

AGENDA
PLANNING INQUIRY
Land to the East of Down End Road
APP/A1720/W/21/3272188

Start Date: Tuesday, 3 August 2021

Time: 10.00 am

Venue: Microsoft Teams Virtual Meeting

1. **Inquiry Timetable** (Pages 3 - 12)
2. **Statements of Case**
 - (1) **Appellant Statement of Case** (Pages 13 - 14)
 - (2) **LPA Statement of Case** (Pages 15 - 16)
3. **Core Documents** (Pages 17 - 20)
 - (1) **CD1 Application Documents and Plans**
 - (2) **CD2 Additional / Amended Reports and / or Plans submitted after validation**
 - (3) **CD3 Committee Report and Decision Notice**
 - (4) **CD4 The Development Plan**
 - (5) **CD5 Emerging Development Plan**
 - (6) **CD6 Additional material submitted after determination of the application**
 - (7) **CD7 Relevant Appeal Decisions/Judgements**
 - (8) **CD8 Other**
4. **Statements of Common Ground** (Pages 21 - 22)
5. **Proofs of Evidence and Rebuttals** (Pages 23 - 24)
 - (1) **Appellant Proof of Evidence** (Pages 25 - 26)
 - (2) **LPA Proof of Evidence** (Pages 27 - 28)
 - (3) **Appellant Rebuttals** (Pages 29 - 30)

- (4) LPA Rebuttals (Pages 31 - 32)**
- 6. Representations on the Appeal (Pages 33 - 36)**
- 7. Suggested Planning Conditions (Pages 37 - 38)**
- 8. Legal Agreements (Pages 39 - 40)**
- 9. Documents Submitted During the Inquiry (Pages 41 - 42)**
- 10. Appeal Decision (Pages 43 - 44)**

Agenda Item A

The Inquiry Timetable will appear here.

Changes may be made to the programme throughout the Inquiry, please check this section for the most up to date.

APPEAL REF: APP/A1720/W/21/3272188
Land to the East of Down End Road, Portchester

The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its web site.

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The case management conference was led by myself, the Inquiry Inspector, Dr Andrea Mageean. The Inquiry is to be held as a virtual event on the Microsoft Teams platform, opening at 10.00am on Tuesday 3 August 2021, resuming at 09.30 on subsequent days. Once the Inquiry is open, it will run along the same lines as a face to face event, adopting the same protocols and etiquette as are normal in the Inquiry room.
2. Although initially scheduled to sit for up to 4 days, it was agreed that a further 1 or 2 additional days may be required, given the need for shorter sitting sessions and longer breaks necessitated by the virtual nature of the event and the matters on which evidence will need to be heard. Following the receipt of availability from the main parties, I suggest that an additional sitting day should be Monday **9 August**, with Thursday **12 August** held in reserve.
3. Appearances for the main parties were confirmed as follows:

Appellant

John Linton QC, who will be calling:
Jacqueline Mulliner (Planning and housing land supply)
Tim Wall (highways)
TBC (transport modelling – if necessary)

Council

David Lintott of Counsel, who will be calling:
Steve Jupp (Planning and housing land supply)
Alan Lewis (highways)

Notifications

4. The Inspectorate will provide the wording for the site notice, setting out what is required in the notification letter, including the necessity for parties to register in advance if they wish to participate in the Inquiry, and details of how interested parties can participate (including access by telephone from a land line for those without access to a computer or smart phone).
5. Inquiry notifications should normally be issued a minimum of 2 weeks in advance of opening. However, given the virtual format of the Inquiry and the need to register in advance, **as much notice as possible should be given to allow interested parties time to consider whether they wish to participate.** The Council must send a copy of the notification letter to the Case Officer, together with a list of all those notified, **at the**

same time that it is sent out to the parties, but in any event no later than **13 July 2021.**

6. The Council also agreed to erect site notices containing the same information at locations around the site. To avoid any confusion, the Notices are to be posted on the same day that the letters of notification go out. Once posted, a plan is to be submitted confirming the locations of the Notices, with photographs of each. The notices must not be removed before the Inquiry takes place.

