

## **LAND AT NEWGATE LANE (NORTH) AND LAND AT NEWGATE LANE (SOUTH), FAREHAM**

# **REBUTTAL PROOF OF EVIDENCE ON HOUSING NEED AND SUPPLY MATTERS**

**ON BEHALF OF FAREHAM LAND LP AND BARGATE HOMES LTD**

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## 1. EXECUTIVE SUMMARY

E.1. This Rebuttal statement briefly addresses the points raised in section 8 of the Proof of Evidence of Ms Parker.

### The approach to assessing deliverability

E.2. Section 3 of this Rebuttal identifies the inconsistency between the way the Council has assessed the deliverable supply and the approach advocated in the NPPF, the PPG and that adopted by Inspectors and the Secretary of State. This different approach appears to account for much of the discrepancy between the two parties.

### The errors in the Proof of Evidence

E.3. A number of errors within the Proof of Evidence of Ms Parker are corrected in Section 4 of this Rebuttal. In particular, it is apparent that the future Housing Delivery Test results and the future five-year requirement that arises from the emerging Local Plan have both been miscalculated. These miscalculations have been relied upon to support propositions that firstly the Council will not automatically be subject to the tilted balance of paragraph 11d in the near future and secondly that the Council will as a matter of course restore a five-year land supply following the adoption of the emerging Local Plan. Once the calculations have been corrected, neither of these propositions can be supported.

### The deliverability of Welborne

E.4. The Proof of Evidence of Ms Parker relies heavily upon a new document that is not before the inquiry, namely a report to Hampshire County Council concerning the progress with the improvements to Junction 10 of the M27 which is necessary to facilitate the delivery of the Welborne scheme. I have therefore appended this document to this Rebuttal statement in the interests of transparency. Having read the document in full, it is apparent that it actually places even further doubt upon the delivery of these improvements, contrary to the position advanced on behalf of the Council.

### Site specific evidence

E.5. There remains very limited evidence in support of the deliverability of other sites. However, where new information has been provided this is responded to as

appropriate in Section 6. Having reviewed this limited information, I do not consider that the Council has come anywhere close to meeting the evidential threshold for providing clear evidence and my position therefore remains unchanged.

#### The future five-year land supply

- E.6. The Proof of Evidence of Ms Parker provides some analysis of the future five-year land supply position. As set out above, this has not only been miscalculated, it also provides only a partial picture. Accordingly, the potential future five-year land supply positions of the Council are comprehensively considered in Section 7 of this Rebuttal. It is apparent that even based on the unrealistic trajectory of the Council, the position will worsen in the short-term and that a five-year land supply will not be able to be restored until at least the standard method has been reviewed and the Council has updated its assessment. Even then based upon the unrealistic trajectory of the Council it remains likely that a five-year land supply will be unable to be demonstrated. Even once a new housing requirement is adopted in a new Local Plan, the ability of the Council to demonstrate a five-year land supply on the basis of their unrealistic trajectory remains uncertain.

#### Conclusions

- E.7. I remain of the view based on the available evidence, the Council is only able to demonstrate a 1.11 year land supply, but that this will soon worsen owing to the imminent application of a 20% buffer.
- E.8. As set out above, the evidence indicates that it is unlikely that the Council will restore a five-year land supply in the coming years and that accordingly it will be necessary for additional residential sites to come forward to meet housing needs, to restore a five-year land supply and to support the preparation and adoption of a sound Local Plan.

## **1. BACKGROUND**

- 1.1 My name is Neil Tiley. My qualifications and experience are set out in my Proof of Evidence.
  
- 1.2 The evidence which I have prepared and provide for these appeals (APP/A1720/W/20/3252180 and APP/A1720/W/20/3252185) is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **2. INTRODUCTION**

2.1 The five-year land supply position is addressed within section 8 of the Proof of Evidence of Ms Jane Parker (JPPoE). Whilst this provides some site-specific evidence, this is very limited, and I do not consider that it comes anywhere close to providing the necessary clear evidence by reference to the evidential thresholds applied by other decision-takers. Accordingly my position remains unchanged. However, JPPoE does raise a number of points of principle and also provides some evidence in support of the deliverability of some sites. This is all briefly responded to within this Rebuttal in the interests of saving time at the inquiry.

2.2 Section 8 of JPPoE also contains a number of errors, which I have alerted the Council to and it is hoped that these will be resolved prior to the inquiry. I nevertheless briefly address these to be comprehensive.

2.3 In particular, this rebuttal addresses:

- The Council's approach to assessing deliverability;
- The errors within JPPoE;
- The deliverability of Welborne;
- Site specific evidence; and
- The future five-year land supply position.

### 3. THE COUNCIL'S APPROACH TO ASSESSING DELIVERABILITY

The framework for considering sites outside of Category A and B

3.1 In paragraph 8.118 of JPPoE clarity is provided as to how sites outside of Category A and B have been assessed by the Council. It states:

**"...sites with a resolution to grant planning grant (709 dwellings) can be considered to be deliverable as a category (b) sites in the definition of 'deliverable' in Annex 2 to NPPF [sic]."**

3.2 I do not consider that this interpretation accords with the wording of the NPPF, which identifies the tests to be applied to specified sources of supply. Indeed, the interpretation adopted in JPPoE would indicate that the test to be applied to sites outside of Category A and B would be entirely at the discretion of a decision-taker, and that the decision-taker could therefore apply the test for a Category A site, a Category B site or some other test that is not set out in national policy. Any of these approaches would require the decision-taker to introduce their own words into national policy.

3.3 Ms Parker also does not appear to be aware of, or at least has not drawn attention to the fact that the PPG (68-007) explicitly identifies that the test that applies to Category B sites only applies to Category B sites. This interpretation is therefore clearly inconsistent with the PPG which provides guidance as to the interpretation of national policy.

3.4 Similarly, Ms Parker was either unaware of, or has failed to address the fact that every recovered appeal decision of the Secretary of State of which I am aware has discounted all sites outside of Category A or B from the deliverable supply<sup>1</sup> and in particular sites that were subject to a resolution to grant planning permission at the base-date<sup>2</sup> including those that have subsequently gained planning permission<sup>3</sup> such as those sites in Fareham Borough identified in the table following paragraph 8.34 of JPPoE. The approach adopted in JPPoE is therefore also inconsistent with that of the Secretary of State.

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<sup>1</sup> See paragraphs 11.21 to 11.25 of my Proof of Evidence.

<sup>2</sup> See for example, the quote in paragraph 11.21 of my Proof of Evidence.

<sup>3</sup> See paragraph 11.24 of my Proof of Evidence.

