

**FAREHAM BOROUGH COUNCIL**

**Town and Country Planning Act 1990 – Section 78**

**Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000**

**ADDENDUM TO PROOF OF EVIDENCE**

**Of**

**Ms Jane Parker BA (Hons), MA, MRTPI**

**On behalf of the Local Planning Authority**

**CO-JOINED INQUIRY**

**Outline application with all matters reserved (except for access) for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure**

**LAND AT NEWGATE LANE NORTH, FAREHAM  
Appeal by Fareham Land LP**

**Planning Inspectorate Reference: APP/A1720/W/20/3252180**

**Fareham Borough Council Reference: P/18/1118/OA**

**AND**

**Outline Planning Permission For The Demolition Of Existing Buildings And Development Of Up To 115 Dwellings, Open Space, Vehicular Access Point From Newgate Lane And Associated And Ancillary Infrastructure, With All Matters Except Access To Be Reserved.**

**LAND AT NEWGATE LANE SOUTH, FAREHAM  
Appeal by Bargate Homes Ltd**

**Planning Inspectorate Reference: APP/A1720/W/20/3252185**

**Fareham Borough Council Reference Ref: P/19/0460/OA**

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## **1 INTRODUCTION**

- 1.1. My name is Jane Parker and I am an Associate at Adams Hendry Consulting Limited. My Qualifications and experience are set out in section one of my main proof.
- 1.2. In this addendum I will provide evidence to update and consolidate that which I have already provided in relation to matters of housing land supply. This addendum replaces Section 8 of my main Proof of Evidence and Section 3 of my Rebuttal Proof of Evidence on housing land supply.

## 2 HOUSING LAND SUPPLY

2.1 Paragraph 73 of the NPPF requires local planning authorities to '*identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five-years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five-years old.*' Deliverable sites are sites which are available now, offer a suitable location for development now and must be achievable with a realistic prospect that housing will be delivered on the site within 5 years.

### **Summary of Council's current five-year housing land supply position**

2.2 The Council's housing land supply position was set out in the Supplementary Update report to Planning Committee on 24th June 2020 (CDC.3). Matters which were agreed were set out in the respective Statements of Common Ground (SoCG) [January 2021] at paragraph 7.3 – 7.16. Matters that were not agreed were set out at paragraph 7.17 of the respective SoCGs.

2.3 At that time, the Council considered that it was able to demonstrate a 4.03 year land supply; a deliverable supply of 2,177 homes in the period 2020-2025. The Appellant considered that the Council was able to demonstrate a 1.11 year land supply; a deliverable supply of 599 homes in the period 2020-2025.

2.4 However, in carrying out a review of the housing land supply position in preparing of this evidence, I have found no compelling evidence to demonstrate that four of the sites in the July 2020 will come forward within the 5 year period. I have therefore excluded these from the Council's supply.

2.5 An updated table of the Council's position and that of the Appellant is set out below with the sites that I have excluded shown in red.

<b>Source of supply</b>	<b>Position of the Council</b>	<b>Position of the Appellant</b>
<b>Sites which should be considered deliverable unless there is clear evidence to the contrary</b>		
<b>Small permitted sites</b>	155	155

Source of supply	Position of the Council	Position of the Appellant
<b>Large permitted sites with detailed consent</b>	371	356
1 Station Industrial Park	0	0
Other sites with detailed planning permission	356	356
<b>Site which should only be considered deliverable where there is clear evidence that completions will begin on the site within five-years</b>		
<b>Large permitted sites with outline planning permission</b>	99	14
Land east of Brook Lane, Warsash	85	0
Other sites with outline planning permission	14	14
<b>Dwellings with a Resolution to Grant Planning Permission</b>	<b>709</b>	<b>0</b>
<b>Allocations</b>	624	0
Wynton Way, Fareham	10	0
335-337 Gosport Road, Fareham	0	0
East of Raley Road	0	0
33 Lodge Road, Locks Heath	0	0
Land off Church Road	26	0
Heath Road, Locks Heath	70	0
Welborne	450	0
<b>Sites identified on a Brownfield Register</b>	<b>145</b>	<b>0</b>

<b>Source of supply</b>	<b>Position of the Council</b>	<b>Position of the Appellant</b>
Fareham Magistrates Court	45	0
Warsash Maritime Academy	100	0
<b>Windfall allowance</b>	<b>74</b>	<b>74</b>
<b>TOTAL</b>	<b>2,094</b>	<b>599</b>

2.6 On this basis, it is the Council's revised position that it is able to demonstrate a 3.9 year land supply; a deliverable supply of 2,094 homes in the period 2020-2025.