Main Considerations

7. The main considerations were agreed as being likely to relate to:
 - The effect of the proposed development on the operation of the local highway network, with particular reference to vehicular and pedestrian movement across the Down End Road bridge across the railway line, and the provision for pedestrian crossing of Down End Road;
 - The effects of the proposed development on the integrity of the Portsmouth Harbour Special Protection Area and Ramsar Site, the Solent and Southampton Water Special Protection Area and Ramsar Site, the Solent and Dorset Coastal Protection Special Protection Area and the Chichester and Langstone Harbours Special Protection Area and Ramsar site (the designated habitats) and,
 - Whether the proposal conflicts with the provisions of the development plan and if so, whether there are any material considerations, including the level of housing land supply, that would outweigh that conflict.

Additional Material and Plans

8. Further plans submitted during the course of the application in relation to Down End Road bridge and the site access. However, it was agreed that the only amendment of substance relates to the movement of the stop line 4m to the North. As such it is not necessary to undertake further consultation on this minor amendment.

Dealing with the evidence

9. A signed statement of common ground (SoCG) has not yet been submitted. The importance of a good SoCG, or more to the point a statement of uncommon ground, will be critical in terms of providing a focus for the Inquiry and helping us get through all that we need to in a reasonable time. It was agreed that this would be submitted no later than **29 June 2021.**
10. The Council agreed to undertake further work to clarify its position in relation to highways matters, and in particular to determine whether any further highway modelling work would be undertaken. It was agreed that this point should be progressed as a matter of urgency, such that areas of agreement/disagreement, effectively precursor to a statement common ground, would be produced by **21 June 2021.** If determined necessary, the areas identified for further modelling work and the evidence on which the Council relies should be included as an update to

the Council's statement of Case by **25 June 2021**. A highways SoCG should then be produced by **2 July 2021**.

11. It would also be beneficial to have a topic based SoCG in respect of housing land supply. In general, such documents help drill down in more detail into exactly what is at issue between the parties and so assist in the preparation of the proofs. As advised, they can take the form of tables and bullet points to make the basis of your differences, and the reasons for those differences, very clear. More specifically in relation to housing land supply, it would be helpful to have a table listing the disputed sites, along with the party's respective positions. It was agreed that the housing land supply SoCG should be provided by **2 July 2021**.
12. For the event itself, the evidence in relation to the highways matters and planning policy/the planning balance will be tested through formal presentation and cross-examination.
13. In relation to housing supply matters a round table session is preferred.
14. Whilst not a reason for refusing the application, a round table discussion of the effect of the proposal on designated habitat sites is also proposed. It is not anticipated at this stage that this will be a detailed technical discussion, but rather its purpose will be to clarify points made in the HRA Screening Matrix and Appropriate Assessment Statement provided by the appellant. The parties are asked to include the Solent Recreation Mitigation Strategy in Core Documents to support this discussion.
15. The appellant should also be prepared to respond to the other matters raised by interested parties, including where they are raised during the event.

Conditions

16. An *agreed* schedule of possible conditions, together with the reasons for them (including references to any policy support) will need to be submitted in Word format at the same time as the proofs (**6 July**). Careful attention is to be paid to the wording of the conditions, which should avoid 'tail-pieces.' They will need to be properly justified having regard to the relevant tests, in particular the test of necessity. You are reminded that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification. Any difference in view on any of the suggested conditions, including their wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligation

17. An early draft of the planning obligation is to be provided by **6 July**, with a final agreed draft to be submitted shortly before the Inquiry opens. The final draft must be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. This statement should set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm

arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and precisely what it would be used for.

18. I will allow a short time after the Inquiry for submission of a signed version of the obligation.

Core Documents/Inquiry Library/hard copies

19. You will need to discuss and agree a list of Core Documents so they can be properly referenced in the proofs of evidence. That list must be submitted with the proofs (ie by **6 July**). A suggested format is attached at Appendix 1.
20. The Core Documents should comprise **only** those documents to which you will be referring in your evidence. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text. A copy of the Framework does not need to be included. Neither do documents that relate to matters which are not in dispute. Any Appeal Decisions and/or legal authorities on which you intend to rely will each need to be prefaced with a note explaining the relevance of the document to your case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
21. The Council agreed to set up and host an electronic Inquiry library. The library is to include all the Core Documents, plus the proofs and appendices, together with any rebuttals etc.
22. It is expected that all necessary documents will have been submitted in advance of the Inquiry. Any additional documents can only be handed up to the Inquiry with the Inspector's permission. If accepted, they will need to be sent to the case officer 'hosting' the event so that they can be forwarded to the Inspector and then placed in the Inquiry library from where they can be shared and viewed by all parties.
23. I will need some documents in hard copy. That will include the proofs and appendices, and any rebuttals, relevant plans and, in all likelihood, at least some of the core documents. I will confirm which core documents once I have seen the final list. These should be sent to me via the case officer, Tim Salter, in due course.