Clear evidence

- 3.5 In paragraph 8.9 the steps taken by Ms Parker to gather clear evidence are set out. This indicates that information was received directly from the developers of some sites and provided to Planning Officers who then had discussions with Ms Parker. This was also complemented by a consideration of both the progress of sites and the likelihood of delivering housing.
- 3.6 It is firstly noteworthy that the information received directly from developers is not before the inquiry and so cannot be relied upon. Indeed, based on my experience elsewhere, where there is such correspondence with promoters this normally identifies the milestones that must be met if the trajectory is to be achieved and may identify a number of barriers to development that have yet to be resolved. In the absence of the actual evidence received from promoters, I do not consider that this can be relied upon as providing the necessary clear evidence. Indeed, it is not possible to confirm that any such milestones have been met and that any barriers will be able to be overcome. The evidence provided by the Council and within JPPoE should therefore be treated as at best providing selective extracts of information which is not available to the Inspector.
- 3.7 Furthermore, there is no record of when this information was received or who from to determine whether it should ever or can continue to be relied upon. The absence of all of this necessary detail has caused other Inspectors to conclude that, even with a written agreement, such evidence did not provide the necessary clear evidence<sup>4</sup>. The evidence of this Council is however far less compelling given that there is not even a written agreement in support of sites<sup>5</sup>.
- 3.8 The absence of the information received directly from promoters is particularly surprising in Fareham, given that I have recently learned that the Council requests such written information from promoters prior to preparing their assessment. The fact that the returns have not been made available may suggest that the responses identify factors that the Council does not wish to be made public or which undermine their position.
- 3.9 It additionally appears from paragraph 8.9, that this information received directly from the developers was not passed to Ms Parker, but instead the content of this information was canvassed by way of discussion with Planning Officers. Such an

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<sup>4</sup> See paragraph 23 of the Sturry appeal decision (Appendix 11 to my Proof of Evidence).

<sup>5</sup> With the exception of Welborne.



approach inevitably to some extent undermines the reliance that can be placed upon the evidence.

- 3.10 It is therefore perhaps unsurprising that I consider that the evidence contained in JPPoE falls a long way short of providing the necessary clear evidence by reference to approach adopted by numerous Inspectors and the Secretary of State.
- 3.11 It is also apparent that Ms Parker either misunderstands or at least misapplies the definition of a deliverable site as is evident in paragraph 8.94 which suggests that the Appellant has not presented any site specific evidence<sup>6</sup> to demonstrate that there is no prospect of the sites being delivered. It does not fall to the Appellant to demonstrate that there is no prospect of delivery for Category B sites, but rather to the Council to provide clear evidence that completions will begin on-site within five-years according to the NPPF<sup>7</sup>.

#### The Start to Finish report

- 3.12 In paragraph 8.92 it is suggested that the Start to Finish report<sup>8</sup> reflects the speed and rate of delivery of sites of over 500 dwellings only. This is simply incorrect as is apparent from Table 1, Figure 4, Figure 7, Figure 8, Table 3 and Table 4 of the report.
- 3.13 In paragraph 8.95 an extract of an appeal decision is referred to. This states that the use of a national, high level report (such as the Start to Finish report) may give broad brush indications of delivery but that it is unlikely to directly reflect local circumstances.
- 3.14 I agree with this conclusion and my evidence is consistent with this. I refer to the Start to Finish report only by way of providing context to support my professional opinion that based on 17 years' experience of monitoring the delivery of housing sites, the trajectories of the Council are unrealistic.
- 3.15 In paragraph 10.67 of my Proof of Evidence I also explicitly consider only the lead-in times achieved on strategic scale sites in Hampshire where these are

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<sup>6</sup> This is an observation of the Appellants Statement of Case and not of my Proof of Evidence which does provide such evidence.

<sup>7</sup> Converse to the test for Category A sites which does not require the Council to provide clear evidence.

<sup>8</sup> Appendix 15 to my Proof of Evidence.

available, as these are more likely to reflect local circumstances rather than relying upon national trends.

The implications of Covid-19

- 3.16 In paragraph 8.96 it is suggested that it is not appropriate to apply a discount to reflect the effects of Covid-19 and I agree, at least until such time as the effects have been accurately assessed<sup>9</sup>. This is precisely why I have not applied any such discounts.
- 3.17 However, the lockdown clearly will have some effect on the delivery of housing and the lead-in times for bringing new sites forward. This is evident from the recently published planning application statistics which indicate that nationally, 425,000 district planning applications were received in 2019/20 as compared to 447,000 in 2018/19. Whilst the effects haven't been quantified and so a specific reduction is not argued for, it is nevertheless material that the trajectories of both parties are likely to err on the side of optimism.
- 3.18 Furthermore, the NPPF makes it clear that in order for a Category B site to be considered deliverable, there needs to be clear evidence that completions will begin on-site. It is therefore for the Council to demonstrate that notwithstanding the effects of the pandemic, such sites will nevertheless still achieve completions within five-years.

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<sup>9</sup> Which has not been undertaken by either party for the purposes of these appeals.

#### 4. THE ERRORS IN THE PROOF OF EVIDENCE

4.1 JPPoE contains a small number of errors. These are briefly addressed below in order to clarify the position for the benefit of the Inspector.

##### Sites subject to a resolution to grant planning permission

4.2 In paragraph 8.5, paragraph 8.19, the table following paragraph 8.19, paragraph 8.25 and paragraph 8.118 of JPPoE, it is identified that it is considered that sites that were subject to a resolution to grant planning permission at the base-date will contribute 709 dwellings to the deliverable supply. This is consistent with the position presented in the Council's five-year housing land supply assessment<sup>10</sup> and is also agreed in the Statement of Common Ground<sup>11</sup>. However, in the table following paragraph 8.19 of JPPoE, a list of these sites is provided and this sums to 755 dwellings.

4.3 The additional 46 dwellings identified in this table appear to arise from two sites as follows:

- JPPoE suggests that East & West of 79 Greenaway Lane, Warsash will contribute 6 dwellings at P/18/0884/FP and an additional 30 dwellings at P/18/0107/OA. The five-year land supply assessment of the Council recognises that the 6 dwellings proposed at P/18/0884/FP will reduce the capacity at P/18/0107/OA by 6 so that it will contribute only 24 dwellings rather than the 30 identified in JPPoE. This inconsistency has also translated through to the table following paragraph 8.39, the title following paragraph 8.43, and paragraph 8.46; and
- JPPoE suggests that Land East of Brook Lane (South), Warsash will contribute 140 dwellings to the deliverable supply. The five-year land supply assessment of the Council however indicates that only 100 dwellings will be delivered within five-years. This inconsistency has also translated through to the table following paragraph 8.39, the title following paragraph 8.43 and paragraph 8.46.

4.4 These appear to be errors in JPPoE that depart not only from the Statement of Common Ground but also from the remainder of JPPoE and the Council's five-year land supply assessment.

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<sup>10</sup> See Row I of page 3 of Appendix 7 to my Proof of Evidence.

<sup>11</sup> See page 18.