#### **The Deliverable Supply**

2.7 In order to be considered deliverable, it is agreed that all sites must as a minimum have offered a suitable location for development at the base-date, they must have been available at the base-date, and there must have been a realistic prospect of delivery within five-years from the base-date of the assessment, namely 1st April 2020.

2.8 Additionally, permitted sites which do not involve major development and sites with detailed planning permission should be considered deliverable unless there is clear evidence that homes will not be delivered within five-years. Sites with outline planning permission for major development, sites allocated in the development plan, sites with a grant of permission in principle and sites identified on a brownfield register can only be considered deliverable where there is clear evidence that completions will begin on site within five-years.

2.9 In preparing my evidence for this appeal, I have undertaken my own review, informed through the discussions with Planning Officers at the Council based on information directly received from developers and my own consideration of the progress of the sites and the likelihood of delivering housing within the next 5 years. In undertaking this review, I have had regard to the content of the

NPPF and PPG and relevant decisions and judgments in concluding on what I consider can be taken as being a deliverable part of the supply.

2.10 The outcomes of my review are set out below. I have summarised my commentary on the supply, in the following sections.

**Outstanding Planning Permissions – Small**

Source of supply	Position of the Council	Position of the Appellant
<b>Small permitted sites</b>	155	155

2.11 The 155 dwellings are forecast to be built from outstanding planning permissions (small 1- 4 units) by 30<sup>th</sup> March 2025. The Council has applied a 10% discount to allow for lapses in permission. I consider that this is a reasonable approach and that the supply can be relied upon. This position is a matter of agreement as set out in the Statement of Common Ground.

**Outstanding Planning Permissions – Large**

Source of supply	Updated Position of the Council	Position of the Appellant
<b>Large permitted sites with detailed consent</b>	356	356
1 Station Industrial Park	0	0
Other sites with detailed planning permission	356	356

2.12 It is the Council’s revised position that 1 Station Industrial Park previously forecast to deliver 15 units cannot be considered available as it currently in use by Foreman Homes as offices and the prior approval consent (P/17/1219/PC) expired on 31<sup>st</sup> October 2020.

## Large permitted sites with outline planning permission

Source of supply	Position of the Council	Position of the Appellant
Large permitted sites with detailed consent	99	14
Land east of Brook Lane, Warsash	85	0
Other sites with outline planning permission	14	14

2.13 The 99 dwellings are forecast to be built from outstanding planning permissions (large 5 or more units) by 30<sup>th</sup> March 2025. It is a matter of agreement as out in the Statement of Common Ground that 14 of these units are considered deliverable. It is a matter of dispute that 85 dwellings on Land east of Brook Lane, Warsash are deliverable with 5 years.

### *Land east of Brook Lane, Warsash*

2.14 The Appellant's position is that there is no evidence that progress has been made since the reserved matters application was submitted in March 2019 and that Natural England has raised the potential for significant impacts on European protected sites. Furthermore, that reserved matters applications will need to be prepared and conditions discharged once the consent is issued which is likely to delay a start on site.

2.15 Pursuant to Outline Planning Permission P/16/1049/OA, granted consent on Appeal in May 2018 for up to 85 dwellings, a reserved matters application for approval of details relating to landscape, scale, appearance and landscaping (ref P/19/0313/RM) was submitted in March 2019. Since that date, discussions between the applicant and the case officer have been active and are ongoing.

2.16 I am advised by the case officer that on 22nd December 2020 the agent requested an extension of time to 18<sup>th</sup> February 2021 with a view to submitting amended plans to improve the overall quality of the scheme, as requested by



the Council, and a nitrate budget as requested by Natural England. The agent has also indicated that details of the SUDS required to discharge condition 18 attached to the OA are also to be submitted.

2.17 The developer of the site, Taylor Wimpey, have provided updated information on delivery of the dwellings in a position statement received October 2020 (Appendix 5, p2). The housing trajectory estimates that 35 dwellings will be completed on the site by 2022/23 and 50 dwellings by 2023/24. The planning conditions attached to the outline consent are in my opinion standard and not especially onerous and the number of pre-commencement conditions is limited. Condition 3 requires the development to be begun before the expiration of 12 months from the date of the approval of the last reserved matter application to be approved. The current reserved matters application relates to the whole of the development up to 85 dwellings. I consider that on this basis, that even if the determination of the reserved matters application was to be delayed until the early part of 2021, it is realistic to anticipate that the site is capable of being delivered within the 5 year period.