Inquiry Running Order/Programme

24. Following on from my opening comments on the first day of the Inquiry, I will invite opening statements from the Appellant and then the Council, which should be no longer than 10-15 minutes.
25. The Inquiry will then hear from any interested parties who wish to speak (although there will be scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one). Until we have an idea of the numbers who might register to speak, we will not know how long that is likely to take.

26. After that, at the current time it appears that the running order is likely to be:

Council – Highways evidence
Appellant – ditto

RTD – Housing Land Supply/Habitat Matters

Council – Planning Policy and Planning Balance
Appellant - ditto

27. I will then lead the usual round table discussion on the provisions of the planning obligation and then conditions.

28. That will be followed by closing submissions, the Council first, followed by the appellant. I have requested a copy of your openings and closings in Word format, which will need to be sent to the PINS case officer shortly before you present them. How you exchange with the other parties is up to you.

29. The advocates are to work collaboratively on their time estimates for each stage of their respective cases. These should be provided by **20 July**. I will issue a draft programme following receipt of your final timings, when I will have a better feel for things. This will provide a framework for consideration of the evidence, with the session(s) allocated for consideration of the each of the issues/matters identified. Whilst this will allow some flexibility with timings, as a general rule you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

30. I intend to undertake a site visit sometime during early July. This will be on an unaccompanied basis. I will inform the appellant of the likely day in due course so that the landowner can be informed. It is also likely that I will undertake a further site visit following the close of the inquiry.

Timetable for submission of documents

31. The main SoCG signed by both the Council and the appellant is to be submitted no later than **29 June 2021**.

32. As set out in the start letter, all proofs are to be submitted no later than **6 July 2021**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note and are to be observed.

33. An early draft of the planning obligation is to be submitted no later than **6 July 2021**, with a final agreed draft no later than **20 July 2021**, to be accompanied by the CIL Compliance Statement prepared by the Council and the relevant office copy entries.

34. The Council is to make sure a copy of the Inquiry notification letter, and a list of those notified is sent to PINS no later than **13 July 2021**.

35. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry

time, copies should be provided no later than **20 July 2021**. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum/ additional SoCG.

36. Final timings for openings and closings, evidence in chief and cross examinations should also be provided by **20 July 2021**.

25 June	Council updated SoC on Highway matters
29 June 2021	Main SoCG
2 July 2021	Highways and HSL SoCG
6 July 2021	Deadline for submission of: <ul style="list-style-type: none"> • all proofs • suggested planning conditions • core documents list • initial draft planning obligation
13 July 2021	Deadline for submission of: <ul style="list-style-type: none"> • a copy of the Inquiry notification letter and a list of those notified
20 July 2021	Deadline for submission of: <ul style="list-style-type: none"> • final draft planning obligation and relevant office copy entries • CIL Compliance Statement (Council) • any necessary rebuttal proofs • final timings
3 August 2021	Inquiry opens 10.00 am

Costs

37. The Appellant has foreshadowed a costs application. It was agreed that this would be submitted in writing shortly before the Inquiry opens.
38. You are also reminded that I have the power to initiate an award of costs in line with the Planning Guidance if appropriate. Unreasonable behaviour may include not complying with the prescribed timetables.

AJ Mageean

15 June 2021

Appendix 1

TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)

CD1 Application Documents and Plans

1.1
1.2 etc

CD2 Additional /Amended Reports and/or Plans submitted after validation

2.1
2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting
3.2 Decision Notice

CD4 The Development Plan

4.1
4.2

CD5 Emerging Development Plan

5.1
5.2

CD6 Additional material submitted after determination of the application

6.1
6.2

CD7 Relevant Appeal Decisions/Judgements

7.1
7.2

CD8 Other

8.1
8.2

The Statements of Case follow below:

SoC

The Statements of Case follow:

SoC – Fareham Borough Council

Agenda Item C

The Core Documents follow

CD1 Application Documents and Plans

1.1 Outline Planning Application Documents ref. P/20/0912/OA

1.2 Application Drawings:

1.2.1 Site location plan (drawing number: 2495-01/PP-002).

1.2.2 Parameter Plan: Landscape parameter plan (drawing number: 2495-01/RS-PP-001).

1.2.3 Detailed access proposals: site access arrangement- Ghost Island (drawing number: ITB12212-GA-014 Rev D).

1.3 Planning application forms and certificated, including agricultural holding certificate.

1.4 Design and Access Statement (prepared by Terence O'Rourke Limited).

1.5 Planning Supporting Statement (prepared by Terence O'Rourke Limited).

1.6 Statement of Community Engagement update note (prepared by Terence O'Rourke Limited).

1.7 Landscape and Visual Appraisal (prepared by Terence O'Rourke Limited).

1.8 Flood Risk Assessment, incorporating surface water and foul drainage strategy (prepared by Odyssey).

1.9 Heritage Statement (prepared by RPS)

1.10 Transport Assessment (prepared by I-Transport)

1.11 Framework Travel Plan (prepared by I-Transport)

1.12 Arboricultural Impact Assessment (prepared by ACD Environmental)

1.13 Air Quality Assessment (prepared by Ensafé)

1.14 Noise and Vibration Impact Assessment (prepared by Ensafé)

1.15 Qualitative Odour Assessment (prepared by Ensafé)

1.16 Updating Phase 1 Ecology Survey Report (prepared by Ecosupport)

1.17 Geo-Environmental Desk Study and supporting letters Dated 18 October 2017 (prepared by Geo-Environmental)

1.18 Agricultural Land Assessment (prepared by Geo-Environmental)

1.19 Utilities and Services Appraisal (prepared by Odyssey)

1.20 Habitat Regulations Assessment update note including Nitrogen Neutrality calculations (prepared by Terence O'Rourke)

1.21 Illustrative Masterplan (ref. 2495-01/ RS-SK-004 Rev B)

CD2 Additional / Amended Reports and / or Plans submitted after validation

2.1 Updated Phase 1 Ecological Assessment (Ecosupport)

2.2 Revised Highway plans:

2.2.1 Site access arrangement- Ghost Island (ref.ITB12212-GA-014 Rev E)

2.2.2 Proposed Signal Arrangement with Footway Intervisibility Plan (ref. ITB12212-GA-049 Rev F)

2.2.3 Proposed Signal Arrangement with Footway General Arrangement (ref.ITB12212-GA-051 Rev D)

2.2.4 Proposed Signal Arrangement with Footway General Arrangement Vehicle Tracking-Articulated Vehicle (ref. ITB12212-GA-052 Rev D)

2.2.5 Proposed Signal Arrangement with Footway General Arrangement Vehicle Tracking-Large Refuse (ref. ITB12212-GA-053 Rev B)

2.2.6 Proposed Signal Arrangement with Footway General Arrangement Vehicle Tracking-Bus (ref. ITB12212-GA-054 Rev B)

2.2.7 Proposed Signal Arrangement with Footway General Arrangement Vehicle Tracking-10m Rigid (ref. ITB12212-GA-055 Rev B)

2.2.8 Proposed Signal Arrangement with Footway General Arrangement Vehicle Tracking-Dimensions (ref. ITB12212-GA-056 Rev B)

2.2.9 Proposed Signal Arrangement with Footway Pedestrian Visibility Splay (ref.ITB12212-GA-061 Rev A)

2.2.10 Proposed Signal Arrangement with Footway 160m Visibility Splay to Signal Head (Southbound) (ref. ITB12212-GA-062 Rev A)

2.2.11 Proposed Signal Arrangement with Footway 120m Visibility Splay to Signal Head (Southbound) (ref. ITB12212-GA-063 Rev A)

CD3 Committee Report and Decision Notice

3.1 Committee Report P/20/0912/OA Dated 18 November 2020

- 3.2 Committee Minutes 18 November 2020
- 3.3 Land East of Downend Road (refused) Decision Notice ref. P/20/0912/OA Dated 25 November 2020
- 3.4 P/20/0912/OA Consultation Responses (of particular relevance)
 - 3.4.1 HCC Highways
 - 3.4.2 HCC Lead Local Flood Authority
 - 3.4.3 Natural England
 - 3.4.4 Archaeology
 - 3.4.5 Childrens' Services
 - 3.4.6 Network Rail
 - 3.4.7 Ecologist
- 3.5 Cams Bridge Outline Application Decision Notice ref. P/18/0001/OA Dated 03 May 2019