Completions in 2019/20

- 4.5 In paragraph 8.107 of JPPoE it is suggested that 866 completions were achieved in 2019/20. In paragraph 8.108 it is identified that on this basis, the presumption in favour of sustainable development will not be automatically engaged.
- 4.6 However, the Council has informed me that only 285 completions were achieved in 2019/20 (as set out in Appendix R1). As set out in Table 5.1 of my Proof of Evidence this provides for a total of 866 completions over the period 2017-20 rather than in 2019/20 as assumed in JPPoE. This mistake within JPPoE may explain why it is concluded that the presumption in favour of sustainable development will not be automatically engaged, contrary to the calculations provided in Tables 5.1 and 5.2 of my Proof of Evidence<sup>12</sup> which demonstrate that regardless of the approach, the presumption in favour of sustainable development will be automatically engaged.

**APPENDIX R1: CORRESPONDENCE FROM FAREHAM BOROUGH COUNCIL**

Future land supply

- 4.7 In paragraph 8.111 JPPoE identifies that the emerging Local Plan is planning for a scale of growth based on the proposed revised standard method for 403dpa. This is incorrect. As set out in Table 4.1 of the Regulation 19 consultation document (CDF.6), the emerging Local Plan is now proposing to address a housing need of 7,295 dwellings over the next 16 years, or 456dpa. In order to achieve this, it proposes a housing requirement for 7,295 dwellings in Table 4.1, 7,315 dwellings in Table 4.3, 8,389 homes in Strategic Policy H1 and 7,292 in Appendix B. Whilst these internally inconsistent housing requirements are confusing, Policy H4 identifies that the five-year land supply will be assessed against the housing requirement identified in Strategic Policy H1 which provides for an average of 524dpa over the plan period.
- 4.8 Strategic Policy H1 also proposes to step the requirement to provide for 2,250 dwellings over 2021-26 or 450dpa. Again, there is some confusion that arises from the fact that Appendix B identifies a stepped housing requirement for 2,279 over the period 2021-26 or 456dpa. Nevertheless, Policy H4 indicates that the five-year land supply should be assessed against the housing requirement of Strategic Policy H1, namely 450dpa if this is stepped or 524dpa if it is not.

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<sup>12</sup> As set out and corrected subsequently, it should be noted that Table 5.2 was miscalculated.

- 4.9 Therefore, contrary to the position presented in JPPoE, depending which section of the emerging Local Plan is relied upon, there is a proposed housing requirement for 524dpa across the plan period or a proposed stepped requirement for 450dpa over the period 2021-26. None of these figures are consistent with the figure of 403dpa assumed in JPPoE. Accordingly, the conclusions reached in paragraphs 8.112 and 8.113 have been miscalculated and should not be relied upon.
- 4.10 I address the future five-year land supply position and correct these errors, as far as this is possible based on the available evidence, towards the end of this Rebuttal statement.

## 5. THE DELIVERABILITY OF WELBORNE

### IDP19

- 5.1 In paragraph 8.69 of JPPoE it is acknowledged that the trajectory envisaged by the applicant in IDP19 has not been achieved. It is suggested in paragraph 8.70 that the IDP19 is nevertheless founded on a strong evidence base and that the Council continue to rely upon development proceeding broadly in accordance with this document, notwithstanding that this is impossible.
- 5.2 Not only does the reliance upon evidence which has been superseded by events lack credibility, it is also contrary to the interpretation of the Secretary of State in paragraph 21 of the Stapeley decision<sup>13</sup> which indicates that where the milestones identified in a written agreement have not been met and there is no other evidence of progress, sites should not be considered deliverable.

### Report to Hampshire County Council

- 5.3 In paragraph 8.71 it is acknowledged that no development works other than that related to the delivery of Junction 10 can take place until details of all of the sources of funding have been approved.
- 5.4 In the subsequent paragraphs, a document which is not before the inquiry, namely the report to the Cabinet of Hampshire County Council on 29<sup>th</sup> September 2020 is heavily relied upon. I attach this document upon which the Council rely as Appendix R2.

### **APPENDIX R2: REPORT TO HAMPSHIRE COUNTY COUNCIL CABINET**

- 5.5 It is observed in JPPoE that significant progress has been made to advance the design and to progress the economic case<sup>14</sup>; and that the Solent LEP have offered to provide up to £900,000<sup>15</sup>. However, it is not identified that:
- The County Council clearly has concerns about the deliverability of the J10 improvements and as such have been advised to suspend and terminate their role as Scheme Promoter (paragraph 3);

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<sup>13</sup> Appendix 9 to my Proof of Evidence.

<sup>14</sup> See paragraph 8.72,

<sup>15</sup> See paragraph 8.73.

- Even if the necessary funding is secured for Stage 3 of the approval process, the County Council was advised to formally review its continued role as Scheme Promoter (paragraph 6);
- Ministers and government officers have consistently advised that they will not invest further funding until there is an increased local contribution and that whilst several options to increase the local contribution have been discussed no clear way forward has been identified. Accordingly, full funding for the scheme is unlikely to be secured for the foreseeable future and development work beyond Stage 3 will almost certainly be stalled (paragraph 23); and
- The remaining funding gap is of the order of £20M (paragraph 36).

5.6 Indeed, when read as a whole, this document actually provides yet further evidence that the Welborne development will not proceed in the near future and further undermines the trajectory of the Council.

#### The trajectory of the Council

5.7 In paragraph 8.78 of JPPoE it is suggested that the Council's lead-in time for Welborne broadly accords with the average lead-in time according to the Start to Finish report assuming that outline planning permission was granted in January 2021. This is simply incorrect.

5.8 The average lead-in time nationally was 3 years and 2 months from the grant of outline planning permission until the first completion. This would mean that even if outline planning permission was granted in January 2021 as assumed by the Council<sup>16</sup>, on average, the first completions would be achieved in March 2024.

5.9 The Council's trajectory however suggests that the first completions will be achieved in late 2022/early 2023 (over a year earlier than the average) and that 210 completions will have been achieved by March 2024. There is therefore a substantial difference (of 210 dwellings) between the average achieved nationally and that proposed by the Council. There would need to be compelling evidence to demonstrate that such an aspirational lead-in time could be achieved. However, to the contrary, there is actually compelling evidence that there are significant barriers to development for which no solution has been identified despite

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<sup>16</sup> Notwithstanding that I consider this to be wholly unrealistic and there is no clear evidence to support this.

extensive efforts by the relevant parties, all of which will serve to delay the development of this site.

- 5.10 It is also indicative that the average lead-in time experienced on strategic sites across Hampshire which reflect local circumstances has been longer with at 4 years and 10 months<sup>17</sup>.

Other issues

- 5.11 JPPoE indicates that S106 negotiations are advanced but from long experience, the final agreement of a S106 remains entirely uncertain and at the discretion of the relevant parties. The Council are only one party in these negotiations and in the absence of any evidence from the other parties, I do not consider that this can be relied upon.
- 5.12 Furthermore, even assuming a S106 is agreed in the coming months, the Council has provided no evidence as to how or when the lengthy list of resulting obligations<sup>18</sup> will be met. Nor has the Council provided any timeline or evidence for the discharge of the numerous proposed conditions<sup>19</sup>. It is also notable that JPPoE suggests that the conditions on numerous other sites are not onerous, but this has not and cannot be suggested in relation to the proposed conditions at Welborne.
- 5.13 For any or all of the above reasons, I do not consider that Welborne can be considered deliverable at present.