**Dwellings with a Resolution to Grant Planning Consent**

2.18 The Council has identified 709 dwellings with a resolution to grant planning permission as set out in the table below:

<b>Sites with a resolution to grant planning consent</b>		<b>5 Year Supply (2020/21 – 2024/25)</b>	
<b>Councils Position</b>	<b>709</b>	<b>Appellant's Position</b>	<b>0</b>
<b>Sites with Full Planning Permission</b>			
<i>East &amp; West of 79 Greenaway Lane, Warsash (P/18/0884/FP)</i>		6 dwellings	
<i>Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)</i>		38 dwellings	
<i>Moraunt Drive, Portchester (P/18/0654/FP)</i>		48 dwellings	

<b>Sites with Outline Planning Permission</b>	
<i>Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)</i>	180 dwellings
<i>Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA)</i>	100 dwellings
<i>Land to the East of Brook Lane and West of Lockwood Road - Land &amp; Partners (P/17/0998/OA)</i>	145 dwellings
<i>East &amp; West of 79 Greenaway Lane, Warsash (P/18/0107/OA)</i>	24 dwellings
<i>Land South of Funtley Road, Funtley (P/18/0067/OA)</i>	55 dwellings
<i>Southampton Road (Reside) (P/18/0068/OA)</i>	105 dwellings
<i>Egmont Nurseries, Brook Avenue (P/18/0592/OA)</i>	8 dwellings

2.19 The table at above identifies those sites which have a resolution to grant planning permission as of the baseline at 1st April 2020. For absolute clarity, the table identifies which of these sites have a resolution to grant full planning permission and which sites have a resolution to grant outline planning permission.

2.20 Below I provide clear evidence that there is a realistic prospect that housing will be delivered on these sites within 5-years.

2.21 One of the sites with a resolution to grant at the base date of 1st April 2020 now has full permission and three have outline permission. I also provide an update on the remaining six sites with a resolution to grant planning permission.

2.22 My evidence then looks in turn at the current status and progression of each of these sites through the planning process since 1st April 2020. It is my view that the further a site has progressed through the planning process, the clearer the evidence becomes that the site are deliverable within the five-year period.

2.23 The Appellant's position is that sites with a resolution to grant planning permission cannot be considered to be deliverable with reference to category A and B sites as defined in NPPF. The Appellant further contends that even if

they were considered deliverable, the s106 agreements will take a considerable amount of time to negotiate and that reserved matters and conditions attached to the respective consents once issued means that there will be a long lead in time before a start on site can be made.

- 2.24 The Council considers these sites are deliverable according to the High Court Consent Order (Claim No. CO/917/2020, 12<sup>th</sup> May 2020) in the case of East Northamptonshire Council (ENC) and the Secretary of State and Lourett Developments Ltd) (CDK.8).
- 2.25 ENC commenced legal action against the SOS for allowing a planning appeal at Thrapston in Northamptonshire. The case related to the Planning Inspector's decision to treat the definition of 'deliverable' within the Glossary of the NPPF as a 'closed list'.
- 2.26 The SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five-years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. The SOS considered that it was appropriate for the Court to make an Order quashing the decisions and remitting the appeal to be determined anew. The Court duly issued an order to this effect.
- 2.27 In light of the position taken by the SOS, the Council consider that it is reasonable to assume that Planning Inspectors will now follow the approach advocated in this case. On this basis, the Council's position is that applications with a resolution to grant planning consent can be included in the 5YHLS where there is clear evidence that housing completions will begin on site within five-years.
- 2.28 Sites with a resolution to grant planning consent comprise 709 dwellings of the Council's housing supply 2020-2025. I set out clear evidence below to

demonstrate that these sites are deliverable and meet the definition as set out in the NPPF.

*Background context*

- 2.29 In February 2019, Natural England updated its advice to local councils to reflect recent European case law and now recommends an Appropriate Assessment is undertaken within the Borough of Fareham for every application for a net increase of one dwelling.
- 2.30 Natural England has highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon European Protected Sites (EPS).
- 2.31 Sites with a resolution to grant planning consent have been 'held back' since February 2019 where developers have not been able to demonstrate that their proposals maintain or reduce the levels of nitrates leaving their site or developers are unable to provide the necessary mitigation.
- 2.32 However, on 30<sup>th</sup> September 2020 the Council entered into a legal agreement with the Hampshire and Isle of Wight Wildlife Trust and Isle of Wight Council to secure nitrate mitigation at Little Duxmore Farm in connection with residential planning permissions granted within the Borough of Fareham.
- 2.33 The agreement provides a legal framework to facilitate the purchase of nitrate credits for applicants/ developers. It also controls how the land at Little Duxmore Farm is managed and for what period of time and will ensure monitoring is undertaken to ensure compliance with the legal agreement.
- 2.34 The legal agreement does not specify how many nitrate credits will need to be provided in mitigation for specific development sites. The amount of mitigation needed for each development proposal will need to be agreed on a case by case basis with the Council as part of the planning application process. Once the level of mitigation has been established, and the Council has concluded following an appropriate assessment that there will be no adverse effect on the integrity of protected sites as a result of the development, the applicant/ developer will then enter into arrangements with the HIOWWT to purchase the nitrate mitigation. The applicant/ developer will need to satisfy the Council that the mitigation has been secured at the time of granting planning permission,

with proof of the purchase of credits to be provided before their development commences.