CD4 The Development Plan

- 4.1 Local Plan Part 1 - Core Strategy, 2011
- 4.2 Local Plan Part 2 – Development Sites and Policies, 2015
 - 4.2a Adopted Local Plan Part 2 – Proposals Map
 - 4.2b Local Plan Part 2 Inspector Report (extract)
- 4.3 Planning Obligations SPD
- 4.4 Fareham and Gosport Strategic Transport Infrastructure Plan (Autumn 2013)

CD5 Emerging Development Plan

- 5.1 Revised Publication Local Plan, published June 2021
- 5.2 Local Development Scheme, June 2021
- 5.3 Welborne Infrastructure Delivery Plan March 2017
- 5.4 Welborne Infrastructure Delivery Plan December 2018
- 5.5 Welborne Infrastructure Delivery Plan March 2019
- 5.6 Strategic Housing Land Availability Assessment April 2021
- 5.7 Affordable Housing Strategy 2019
- 5.8 Interim Sustainability Appraisal, May 2021

CD6 Additional material submitted after determination of the application

- 6.1 Drainage Technical Note ref. 091.5013/DTN/1
- 6.2 Hampshire County Council Response to Drainage Technical Note Dated 08 June 2021

CD7 Relevant Appeal Decisions/Judgements

- 7.1 Land East of Downend Road Appeal Dismissed ref. 3230015 Dated 5 November 2019
- 7.2 Land east of Posbrook Lane (Appeal ref 3199119)
- 7.3 Land west of Old Street, Stubbington (Appeal ref 3200409)
- 7.4 Newgate Lane Appeal Decision 3252180 & 3252185 dated 08 June 2021
- 7.5 Great Bentley, Essex (Appeal refs: APP/P1560/W/17/3183678, 3183695 and 3183626, date: 31st May 2018)
- 7.6 Broughton Lane, Maidstone (APP/U2235/A/14/2227839)
- 7.7 Micklethwaite, Bingley, West Yorkshire (APP/W4705/A/11/2161990, 2162739 & 2162736)
- 7.8 Scotforth Road, Lancaster (APP/A2335/A/11/2155529)
- 7.9 Land south of Mallards Road, Bursledon (APP/W1715/W/16/3156702)
- 7.10 Fleet Marston, Aylesbury - (A) APP/J0405/A/12/2181033 / (B)APP/J0405/A/12/2189277 / (C) APP/J0405/A/12/2189387 /(D) APPJ0405/A/13/2197073
- 7.11 High Court Judgement [2021] EWHC 1434 (Admin)
- 7.12 High Court Judgment of Phides Estates (Overseas) Limited vs the Secretary of State for Communities and Local Government et al [2015] EWHC 827 (Admin)
 - Clarifies the considerations to be taken into account when determining the weight afforded to a housing land supply shortfall (paragraph 60).*
- 7.13 High Court Judgment of Gallagher Estates Ltd and Lioncourt Homes Ltd vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
 - Clarifies the definition of a housing requirement (paragraph 37iii).*
- 7.14 High Court Judgment of Wainhomes (South West) Holdings Limited vs Secretary of State [2013] EWHC 597 (Admin)
 - Clarifies how the term 'available now' should be interpreted (paragraph 34ii).*

7.15 Supreme Court Judgement of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP and another v Cheshire East Borough [2017] UKSC 37

Weight to be given to settlement boundary policies based on an out-of-date housing need (Paragraphs 45 and 63)

AND

The tilted balance does not displace the statutory test set out at Section 38(6) (Paragraph 21).

7.16 Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2014] EWHC 754 (Admin) (Paragraph 186)

A policy does not require a balancing act to be compliant with NPPF

7.17 East Northamptonshire Council and the Secretary of State for Housing, Communities and Local Government and Lourett Development Ltd (Claim No. CO/917/2020) (Particular B)

Interpretation of the definition of deliverable in NPPF

7.18 Court of Appeal: Gladman Developments Limited v Daventry [2016] EWCA Civ 1146

The importance of the plan-led system

7.19 Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808

Considering the extent of the housing land supply shortfall – paras 50 to 52.