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<sup>17</sup> See paragraph 10.67 of my Proof of Evidence.

<sup>18</sup> See paragraph 10.55 of my Proof of Evidence.

<sup>19</sup> See paragraphs 10.57 to 10.59 of my Proof of Evidence.



## 6. SITE SPECIFIC EVIDENCE

6.1 JPPoE provides limited evidence in support of sites. In the majority of instances, I do not consider that this comes anywhere close to providing the necessary clear evidence. It largely comprises allusions to what the Council consider could happen on sites. However, a few points are raised on some sites which I briefly address below.

### Land East of Brook Lane, Warsash

6.2 In paragraph 8.16 it is identified that amended plans have been requested by the Council which are presumably necessary for the application to be approved and for the proposed development to be considered suitable. It also identifies that a nitrate budget remains to be submitted as required by Natural England. It is therefore clearly the case that the Council was not in a position at the base-date to confirm that the proposed development was suitable, and this remains the case.

6.3 In paragraph 8.17 it is suggested that an extension of time has been agreed to 22<sup>nd</sup> December 2020 but there is no evidence of this. The Council's website continues to identify that there have been no additional documents received since October 2019. Notwithstanding the fact that reserved matters will apparently not now be approved until December 2020 (assuming they are), the Council's trajectory suggests that the first completions will be achieved from April 2021. This is clearly unrealistic.

6.4 Furthermore, I consider that there remains no clear evidence that development will be forthcoming even if reserved matters are approved.

6.5 Accordingly, as this site was not suitable now at the base-date, the trajectory of the Council is unrealistic and there is no clear evidence, this site should not be considered deliverable.

### Land South of Funtley Road, Funtley; and Southampton Road (Reside)

6.6 In paragraph 8.37 it is suggested that applications for the approval of reserved matters are to be submitted within 24 months, which would take us to November 2022, and that then works are to commence within 12 months which would take us to November 2023. It obviously takes a number of months from commencement of works until the first completion is achieved and, in my

experience, it usually takes circa 6 months. The evidence of the Council therefore indicates that the first completion will not be achieved until circa April 2024 on these sites.

- 6.7 However, the Council's trajectory requires that the first completion will be achieved in circa October 2022 on both sites (some 18 months earlier). The Council's trajectories are therefore inconsistent with the evidence presented as they require that the first completions are achieved prior to the submission of reserved matters and prior to work commencing.
- 6.8 The trajectories that arise from JPPoE will inevitably mean that a proportion of the dwellings on these sites will not be delivered within five-years and the Council's deliverable supply needs to be adjusted accordingly.
- 6.9 However, as set out in my original Proof of Evidence, these sites were both subject to resolutions to grant planning permission at the base-date and so cannot be included in the deliverable supply in accordance with the approach of the majority (if not all) Inspectors of which I am aware and the Secretary of State<sup>20</sup>, and furthermore, there remains no clear evidence<sup>21</sup> that these will achieve completions. Accordingly, I do not consider that these should be included in the deliverable supply.

Land South West of Sovereign Crescent, Locks Heath; and Moraunt Drive, Portchester

- 6.10 In paragraph 8.41 it is identified that the applicants are required to demonstrate nitrate neutrality and that even once this is achieved it will be necessary to undertake an HRA/AA and consult Natural England. In the absence of these having been achieved, and without prejudicing the results of these, the sites cannot have been considered to have offered a suitable location for development at the base-date and this remains the case.
- 6.11 Furthermore, as above, both of these sites are subject to only a resolution to grant planning permission and there is no clear evidence<sup>22</sup> of deliverability. Accordingly, I do not consider that these should be included in the deliverable supply.

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<sup>20</sup> See paragraphs 11.21 to 11.25 of my Proof of Evidence.

<sup>21</sup> Even if contrary to the NPPF and PPG (68-007) this was deemed to be the appropriate test.

<sup>22</sup> Ibid.

East & West of 79 Greenaway Lane, Warsash; Land East of Brook Lane (South), Warsash; Land to the East of Brook Lane and West of Lockwood Road, Warsash

- 6.12 As above, in paragraph 8.45 it is identified that each of these sites remain subject to the need to demonstrate nitrate neutrality and to be subject to HRA/AA followed by consultation with Natural England. If these processes are to be meaningful and in the absence of the conclusion of these processes, these sites cannot be concluded to have offered a suitable location for development at the base-date or now.
- 6.13 Similarly, given that these remain subject only to resolutions to grant planning permission and there is no clear evidence<sup>23</sup>, these should not be considered to be deliverable at present.

Land at Brook Lane, Warsash

- 6.14 In addition to the fact that nitrate neutrality has not been demonstrated for this site, paragraph 8.48 identifies that the applicant has not even identified any proposed mitigation.
- 6.15 Furthermore, as above, given that this remains subject only to a resolution to grant planning permission and there is no clear evidence<sup>24</sup>, this should not be considered to be deliverable at present.

Wynton Way

- 6.16 In paragraph 8.52 the fact that this site is identified in the Affordable Housing Strategy for delivery in the next five years is relied upon as providing clear evidence. However, the Affordable Housing Strategy (CDG.8) is not subject to the same tests of deliverability as apply in the NPPF. The Affordable Housing Strategy also infers that unlike on other sites, plans and funding are not in place for this proposed development.
- 6.17 In paragraph 8.53 it is identified that the County Council are looking to acquire part of this site, but there is no evidence of a willing landowner that would be necessary to secure the delivery of this site.

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<sup>23</sup> Even if contrary to the NPPF and PPG (68-007) this was deemed to be the appropriate test.

<sup>24</sup> Ibid.

6.18 In paragraph 8.54 some evidence is provided of the approximate lead-in times achieved on other sites, but only one of these examples namely at The Former Hampshire Rose has actually achieved completions and so provides any evidence of the lead-in times achieved. Furthermore, whilst these generic lead-in times provide a useful gauge, they do not provide the necessary clear evidence for this particular site.

6.19 Accordingly, I do not consider that there is sufficient evidence to consider this site to be deliverable.

Heath Road, Locks Heath

6.20 In paragraph 8.62 it is identified that updated ecology surveys will be required and it would therefore be expected the implementation will be delayed, even assuming that these ecology surveys do not identify anything which would further delay implementation or prevent development.

6.21 Again, it is identified that nitrate neutrality has not been demonstrated and that it is unknown what mitigation will be proposed. Accordingly, as above, the proposed development cannot be demonstrated to be suitable at present or at the base-date.