- 2.35 With this agreement in place, the Council has begun to issue permissions without delay. Further detail on this matter is provided below.

### **Progress on Applications with resolution to grant Full Planning Consent**

#### **Sites now with Planning permission**

- 2.36 Significant progress has already been made by the Council. The following developments have secured planning consent.

<b><i>Sites with Full Planning Permission</i></b>	<b>No of Dwellings</b>	<b>Consent granted</b>
<i>East &amp; West of 79 Greenaway Lane, Warsash (P/18/0884/FP)</i>	6 dwellings	11 <sup>th</sup> August 2020
<b><i>Sites with Outline Planning Permission</i></b>		
<i>Land South of Funtley Road, Funtley (P/18/0067/OA)</i>	55 dwellings	2 <sup>nd</sup> September 2020
<i>Southampton Road (Reside) (P/18/0068/OA)</i>	105 dwellings	12 <sup>th</sup> July 2020
<i>Egmont Nurseries, Brook Avenue (P/18/0592/OA)</i>	8 dwellings	1 <sup>st</sup> October 2020.
<b><i>Total number of dwellings</i></b>	<b>175 dwellings</b>	

- 2.37 In respect of the 6 dwellings to the East of West of Greenaway Lane, as this site has full planning consent I consider that it should be now be considered deliverable until the permission expires.

- 2.38 In respect of the sites with outline planning permission, I provide clear evidence below as to why I consider these sites to be deliverable having regard to the small size of the sites and the conditions attached to the outline consent which are standard and not onerous and which strictly limit the time for the submission

of reserved matters applications and the commencement of works thereafter. I consider that that this constitutes clear evidence, proportionate to the circumstances of each case to demonstrate that these straightforward and uncomplicated sites, are deliverable within five years.

*East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP): 6 Dwellings*

- 2.39 Full planning permission has been granted for 6 dwellings at East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP) on 11<sup>th</sup> August 2020 incorporating wetland creation. There is only one standard pre-commencement condition attached to the consent. For this reason, I consider that the Council's projected housing delivery of 6 dwellings in 2021/22 is entirely deliverable within the 5 year period.

*Land South of Funtley Road, Funtley (P/18/0067/OA: 55 dwellings and Southampton Road (Reside) (P/18/0068/OA: 105 dwellings)*

- 2.40 The Land South of Funtley Road, Funtley (P/18/0067/OA) was granted outline permission on 2<sup>nd</sup> September 2020. The land at Southampton Road (Reside) (P/18/0068/OA) was granted outline permission on 12<sup>th</sup> July 2020.
- 2.41 Applications for the approval of reserved matters are to be submitted to the Council within 24 months. Indeed, an application for approval of reserved matters in relation to the land at Southampton Road was received on 18<sup>th</sup> December and is currently awaiting validation. Following approval of reserved matters, works are then to commence within 12 months of the final reserved matter application. The conditions and obligations are standard and not onerous. For this reason, I consider that the Council's projected housing delivery of 55 dwellings at the Land South of Funtley Road, Funtley and 105 dwellings at Southampton Road (Reside) are entirely deliverable within the 5 year period.

*Egmont Nurseries, Brook Avenue (P/18/0592/OA): 8 dwellings*

- 2.42 The land at Egmont Nurseries, Brook Avenue (P/18/0592/OA) was granted outline permission on 1<sup>st</sup> October 2020.
- 2.43 A reserved matters application was accepted and registered by the Council on 24<sup>th</sup> November 2020 and that application is currently under consideration. The conditions and obligations are standard and not onerous. An application for

approval of conditions relating to technical matters (ecology, trees, surface water drainage and land contamination) was registered on 21<sup>st</sup> October and is under consideration. For this reason, I consider that the Council's projected housing delivery of 8 dwellings at Egmont Nurseries are entirely deliverable within the 5 year period.

