-delivery from the SDA as part of LP2.
- 1.62 This is precisely the approach taken in East Hampshire in respect of the Whitehill and Bordon SDA, and the circumstances are no different here yet the Council have not sought to provide any safeguarding in LP2. This demonstrates that the plan has not been positively prepared, justified or will be effective.

How the Plan can be made sound?

- 1.63 See paras 1.15 to 1.19 of this statement.

The precise change and / or wording that you are seeking.

- 1.64 See paras 1.20 and 1.21 of this statement.

Question 7.8 - What evidence is there that the Council has considered the advice in paragraph 54 of the NPPF regarding allowing some market housing in the countryside in order to facilitate affordable housing provision?

- 1.65 PH makes no comment.

Question 7.9 - Is the Council's reference to self-build homes in the supporting text sufficient to ensure the delivery of such development?

- 1.66 PH makes no comment.

Appendix 1: Sustainability Appraisal of Land South of Oakcroft Lane

SEA Objective	Description of predicted effect	Duration			Frequency	Temporary or permanent	Geographic significance	Magnitude	Level of certainty	Scale of significance	Positive or negative	Mitigation or other action required?	Supporting comments / Proposed mitigation
		Short term	Medium term	Long term									
1. To provide good quality and sustainable housing for all	The site will provide up to 200 dwellings, that will be designed in accordance with the Council's mix and design policies	+	+	++	Ongoing	Operation	Local	High	Medium	Moderate	Positive	No	
2. To conserve and enhance built and cultural heritage	None – the site is undeveloped and does not feature any known heritage assets									Neutral		No	
3. To conserve and enhance the character of the landscape	The site is greenfield adjacent to the urban area. The trees on the site are protected under a TPO	-	-	-	Ongoing	Construction and Operation	Local	Medium	Medium	Minor	Negative	Yes	Site layout should ensure that existing landscape features such as trees and hedgerows along boundaries being retained, especially to the north
4. To promote accessibility and encourage travel by sustainable means	The site is directly adjacent to the urban area and has good access to local services and travel routes	+	+	+	Ongoing	Operation	Local			Moderate	Positive	No	
5. To minimise carbon emissions and promote adaptation to climate change	The homes will be built in accordance with the Council's sustainability policies and unlikely to significantly increase carbon emissions. Site is not subject to flood risk and generally neutral in relation to adaptation									Neutral			
6. To minimise air, water, light and noise pollution	Unlikely to give rise to significant pollution issues other than in initial construction phase, which will be temporary	-			Initial	Construction	Local	Low	Low	Negligible	Negative	Yes	A CEMP should be prepared and implemented as part of development proposals
7. To conserve and enhance biodiversity	The site is not subject to any statutory designations although within 500 metres of the Solent and Southampton SPA, SAC, RAMSAR and SSSI. The site is within the proposed 'waders uncertain' designation under DSP14.	-	-	-	Ongoing	Construction and Operation	Local	Low	Low	Minor	Negative	Yes	The site has already been subject to an Extended Phase 1 Ecological Assessment, which identifies that the site is of limited ecological value. Further detailed surveys will be required at the application stage

8. To conserve and manage natural resources (water, land, minerals, agricultural land, materials)	Development will be expected to meet requirements of CS15&16 regarding sustainability, and unlikely to lead to significant resource consumption.										Neutral		
9. To strengthen the local economy and provide accessible jobs available to residents of the borough	The provision of new homes will provide short term employment opportunities during construction. The provision of homes will also support the Daedalus Airfield employment site over the longer term	+	+	+	Ongoing	Construction and Operation	Local	Medium	Medium	Medium	Positive	No	
10. To create vital and viable new centres which complement existing centres	The site being directly adjacent to the urban area will support the vitality of the services and facilities in Stubbington. By being north of Stubbington, it will also have a positive impact on services and facilities in Fareham	+	+	+	Ongoing	Construction and Operation	Local	Medium	Medium	Medium	Positive	No	
11. To create a healthy and safe community	The proposals will include provision for open space and recreation	+	+	+	Ongoing	Operation	Local	Medium	Medium	Medium	Positive	No	

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