6.22 In paragraph 8.65 it is identified that it is likely that the scheme will not be substantially completed until 2024/25. This suggests that Ms Parker does not consider that the scheme will be fully completed in 2024/25 as assumed in the Council's trajectory. This would again require the deliverable supply of the Council to be reduced.

6.23 Once again, I consider that there remains no clear evidence that completions will be achieved and so I do not consider that this site should be included in the deliverable supply.

Warsash Maritime Academy

6.24 In paragraph 8.88 it is identified that it will be necessary to prepare an Environmental Statement and a Transport Assessment but that these will not lead to significant delay. This rather misses the point, that until these necessary assessments that are integral to the suitability or otherwise of the proposal are undertaken, it cannot be demonstrated that the site offers a suitable location for the proposed development as is required for a site to be considered deliverable.

6.25 As with the majority of other sites, I also consider that there remains no clear evidence as would be required for such a site to be considered deliverable.

## 7. THE FUTURE FIVE-YEAR LAND SUPPLY POSITION

7.1 In paragraphs 8.98 to 8.114 of JPPoE the future land supply position in Fareham is forecast. Such forecasts can provide a useful indication of the direction of travel that may be material to the weight afforded to the provision of additional housing and to the weight afforded to policies.

7.2 However, it should be acknowledged that any such forecasts will necessarily be based upon speculation and so cannot be wholly relied upon. This is particularly the case in Fareham including owing to the fact that:

- the Council has published two inconsistent trajectories, one within Appendix B of the Regulation 19 consultation draft Local Plan (CDF.6) and one in the published five-year land supply statement (Appendix 7 to my Proof of Evidence);
- the Council is progressing an emerging Local Plan and so the figure against which the land supply will be assessed will change following adoption. Both the final housing requirement and the date of adoption cannot be predicted with any certainty;
- the Council's emerging Local Plan proposes internally inconsistent housing requirements in Strategic Policy and Appendix B;
- the Council's emerging Local Plan identifies a housing need in Table 4.1 that is inconsistent with current national policy which will apply for the purposes of the examination of this Local Plan according to the proposed transitional arrangements of Changes to the Current Planning System (CDD.3);
- the Secretary of State has identified that the proposed revised standard methodology, upon which the emerging Local Plan relies, will be modified prior to implementation and the Housing Minister has identified that the figures are speculative<sup>25</sup>; and
- the Council's emerging Local Plan proposes a stepped housing requirement which remains to be tested through an examination.

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<sup>25</sup> See paragraphs 4.13 to 4.14 of my Proof of Evidence.

7.3 Therefore, when considering the future five-year land supply position, due regard needs to be paid to the positions that could arise from any of the potential outcomes on each of these issues. I address each of these issues below before proceeding to consider the resultant five-year land supply positions.

7.4 As identified above, the forecasts in paragraphs 8.112 and 8.113 have been miscalculated. They are also limited to address the position that will arise once the emerging Local Plan is adopted and are entirely dependent upon the proposed housing requirement being found sound.

7.5 I therefore proceed to consider the position that will arise from now until post-adoption and against the range of potential outcomes.

#### The trajectory

7.6 The emerging Local Plan (CDF.6) was prepared more recently than the five-year land supply assessment of the Council which is relied upon for the purposes of this appeal.

7.7 The two trajectories in these documents are inconsistent. It would be expected that this would be down to the trajectory of the emerging Local Plan taking account of the additional supply that arises from the proposed allocations and additional sites that have gained planning permission since April 2020 which were ineligible for inclusion as of April 2020. Accordingly, with these additional sites it would therefore be expected that the supply would be either consistent or greater in every year. However, the trajectory in the emerging Local Plan identifies that fewer completions will be achieved in 2021/22 and 2022/23 than in the five-year land supply statement even with these allocations. It is therefore apparent that the Council no longer consider that the trajectory they advance to these appeals is realistic and that it needs to be reduced to some extent.

7.8 The respective trajectories are provided in Table 7.1 below.

**Table 7.1 – respective trajectories**

	2020/21	2021/22	2022/23	2023/24	2024/25
Trajectory in the emerging Local Plan including emerging allocations		258	396	975	961
Trajectory in the five-year land supply assessment excluding emerging allocations	132	295	419	729	602
Difference		-37	-23	+246	+359

7.9 The components of supply that make up the trajectory in Appendix B are not presented anywhere and so this trajectory cannot be relied upon. Indeed, the trajectory does not meet the minimum requirements of paragraph 73 of the NPPF which requires that an LPA identifies a supply of “specific” deliverable sites. It should therefore be afforded limited weight. Nevertheless, in the absence of any alternative trajectory for 2025/26, this is adjusted appropriately and relied upon for the purposes of the following analysis.

7.10 The respective positions of both parties on the deliverable supply are known for the period 2020-25, namely that the Council consider that there is a supply of 2,094 dwellings and I consider that there is a supply of 599 dwellings. These are used accordingly. When considering the deliverable supply for 2021-26, in the absence of any breakdown of the sources of supply, it is not possible for me to reach a conclusion on the likely deliverable supply over this period. In the absence of any alternative, the trajectories of the Council are used for the purposes of this analysis and adjusted as appropriate.

7.11 Firstly, the trajectory identified in the five-year land supply assessment is assumed to occur, notwithstanding that as set out throughout my Proof of Evidence, I do not consider that this is realistic. This is then adjusted to take account of additional sources of supply that may become deliverable by the time of adoption, which are reflected in Appendix B.

7.12 These additional sources of supply could arise from new planning permissions granted prior to April 2021 which would be eligible for inclusion in the deliverable supply from 2021-26 and/or proposed allocations which cannot be included in the deliverable supply until the Local Plan is adopted and their suitability or otherwise



has been tested through an examination<sup>26</sup>. Therefore, the future deliverable supply will be between these two extremes, with at one end of the scale, all of the additional supply being eligible for inclusion at April 2021 and at the other all of the additional supply only being eligible for inclusion post-adoption.

7.13 The trajectory in Appendix B is also the adjusted to take account of the recent concessions identified in the table following paragraph 8.5 of JPPoE which will reduce the supply by 15 dwellings in 2022/23<sup>27</sup>, 28 dwellings in 2023/24<sup>28</sup> and 40 dwellings in 2024/25<sup>29</sup>. The potential resultant positions of the Council on the deliverable supply are set out in Table 7.2 below.