**Applicants expressing an interest in nitrate credits under the HIWWT Scheme**

<b>Sites with Full Planning Permission</b>	
<i>Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)</i>	38 dwellings
<i>Moraunt Drive, Portchester (P/18/0654/FP)</i>	48 dwellings
<b>Sites with Outline Planning Permission</b>	
<i>East &amp; West of 79 Greenaway Lane, Warsash (P/18/0107/OA)</i>	30 dwellings
<i>Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA)</i>	140 dwelling
<i>Land to the East of Brook Lane and West of Lockswood</i>	145 dwellings
<b>Total number of dwellings</b>	<b>401 dwellings</b>

*Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP): 38 dwellings, and Moraunt Drive, Portchester (P/18/0654/FP): 48 dwellings*

- 2.44 Resolution to grant planning permission for 38 dwellings (P/18/0484/FP) at September 2018 and 48 dwellings (P/18/0654/FP) at December 2018.
- 2.45 The legal agreements have been engrossed and are with the developer's solicitors. The developer at Moraunt Drive has expressed an interest with HIWWT to purchase nitrate credits. FBC has already contacted the applicants to set out the final steps required for them to demonstrate nitrate neutrality (by obtaining a Nitrogen Mitigation Proposals pack from HIWWT) and this information has been received. FBC have carried out a HRA/AA and are

awaiting a response from Natural England following their consultation on this. Once a response has been received FBC will move to issue the decision.

2.46 The developer at Sovereign Crescent has indicated that alternative nitrate mitigation is being pursued under one of the two alternative nitrate mitigation schemes that the Council is in the process of negotiating. Currently legal agreements are being drafted and these schemes will be brought forward in due course.

2.47 The implementation period for both developments have been reduced to 12 months. For this reason, I consider that the Council's projected housing delivery of 38 dwellings at Sovereign Crescent and 49 dwellings at Moraunt drive are entirely deliverable within the 5 year period.

*East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA): 30 dwellings, Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA): 140 dwellings and Land to the East of Brook Lane and West of Lockswood Road, Warsash (P/17/0998/OA): 145 Dwellings*

2.48 Resolution to grant planning permission for 30 dwellings (P/18/0107/OA) at June 2018. Resolution to grant planning permission for 140 dwellings (P/17/0752/OA) at January 2018. Resolution to grant planning permission for 157 dwellings (P/17/0998/OA) at May 2018 (145 dwellings in the 5YHLS).

2.49 The s106's at Greenaway Lane and the Land East of Brook Lane (South) are currently being finalised and are likely to be completed imminently. I am advised that the s106 at the Land to the East of Brook Lane and West of Lockswood Road is also almost concluded but requires signing and sealing. All the developers have expressed an interest with HIWWT to purchase nitrate credits. FBC has already contacted the applicants to set out the final steps required for them to demonstrate nitrate neutrality (by obtaining a Nitrogen Mitigation Proposals pack from HIWWT) and this has been received in the case of the Greenaway Lane and Bargate Homes sites with information expected imminently in respect of Land to the East of Brook Lane and West of Lockswood Road. For all of these schemes FBC will carry out an HRA/AA, consult Natural England and then move to issue the decisions.

2.50 In respect of the Greenway Lane and East of Brook Lane developments (P/17/0752/OA) the submission of all reserved matters must be made to the



local planning authority no later than 12 months from the date of the permission. In respect of the Land to the East of Brook Lane and West of Lockwood development the submission of all reserved matters is to made to the local planning authority no later than 18 months from the date of the permission. The implementation period for all the above developments has been further reduced to 12 months from the submissions of the last reserved matters application. The conditions and obligations are standard and not onerous. For this reason, I consider that the Council’s projected housing delivery of 30 dwellings at East & West of 79 Greenaway Lane, Warsash, 140 dwellings at Land East of Brook Lane (South), Warsash and 145 dwellings at Land to the East of Brook Lane and West of Lockwood are entirely deliverable within the 5 year period. This is supported by the information provided by the applicants in their position statements received October 2020 (Appendix 5, p 6 – 15).

*Land at Brook Lane, Warsash (P/17/0845/OA:) 180 dwellings*

<b>Sites with Outline Planning Permission</b>	
<i>Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)</i>	180 dwellings

- 2.51 Resolution to grant planning permission for 180 dwellings (P/18/0845/OA) at January 2018.
- 2.52 I am advised that the s106 is substantially drafted with only matters in relation to maintenance costs for a pedestrian/cycling link and the inclusion of the affordable housing allowance cap remaining outstanding. These are not substantive issues. This evidence clearly shows that good progress is continuing to be made although I accept that the Council is not yet in a position to issue the planning consent.
- 2.53 The applicant has not expressed an interest in nitrate credits available under the HIWWT scheme and has, as yet, not advised what mitigation it is proposing. However, the Council has proactively engaged with the two other landowners to provide nitrate mitigation schemes which would be available for developers to use in a similar way to the HIWWT at Little Duxmore Farm. Currently legal agreements are being drafted and these schemes may provide suitable nitrate mitigation should the applicant wish to express an interest in due course.