7.20 **Monkhill Ltd v SSHCLG** [2020] P.T.S.R. 416

The proper approach to paragraph 11 of the NPPF

CD8 Other

8.1 Five-Year Housing Land Supply Position Dated February 2021

8.2 Technical Support for Local Plan – HA4 Downend Road East- Highway Review

8.3 Natural England Advice on Achieving Nutrient Neutrality in the Solent Region – June 2020

8.4 Solent SPA citation and conservation objectives

8.5 Solent Recreation Mitigation Definitive Strategy, Dec 2017 and developer contributions update (webpage) April 2021

8.6 Fareham Housing Delivery Test Action Plan (May 2021)

8.7 Welborne Covering Letter, Buckland Development Ltd (8 June 2021)

8.8 DfT's Manual for Streets

8.9 DfT's Manual for Streets 2

8.10 Department for Transport Circular 01/2013 – Setting Local Speed Limits

8.11 DMRB CD 123 - Geometric design of at-grade priority and signal-controlled junctions

8.12 DMRB CD127 - Cross-sections and headrooms

8.13 DMRB CD 143 Designing for walking, cycling and horses

8.14 DMRB CD109 Highway Link Design

8.15 LA 112 Population and Human Health

8.16 Traffic Signs Manual – Chapter 6 Traffic Signals

8.17 Guidelines for Environmental Assessment of Road Traffic (IEA)

8.18 Cycle Infrastructure Design – Local Transport Note 1/20 July 2020

8.19 The effect of road narrowing on cyclists – TRL report TRL.621

8.20 Manual for Streets Research – TRL report TRL.661

8.21 Driver's Perception of Cyclists – TRL report TRL.549

8.22 UCL Working Paper 02 – Street Mobility and Network Accessibility Series

8.23 UCL Working Paper 03 – Street Mobility and Network Accessibility Series

8.24 UCL Working Paper 04 – Street Mobility and Network Accessibility Series

8.25 UCL Working Paper 05 – Street Mobility and Network Accessibility Series

8.26 UCL Working Paper 06 – Street Mobility and Network Accessibility Series

8.27 UCL Working Paper 07 – Street Mobility and Network Accessibility Series

8.28 UCL Working Paper 08 – Street Mobility and Network Accessibility Series

8.29 UCL Working Paper 09 – Street Mobility and Network Accessibility Series

Agenda Item D

Statements of Common Ground follow below.

SoCG

Proofs of Evidence and Rebuttals follow as below

Appellant PoE

Local Planning Authority - FBCPoE

Appellant Rebuttals

Local Planning Authority - FBCRebuttals

Appellant Proofs of Evidence follow below:

Appellant PoE

Agenda Item E2

Local Planning Authority Proofs of Evidence follow below:

FBCPoE

Appellant Rebuttals follow below.

Appellant Rebuttals

Local Planning Authority Rebuttals follow below.

FBCRebuttals

Representations on the Appeal follow below.

Re. Planning application P/20/0912/OA.

Appeal Reference: APP/A1720/W/21/327188

I strongly object to this planning application on several grounds, which I have already stated in the application. Is it possible for this inspector to read the comments on the first application and the previous appeal by Miller Homes?

A lot of the information dates back to 2016, when even then, some things were out of date. King Richard School was no longer there. For walking distances to White Hart Lane, the old Co Op and Post Office were no longer there in 2016, and have been combined on a different site for a long time. Portchester Engineering is no longer there and is being built on. It is very obvious, and has been right from the start that Miller Homes just rely on outdated computer information, and have no knowledge of the area. This is lazy, and Miller Homes do not do their homework properly. Miller Homes have had since November 2020 to make this appeal, but have chosen now, fully knowing when it would be held. This means that the inspector for this appeal will not be stuck in traffic during the August holidays, as the last one was. Miller Homes are putting a lot of unnecessary red herrings into the appeal. The first one is dropped kerbs and tactile paving. Already done. It would not be possible for Miller Homes to deliver the houses within their projected timescale, as the Nitrate problem in The Solent is stopping all building at the moment. This area is not in the current housing plan, and the new one has not yet been adopted. Would Miller Homes care to tell us who the second builder is?