**Table 7.2 – potential resultant positions of the Council**

	2021/22	2022/23	2023/24	2024/25	2025/26	Supply 2021-26
Prior to adoption - maximum potential supply						
Trajectory in the five-year land supply statement	295	419	729	602		2,045
Trajectory of Appendix B assuming all additions arise from new planning permissions	-37	-23	246	359	496	1,041
Concessions of JPPoE		-15	-28	-40		-83
<b>Total</b>	<b>258</b>	<b>381</b>	<b>947</b>	<b>921</b>	<b>496</b>	<b>3,003</b>
Prior to adoption - minimum potential supply						
Trajectory in the five-year land supply statement	295	419	729	602		2,045
Trajectory of Appendix B assuming all additions arise from proposed allocations	-37	-23	0	0	0	-60
Concessions of JPPoE		-15	-28	-40		-83
<b>Total</b>	<b>258</b>	<b>381</b>	<b>701</b>	<b>562</b>	<b>0</b>	<b>1,902</b>
Post adoption - potential supply						
Trajectory in the five-year land supply statement	295	419	729	602		2,045
Trajectory of Appendix B	-37	-23	246	359	496	1,041
Concessions of JPPoE		-15	-28	-40		-83
<b>Total</b>	<b>258</b>	<b>381</b>	<b>947</b>	<b>921</b>	<b>496</b>	<b>3,003</b>

<sup>26</sup> As set out in the overwhelming majority of (if not all) appeal decisions under the former and current NPPF of which I am aware including for example paragraph 33 of the Woolmer Green appeal decision (CDJ.3). I could provide many additional examples of this.

<sup>27</sup> At 1 Station Industrial Park.

<sup>28</sup> Comprising 8 dwellings at 335-337 Gosport Road and 20 dwellings at East of Raley Road.

<sup>29</sup> Comprising 30 dwellings at East of Raley Road and 10 dwellings at 33 Lodge Road.

- 7.14 It is therefore apparent that if the Council's trajectories are achieved there will be a deliverable supply of between 1,902 dwellings and 3,003 prior to adoption, depending upon the amount of this supply that is made up of proposed allocations which cannot be included until tested through an examination. However, following adoption, the Council's trajectory if achieved would identify a supply of 3,003 dwellings.
- 7.15 This assumes that all of the trajectories of the Council will be achieved and that all of the proposed allocations will be found to be sound. Given that the Council acknowledged that the emerging Local Plan that contains these proposed allocations can only be afforded limited weight at present, these trajectories can be afforded at most limited weight.
- 7.16 Consistent with the position set out throughout my evidence, I consider that the Council's trajectories are unrealistic and accordingly I consider that the deliverable supply will be significantly lower.

The changing figure against which the land supply will be assessed

- 7.17 The five-year land supply position will be assessed against the standard method until the Local Plan is adopted.
- 7.18 The standard method currently identifies a need for 514dpa in Fareham. This forms part of the PPG which informs the NPPF and therefore should be afforded very significant weight. However, it should be acknowledged that the Government has published a proposed revised standard method that could be introduced within the next 6 months. As set out in paragraphs 4.13 and 4.14 of my Proof of Evidence, the Secretary of State has indicated that this proposed method will need to be modified, the Housing Minister has indicated that until they are implemented they are speculative and parliament has passed a motion for a meaningful debate to discuss this matter in light of concerns with the proposed method. Accordingly, I consider that these proposals should be afforded at most very limited weight.
- 7.19 There are therefore two potential figures against which the five-year land supply can be forecast prior to adoption, one of which is consistent with current national policy and the other of which I consider should be afforded at most very limited weight. It is possible and indeed likely that an entirely different figure will be identified as a result of the implementation of a new standard method, and based

on the information I have read<sup>30</sup> consultancies have proposed a method which would identify a minimum housing need for Fareham which is greater than that which arises from the current standard method. Nevertheless, I present the position that would arise against both the current standard method and against the Governments proposed revised standard method only.

- 7.20 Following adoption, the five-year land supply will then be assessed against the adopted housing requirement as addressed below.

The proposed housing requirement

- 7.21 As discussed previously, the Regulation 19 consultation document proposes a housing requirement for 524dpa over the plan period and a stepped requirement for 450dpa over the period 2021-26.
- 7.22 The plan period requirement is calculated based upon the proposed revised standard method with an additional contribution of 847 dwellings to address the unmet needs of neighbouring authorities according to Table 4.1. The emerging Local Plan acknowledges in paragraph 4.12 that it is appropriate to uplift this by 15% to provide for 8,389 dwellings and this is set as the housing requirement in Strategic Policy H1 against which the five-year land supply should be assessed according to Policy H4.
- 7.23 As the proposed housing requirement is based upon the proposed revised standard method, it does not accord with current national policy and guidance. This proposal of the Council also does not accord with the proposed transitional arrangements set out in paragraph 43 of Changes to the Current Planning System (CDD.3) which suggest that the current standard method will continue to apply to Local Plans that have reached or are close to reaching the Regulation 19 stage at the time the revised standard method is published.
- 7.24 The Regulation 19 consultation draft in Fareham is therefore not only inconsistent with national policy that applies at the current time it is also inconsistent with the proposed transitional arrangements. In paragraph 8.111 of JPPoE it is suggested that the Council considers this to be appropriate. It is not clear if Ms Parker agrees.

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<sup>30</sup> Including the methodology of Turley referenced in paragraph 15.5 of my Proof of Evidence.

- 7.25 Ms Parker is also either unaware of, or does not draw any attention to, the widespread objections to the currently proposed revised standard method, or to the conclusion of ministers that it is need of additional work, that the figures are speculative, and that it is need of a meaningful debate<sup>31</sup>. In light of these factors which do not appear to have been taken into account by Ms Parker, I consider that the proposed revised standard method should be afforded at most very limited weight.
- 7.26 The emerging Local Plan has not even yet been subject to a Regulation 19 consultation, and given the inconsistency with current and very probably future national policy, this is likely to require significant modification prior to submission. Accordingly, I do not consider this to be at an advanced stage of preparation. These proposals will also doubtlessly and quite rightly be subject to widespread objection. In accordance with paragraph 48 of the NPPF, paragraph 8.114 of JPPoE identifies that the proposals in the Regulation 19 consultation draft should therefore be afforded limited weight. I consider that this would be the case even if they were based on a housing need figure that was consistent with national policy, they had been prepared in accordance with the proposed transitional arrangements and they were based on a housing need figure which could be afforded significant weight. However, in the absence of any of these, I would suggest that the proposed housing requirement of the emerging Local Plan should be afforded virtually no weight at present.
- 7.27 In Table 4.1 of the emerging Local Plan it is proposed that the housing requirement will be 847 homes in excess of the standard method in order to address the unmet needs of neighbouring authorities. The resultant housing need could therefore be for 7,295 dwellings if the proposed transitional arrangements are not accorded with (using the proposed revised standard method of 403dpa), or 9,065 if they are (using the current standard method of 514dpa).
- 7.28 Indeed, to accord with the proposed transitional arrangements and current national policy, the proposed housing requirement would need to be adjusted to be based upon the current standard method with an additional contribution of 847 to address the unmet needs of neighbouring authorities and then an additional 15% uplift to be applied. This would equate to a housing requirement for 10,426

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<sup>31</sup> See paragraphs 4.13 to 4.14 of my Proof of Evidence.

dwellings<sup>32</sup> or 652dpa as compared to the proposed housing requirement for 8,389 dwellings or 524dpa.