- 2.54 The submission of all reserved matters is to be made to the local planning authority no later than 12 months from the date of the permission. The implementation period for the developments has been further reduced to 12 months from the approval of the last reserved matters application.
- 2.55 Having reviewed the particular circumstances of the case, and once the above matters are resolved, I consider that the delivery of the site within the five years remains a realistic prospect. The Council's trajectory shows only a small number of dwellings (40) being provided in 2022/23 with the remainder being delivered in 2023/24 and 2024/25. The conditions attached to the outline consent are standard and not onerous and strictly limit the time for the submission of reserved matters applications and the commencement of works thereafter. There are no complex or particular onerous matters that suggest there will be any delay in delivery.
- 2.56 On this basis, I consider that this clear evidence, proportionate to the circumstances of the case has been provided to demonstrate that this site is deliverable within five years.

*Sites where nitrates matters are being resolved*

- 2.57 At paragraphs 2.34 – 2.35 above I explain that nitrate matters are now being resolved which will enable the Council to issue planning consents for those sites I identify in the table above paragraph 2.43.
- 2.58 The resolution of nitrates is the only outstanding matter that has prevented the delivery of these sites. This matter is substantially resolved on the above sites and nitrate mitigation is actively in the process of being secured. With the nitrate solution in place, there is no reason why the planning consents for the above sites should not be issued very shortly. Once the permissions are issued, there is absolutely no reason why these sites should not then progress in a straightforward matter.
- 2.59 The sites with full planning consent, once issued should be considered deliverable until the permission expires. I therefore consider that there is a realistic prospect that these sites will be deliverable within five years particularly as given the small size of the sites.

2.60 The three sites with outline planning permission, once issued, are also small, or of a modest size and the conditions attached to the outline consent are standard and not onerous and strictly limit the time for the submission of reserved matters applications and the commencement of works thereafter. There are no complex or particular onerous matters that suggests there will be any delay in delivery. Having regard to the particular circumstances of each case, I consider that the evidence I have presented above constitutes clear evidence that there is a realistic prospect that the sites will be delivered within five years.

**Allocations**

<b>Source of supply</b>	<b>Revised Position of the Council</b>	<b>Position of the Appellant</b>
<b>Allocations</b>	624	0
Wynton Way, Fareham	10	0
335-337 Gosport Road, Fareham	8	0
East of Raley Road	0	0
33 Lodge Road, Locks Heath	10	0
Land off Church Road	26	0
Heath Road, Locks Heath	70	0
Welborne	450	0

2.61 The 624 dwellings on sites allocated in the adopted Local Plan (LLP2) that are forecast to be built by 30<sup>th</sup> March 2025 are a matter of dispute with the Appellant.

***Land at Wynton Way, Fareham (LP2 site H3, and draft local Plan site HA22)***

Source of supply	Position of the Council	Position of the Appellant
Wynton Way, Fareham	10	0

2.62 The Appellant's position is that no planning application has been submitted on this site since it was allocated in 2015 and that pre-application discussions and negotiations cannot be relied upon as evidence of delivery.

2.63 The adopted Local Plan estimates that this site has a capacity of 10 dwellings. The site is identified in the Council's adopted Affordable Housing Strategy (2019) for delivery within the next 5 years. This site is a top priority as it is in an area of high affordable need.

2.64 The site is part owned by the Council and Hampshire County Council (HCC). Active and positive discussions are currently underway to bring the ownership entirely within the Council's control. HCC has recently agreed to dispose of the adjacent Kershaw Centre and the Council are in active negotiations to also acquire this part of this site. I am advised that the larger site (including the Kershaw Centre) will provide in the region of 19 new affordable homes overall, a higher number of dwellings than anticipated by the adopted Local Plan. An architect, MH Architects, has already been appointed with initial drawings provided and a planning application is expected in 2021. A nitrate solution is also in place.

2.65 I am advised by the Affordable Housing Strategic Lead at the Council that recent Fareham housing projects typically see a start on site within approximately 12 months of a planning consent. Construction works would be expected to take approximately 18 months and delivery is therefore expected within 5 years. The following examples of swift delivery have been provided to me:

- *P/19/0840/FP Former Merjen Engineering, Station Rd Portchester (16No. sheltered flats)*

Planning approved 17<sup>th</sup> April 2020. All technical drawings now complete. Full tender process to appoint a contractor has been

completed. Ascia Construction Limited have been appointed and works are expected to start in February/March 2021.