The previous inspector was misled over the F3 bus service via Dore Avenue. It only runs on a Wednesday, four times each way, as it is a subsidised service for people in that area to get to Portchester market. So, no good for either work or school.

Would Miller Homes care to tell us what their plan is for the top north west corner of the field? If they get permission for 350 houses, would they come back for 150 more, to get the 500 allowed with only one vehicular entrance? Another red herring is Miller Homes' plans for what they call bus stops with as simple flag. The only relevant bus stop without a shelter is West of The Thicket on the A27. It is not possible to put a shelter there due to a junction box, and a drive to a house. Grades of agricultural land due not change to suit ideas. It is grade 2 to 3, not 3 to 4. If houses were built on this field, it would never fully integrate into the rest of the community, due to it's nature of being outside the rest of the urban settlement. This could give rise to it turning into a ghetto on an isolated site. A planning application should consider what is there now, not what may be in the future. Just because it is being talked about, it does not mean that a bus lane will be put in from Delme roundabout to Down End traffic lights. We now live in very uncertain times.

Portsmouth City Council has recently rejected plans for access to flats on James Callaghan Drive, which is essentially the same road as Down End road, due to the large number of fatalities on it. People have been killed at Fort Nelson,, and Skew Road junctions which are on Down End Road, as well as on Down End Bridge itself

Building houses on this site would not contribute to, protect or enhance the natural, built or historic environment. It would not improve the biodiversity, or protect areas of particular importance, i.e. the chalkland of Portsdown Hill. The road infrastructure is not there, and the school places are not there. This leads on to Hampshire County Council. Building houses should not be seen as a cash cow to get what is wanted by them. Money for mitigation measures does not solve problems and does not improve quality of life. Pollution levels in our small cul de sac are over the WHO's acceptable levels, so houses would be knowingly built in a polluted area.

This leads on to Miller Homes' biggest red herring:- The plans submitted to HCC for the traffic lights on Down End Bridge. Perhaps they think it is funny to submit so many plans that even HCC is confused as to which is the relevant one. They have also left off the dates of the survey, which was done by Encompass Surveys on 15.2.21. Despite this the plans are no safer this time around. No mention has been made of bad or missing pavements. Millers Homes are showing laziness in using data submitted by Mayor Brown, which was used against Miller Homes at the last appeal.

On 15.1.21 Brunel Surveying were working on Cams Bridge and the A27. I think that the inspector should also be looking at the planning application for Cams Bridge, P/18/0001/OA in conjunction with the appeal. In this appeal Miller Homes states that their plan ITB 12212 -GA-023 Rev B is to be used for Cams Bridge. They have sent us a different plan for the reserved matters stage which is nothing like this. Our hedge borders on to the track over Cams Bridge, and it belongs to us entirely. Not the farm, not Net Work Rail, but to us. Their plans for our hedge are to cut it down and to remove some of it entirely. This shows that Miller Homes are not to be trusted, and are capable of changing the truth once they have got permission. This is despite FBC saying that we must have security and privacy. New plans have also been put into the appeal for a cycle path across the A27 into The Thicket. Should new plans be considered, when they were not on the original planning application? What has not been addressed is the exit/ entrance to the track over Cams Bridge from The Thicket. Cycles and e .scooters could just shoot of there on to the dangerous corner there. Last week an elderly resident here, who uses a walking frame, was crossing the road, and was shouted at by a cyclist, "To get out of the way." Is this an area for more potential fatalities? Thankfully Net Work Rail will not allow traffic over Cams Bridge, and this has been accepted by Miller Homes but HCC has not caught up with that idea in it's comments.

Highways England has said that the slip road from Junction 11 of the M27 to Delme roundabout is already at over capacity, and cannot cope with more cars. In reality people are not going to walk from this site, and what Miller Homes are proposing would add at least 700 cars to this area. Building on this field would give development in the countryside, and I think that if this appeal is turned down again, then this site should be taken out of the new proposed draft plan.

Iris Grist, 2, The Pines, Down End, Fareham, Hants. PO16 8 PR.

[REDACTED]

Agenda Item G

Suggested Planning Conditions follow below.

Legal Agreements follow below:

Legal Agreements (s106, s58, SDMP etc)

Agenda Item I

Documents submitted during the Inquiry follow below:

Using the unique identifier giving to each piece by The Planning Inspector.

Agenda Item J

The Appeal Decision follows below.