7.29 The five-year land supply post-adoption is therefore considered on the basis of:

- The proposed stepped housing requirement which I consider should be afforded at most very limited weight and Ms Parker considers should be afforded limited weight – 450dpa;
- The proposed annualised housing requirement – 524dpa;
- The proposed annualised housing requirement adjusted to accord with current national policy and the proposed transitional arrangements – 652dpa.

7.30 On these bases, I proceed to consider the future five-year land supply position based on the available evidence.

The baseline five-year requirement excluding buffer

7.31 The baseline five-year requirement for the period 2020-25 is for **2,569** dwellings against the current standard method<sup>33</sup>.

7.32 However, if the proposed revised standard method was implemented, there would be a baseline five-year requirement for **2,015** dwellings over the period 2020-25<sup>34</sup>.

7.33 The results of the standard method cannot be predicted for the period 2021-26 as the affordability information that will inform this will not be available until circa March 2021. Therefore, for the purposes of this analysis, it is assumed that the above figures will remain constant.

7.34 Upon adoption of the Local Plan the baseline five-year requirement will then be determined by the adopted housing requirement. Based on the scenarios identified above, there could be a baseline five-year requirement for:

- The proposed stepped housing requirement – **2,250**;
- The proposed annualised housing requirement – **2,622**;

<sup>32</sup> = ((513.7 x 16) + 847) x 1.15.

<sup>33</sup> As set out in Table 7.1 of my Proof of Evidence.

<sup>34</sup> = 403dpa x 5.

- The proposed annualised housing requirement adjusted to accord with current national policy and the proposed transitional arrangements – **3,258.**

The buffer

7.35 In paragraph 8.110 of JPPoE it is accepted that the Council will soon be subject to a 20% buffer. The buffer will continue to be determined by the Housing Delivery Test results until these are superseded by the subsequent set of results<sup>35</sup>. Therefore, the Council will remain subject to a 20% buffer until November 2021.

7.36 From November 2021, the next set of Housing Delivery Test results will apply. These are estimated based on the available information in Tables 7.3 and 7.4 below. Table 7.3 reflects the position that arises if the housing requirement was not reviewed by the Development Sites and Policies Plan and the Welborne Plan and Table 7.4 reflects the position if it was<sup>36</sup>. It should be noted that Table 5.2 of my Proof of Evidence had been miscalculated as I had identified that 8<sup>th</sup> June 2020 was 18.6% of the way into the 2019/20 monitoring year and calculated the results on this basis. This was clearly incorrect as it is 18.6% into the 2020/21 monitoring year. I have therefore corrected this in Table 7.4 below. This error does not however make any material difference as the Council will still have a record of substantial under-delivery in the November 2020 results even if it is concluded, contrary to case law, that the Development Sites and Policies Plan and the Welborne Plan did review the housing requirement.

**Table 7.3 – Housing Delivery Test calculations**

	Number of homes required						Number of homes delivered						HDT result
	2016/17	2017/18	2018/19	2019/20	2020/21	Total	2016/17	2017/18	2018/19	2019/20	2020/21	Total	
2019 results	424.7	401.5	543.1	-	-	1369.3	356	291	290	-	-	937	68.4%
2020 results	-	401.5	543.1	522.5	-	1467.1	-	291	290	285	-	866	59.0%
2021 results	-	-	543.1	522.5	513.7 <sup>37</sup>	1579.3	-	-	290	285	132 <sup>38</sup>	707	44.8%

<sup>35</sup> Unless MHCLG write to correct an error in the interim.

<sup>36</sup> These are consistent with Tables 5.1 and 5.2 of my Proof of Evidence.

<sup>37</sup> Based on the agreed standard method that applies in 2020.

<sup>38</sup> Calculated from the trajectory contained in the five-year land supply assessment of the Council.

**Table 7.4 – Housing Delivery Test calculations on the premise that the housing requirements were reviewed in 2015**

	Number of homes required						Number of homes delivered						HDT result
	2016/17	2017/18	2018/19	2019/20	2020/21	Total	2016/17	2017/18	2018/19	2019/20	2020/21	Total	
2019 results	423.2	401.5	419.9	-	-	1244.6	356	291	290	-	-	937	75.3%
2020 results	-	401.5	419.9	410.9 <sup>39</sup>	-	1232.3	-	291	290	285	-	866	70.3%
2021 results	-	-	419.9	410.9	494.4 <sup>40</sup>	1325.2	-	-	290	285	132	707	53.4%

7.37 It is evident from these tables that providing the Housing Delivery Test remains unchanged, the Council will not only be subject to a 20% buffer<sup>41</sup> and a record of substantial under-delivery from November 2020 this will also be the case from November 2021.

The potential future five-year land supply positions

7.38 Based on all of the preceding scenarios, the potential future five-year land supply land supply scenarios are calculated in Table 7.5 below.

**Table 7.5 – potential future five-year land supply scenarios**

	Current SM	Proposed Revised SM	The proposed stepped housing requirement	The proposed annualised housing requirement	The adjusted proposed annualised housing requirement
Currently for the period 2020-25					
Baseline five-year requirement	2,568	-	-	-	-
Five-year requirement including 5% buffer	2,697	-	-	-	-
Deliverable supply of the Council	2,094	-	-	-	-
Five-year land supply position according to the deliverable supply of the Council	3.88	-	-	-	-
Deliverable supply of the Appellant	599	-	-	-	-
Five-year land supply position according to the deliverable supply of the Appellant	1.11	-	-	-	-
Following publication of the November 2020 HDT results for the period 2020-25					
Baseline five-year requirement	2,568	-	-	-	-
Five-year requirement including 5% buffer	3,082	-	-	-	-

<sup>39</sup> Based on the adopted housing requirement of 125 + 0.2 + 285.7 set out in paragraph 5.25 of my Proof of Evidence.

<sup>40</sup> Based on 18.6% of the adopted housing requirement and 81.4% of the agreed standard method for 514dpa in 2020.

<sup>41</sup> As agreed in paragraph 8.109 of JPPoE.