- *P/17/0956/FP The former Hampshire Rose site (18No. flats)*  
Planning approved 25<sup>th</sup> May 2018 . Start on site late summer 2019. Expecting formal handover of first six units in February 2021 with remaining twelve in April 2021.
- *P/19/0915/FP Land at Stubbington Lane (11No. houses)*  
Planning approved 15<sup>th</sup> April 2020. Full tender pack including all technical details produced. Full tender closes on 15<sup>th</sup> January 2021. Expecting start on site in March/April 2021.

2.66 I anticipate therefore that the site may deliver a larger yield of up to 19 affordable housing units compared to the 10 dwelling anticipated by the adopted Local Plan. I consider the Council estimated delivery of the site by 2022/23 is reasonable given the small number of dwellings to be completed and expect the site to be delivered within 5 years.

**335-337 Gosport Road, Fareham (LP2 site H4, and draft Local Plan site HA24)**

Source of supply	Revised Position of the Council	Position of the Appellant
335-337 Gosport Road, Fareham	0	0

2.67 This site is owned by HCC and is allocated for 8 dwellings in the Regulation 19 draft Local Plan. It is accepted that to date, no applications for planning permission have been submitted. On the basis of my discussions to date, I find no compelling evidence to demonstrate that this site will come forward within the 5 year period and therefore I have excluded it from the supply.

**East of Raley Road, Locks Heath (north) (LP2 H6)**

Source of supply	Revised Position of the Council	Position of the Appellant

East of Raley Road	0	0
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2.68 It is the Council's revised position that the Lane east of Raley Way previously forecast to deliver 50 units can no longer be considered to be available. I am advised that the site has been removed as a housing allocation from the Regulation 19 consultation draft Local Plan. On the basis, I find no compelling evidence to demonstrate that this site will come forward within the 5 year period and therefore I have excluded it from the supply.

**33 Lodge Road, Locks Heath (LP2 H10)**

Source of supply	Revised Position of the Council	Position of the Appellant
33 Lodge Road, Locks Heath	0	0

2.69 The adopted Local Plan estimates a potential yield of 10 dwellings from this site.

2.70 An outline application (P/20/0257/OA) for the erection of 9 dwellings was received in March 2020. The application was refused on 14<sup>th</sup> September 2020 on the grounds that insufficient evidence had been submitted to demonstrate that the development would provide an appropriate level of compensatory habitats and biodiversity enhancements to support protected species; and in the absence of a legal agreement to secure such.

2.71 Having spoken to the case officer, I am advised that the landowner is unwilling at present to deliver the required biodiversity and there is therefore no certainty that the site will be delivered within five-years. On the basis, I find no compelling evidence to demonstrate that this site will come forward within the 5 year period and therefore I have excluded it from the supply.

**Land off Church Road (LP2 H8) and draft Local Plan site (HA29)**

Source of supply	Revised Position of the Council	Position of the Appellant
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Land off Church Road	26	0
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2.72 The adopted Local Plan indicates that site has an indicative capacity of 20 dwellings however the landowner has indicated that the site is capacity of delivering 26 dwellings. It is accepted that to date, no applications for planning permission have been submitted. However, information provided by the landowner in March 2020 stated that it anticipated delivery of the site in 2022/23 subject to a solution for nitrate mitigation. The Council has proactively engaged with two further landowners to provide nitrate mitigation schemes which would be available for developers to use in a similar way to the HIWWT at Little Duxmore Farm. Currently legal agreements are being drafted and these schemes may provide suitable nitrate mitigation should the applicant wish to express an interest in due course. An alternative nitrate mitigation scheme may of course be bought forward by the landowner.

I note that the Council has adopted a more precautionary approach and identifies the delivery of the site in 2023/24. On the basis of discussions with the landowners, and the small number of dwellings estimated to be completed, the Council is confident in the yield and delivery of the site within the 5 year period.

***Heath Road, Hampshire County Council (LP2 H11and Reg. 19 Local Plan HA9)***

Source of supply	Revised Position of the Council	Position of the Appellant
Heath Road, Locks Heath	70	0

2.73 The Council resolved to grant outline planning permission for 70 dwellings (P/17/1366/OA) subject to a Section 106 in February 2018. However, consent is likely to be delayed due to the need to carry out updated Phase II ecology surveys and a revised parameter plan/quantum of development accordingly given the time that has lapsed since the resolution to grant planning consent in February 2018. No decision is therefore anticipated until before August 2021.

- 2.74 I am advised that the landowner has not secured nitrate credits with the HIWWT scheme and has, as yet, not advised what mitigation it is proposing. The Council has proactively engaged with two further landowners to provide nitrate mitigation schemes which would be available for developers to use in a similar way to the HIWWT at Little Duxmore Farm. Currently legal agreements are being drafted and these schemes may provide suitable nitrate mitigation should the applicant wish to express an interest in due course. An alternative nitrate mitigation scheme may of course be bought forward by the landowner.
- 2.75 The conditions of the consent once issued require an application for approval of reserved matters applications is to be made to the local planning authority before the expiration of three years from the date of the permission. Work is to be commenced no later than two years from the approval of the final reserved matters. The conditions and obligations are standard and not onerous.
- 2.76 Whilst some dwellings could be delivered in 2023/24, I consider it likely the scheme will not be substantially completed until 2024/25.