	Current SM	Proposed Revised SM	The proposed stepped housing requirement	The proposed annualised housing requirement	The adjusted proposed annualised housing requirement
Deliverable supply of the Council	2,094	-	-	-	-
Five-year land supply position according to the deliverable supply of the Council	3.40	-	-	-	-
Deliverable supply of the Appellant	599	-	-	-	-
Five-year land supply position according to the deliverable supply of the Appellant	0.97	-	-	-	-
Following publication of new standard method (based on the range between the current standard method and the proposed revised standard method) for the period 2020-25					
Baseline five-year requirement	2,568	2,015	-	-	-
Five-year requirement including 5% buffer	3,082	2,418	-	-	-
Deliverable supply of the Council	2,094	2,094	-	-	-
Five-year land supply position according to the deliverable supply of the Council	3.40	4.33	-	-	-
Deliverable supply of the Appellant	599	599	-	-	-
Five-year land supply position according to the deliverable supply of the Appellant	0.97	1.24	-	-	-
Following publication of new standard method (based on the range between the current standard method and the proposed revised standard method) for the period 2021-26					
Baseline five-year requirement	2,568	2,015	-	-	-
Five-year requirement including 5% buffer	3,082	2,418	-	-	-
Maximum deliverable supply of the Council	3,003	3,003	-	-	-
Five-year land supply position according to the maximum deliverable supply of the Council	4.87	6.21	-	-	-
Minimum deliverable supply of the Council	1,902	1,902	-	-	-
Five-year land supply position according to the minimum deliverable supply of the Council	3.09	3.93	-	-	-
Following adoption of the Local Plan for the period 2021-26					
Baseline five-year requirement	-	-	2,250	2,622	3,258
Five-year requirement including 5% buffer	-	-	2,700	3,146	3,910
Deliverable supply of the Council	-	-	3,003	3,003	3,003
Five-year land supply position according to the deliverable supply of the Council	-	-	5.56	4.77	3.84

7.39 It is therefore apparent that:

- It is agreed that the Council is currently unable to demonstrate a five-year land supply – the respective positions are 1.11 and 3.88 years;
- It is agreed that this is likely to worsen following the publication of the Housing Delivery Test results due in November 2020 – the respective positions are 0.97 and 3.40 years;



- This position will remain in place until a new standard method is implemented. Regardless of whether this is consistent with the proposed revised standard method which the Secretary of State has indicated needs to be modified, the Council will remain unable to demonstrate a five-year land supply – the respective positions are between 0.97 and 3.40 years and between 1.24 and 4.33 years;
- The Council will then update their five-year land supply to reflect the period 2021-26 at some point after April 2021. The existence or otherwise of a five-year land supply will be dependent upon the standard method that is implemented and upon the extent to which the Council include proposed allocations within the trajectory in Appendix B which will remain ineligible for inclusion in the deliverable supply:
  - Assuming that the standard method is broadly consistent with the current standard method, then the Council will continue to be unable to demonstrate a five-year land supply;
  - Even assuming that the proposed revised standard method is introduced, contrary to the indications of the Secretary of State, then depending upon the contributions that emerging allocations make to the trajectory in Appendix B, the Council may conclude that they are still unable to demonstrate a five-year land supply (between 3.93 and 6.21 years) and I consider that regardless of the reliance upon proposed allocations the Council will remain unable to demonstrate a five-year land supply (between 3.09 and 4.87 years);
- Then assuming that the Local Plan is adopted in 2021/22, the ability of the Council to demonstrate a five-year land supply at the point of adoption and thereafter, even assuming that the remainder of the supply they identify is deliverable, will be entirely dependent upon:
  - The proposed revised standard method being implemented, contrary to the indications of the Secretary of State; and
  - The housing requirement being found sound notwithstanding that it has not been prepared in accordance with the proposed transitional arrangements; and

- The proposed stepped housing requirement being found to be sound; and
  - Welborne having delivered at least 387 homes by March 2026, which according to the trajectory of the Council would require the first completion to have been achieved by circa June 2023 notwithstanding the absence of an outline planning application<sup>42</sup>, the funding gap which is unlikely to be resolved in the foreseeable future<sup>43</sup>.
- If any one of these is not supported by the examining Inspector (or by the Government in the case of the standard method), then the Council will not be able to demonstrate a five-year land supply.

7.40 It is therefore evident that based on the available evidence, the Council will remain unable to demonstrate a five-year land supply for the foreseeable future, and that in the short-term the position is likely to worsen. In order to stand any prospect of restoring a five-year land supply at any point in the next year, in the absence of additional sites being brought forward, the Council are wholly reliant upon the proposed revised standard method being implemented contrary to the indications of the Secretary of State and this being relied upon in the emerging Local Plan notwithstanding that this doesn't accord with the proposed transitional arrangements. Even assuming this is the case, and even assuming the Council's trajectories are achieved, it is not certain that the Council will restore a five-year land supply<sup>44</sup>. I consider that all of these eventualities upon which the Council rely can be afforded at most very limited weight.

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<sup>42</sup> As identified above, even in outline planning permission is granted in January 2021 as assumed by the Council, on average the first completion wouldn't be expected until March 2024 even on a site without funding issues.

<sup>43</sup> According to Hampshire County Council.

<sup>44</sup> For example, as a result of the emerging allocations not being eligible for inclusion in the deliverable supply until they have been tested through an examination; and/or as a result of the stepped housing requirement not being found sound.

## 8. CONCLUSIONS

### Current land supply

- 8.1 The evidence submitted on behalf of the Council provides no substantive evidence to demonstrate that the sites relied upon by the Council are deliverable in accordance with the NPPF. In the absence of such necessary evidence, the NPPF indicates that these sites should not be considered deliverable. Accordingly, in the continued absence of the necessary evidence, my professional opinion remains unchanged, namely that the Council is currently able to demonstrate only a 1.11 year land supply.
- 8.2 Ms Parker on behalf of the Council has similarly also identified that some components of the identified supply are not deliverable and now identifies a 3.9 year land supply<sup>45</sup> as compared to the 4.03 year supply previously identified by the Council.
- 8.3 The latest trajectory of the Council contained within the emerging Local Plan also appears to indicate that the position may be lower than that identified by Ms Parker.
- 8.4 On any basis, the inability of at least circa 1 in 5 households to be able to access appropriate accommodation is a significant factor to weigh in the planning balance.

### Future land supply

- 8.5 Whilst the future land supply position is difficult to predict especially in Fareham Borough, it appears to be agreed that the five-year land supply position of the Council will worsen in the short-term as a result of the imminent requirement to apply a 20% buffer.
- 8.6 Following the implementation of the proposed review of the standard method, for an interim period prior to adoption of the emerging Local Plan, the ability of the Council to be able to claim to demonstrate a five-year land supply or otherwise will be entirely dependent upon the standard method that is implemented. At present, the Secretary of State has indicated that the proposed method will be modified prior to implementation but these modifications cannot be predicted with any accuracy. However, even if contrary to the direction of travel, the proposed

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<sup>45</sup> This is actually a 3.88 year land supply rounded to two decimal places.

revised standard method was implemented, then the Council would remain unable to demonstrate a five-year land supply at least until such time as they update their assessment to cover the period 2021-26. Even then, it is unclear that the Council would be able to demonstrate a five-year land supply as this would be both dependent upon the new standard method that is eventually introduced and the components of the Council's trajectory that will be deliverable at April 2021.

- 8.7 However, once the emerging Local Plan is adopted, the preceding analysis demonstrates that if this is prepared in accordance with the proposed transitional arrangements (such that it continues to be based on the current standard method), then the Council will continue to be unable to demonstrate a five-year land supply at the point of adoption.
- 8.8 Accordingly, the identification of additional sources of supply will not only meet housing needs over the forthcoming five-year period, it will assist the Council to restore a five-year land supply both now and in the short-term, and it will also assist in the preparation and adoption of a sound Local Plan.