**Welborne Garden Village (LP3) 6000 dwellings**

Source of supply	Revised Position of the Council	Position of the Appellant
Welborne	450	0

- 2.77 The Appellant's position is that no reliance can be placed in the developer's Infrastructure Delivery Plans. It further considers that the s106 agreement will take a considerable amount of time to negotiate and that reserved matters and conditions attached to the consent once issued means that there will be a long lead in time before a start on site can be made. It further identifies barriers that need to be overcome, including funding for improvements to Junction 10 of the A27.
- 2.78 The Welborne Garden Village is the Council's largest development proposal and will, when completed, deliver a new community of some 6,000 dwellings together with employment, education, community and other infrastructure. This is a long-standing development proposal to which the Council has devoted significant resources to secure its successful delivery.



- 2.79 The Council resolved to grant outline planning permission (P/17/0266/OA) for the new community of up to 600 dwelling on 16<sup>th</sup> October 2019 subject to the applicant Buckland Development Limited (BDL) signing a Section 106 planning agreement to guarantee provision of the associated infrastructure improvements. The agreement was not signed after it became clear the funding of the junction 10 improvements was increasingly uncertain. Funding for the junction improvements being in place is a pre-commencement condition that the council imposed on the planning consent (condition 52).
- 2.80 Shortly before Christmas in December 2020 the Council took receipt of amended plans from BDL in relation to the Welborne outline planning application. A further consultation period is now in progress and will run until 25<sup>th</sup> January 2021. The amendments to the application include a Supplementary Planning Statement, Viability Statement and minor changes to the design of the A32 road layout.
- 2.81 Notwithstanding, the Council considers that there is now increased certainty over future delivery trajectories with approximately 96% of the land now in a single ownership. Whilst there are a few other third parties interests (not signatories to the s106), these do not impede the delivery of key infrastructure and residential development on the site, subject to meeting the conditions of the outline consent.
- 2.82 The applicant has provided evidence to support the deliverability of the site. The latest Infrastructure Development Plan (IDP) is dated March 2019. At that time it was envisaged that the development may commence in 2019/20 with 690 dwellings predicted to be completed between 2019 – 2024. It is clear that this delivery trajectory has not been achieved.
- 2.83 I consider that the IDP 2019 is founded on a strong evidence base. It identifies the social, green and strategic infrastructure required to facilitate each sequence of development, including the requirement for a major upgrade to M27 Junction 10. I am advised that the IDP has strongly driven the s106 process, acting as the starting point in identifying appropriate triggers for the delivery of community infrastructure. I anticipate that the development will therefore proceed broadly in accordance with the IDP 2019 subject to the s106 obligations.

2.84 I accept that condition 52 prevents the commencement of development on site, with the exception of works related to the delivery of Junction 10, until details of the sources of funding is in place for those works. Condition 52 states:

“No development shall take place other than that related to the delivery of Junction 10 until details of **the sources of all the funding** necessary to carry out the Junction 10 works has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.”

*Junction 10 Delivery*

2.85 The funding of the Junction 10 works has been the subject of extensive discussions over a long period of time between the Council, BDL and various external bodies. BDL had initially committed to meeting £20M of the cost of the Junction 10 works with the remainder met by other external sources. One of the sources of this external funding was the Solent Local Enterprise Partnership (SLEP); the SLEP however reallocated their funding to other projects earlier last year and it has been necessary to explore how the funding gap can be bridged.

2.86 A press release issued on 4<sup>th</sup> January 2021 by the Council (Appendix 8 to this Addendum) states the following:

“After a year of negotiations with Fareham Borough Council, Buckland [Development Limited], which originally pledged £20m towards the £75M cost of the Junction 10 improvements, has agreed to double its contribution to £40m. Fareham Borough Council has also negotiated with the government to increase its contribution to the scheme from £10m to £30m. That means the £75m cost of the upgrading of Junction 10 can now be secured as £5m has already been funded by the government via the Solent Local Enterprise Partnership to complete the detailed design work and business case for the junction which is required, not just to serve Welborne, but also to aid the smooth running of the M27.”

2.87 The press release confirms the planning application is now subject to a new three-week consultation period and will be brought back before the Council’s

Planning Committee towards the end of January 2021. I will be in position to provide the Inspector with an update on this matter at the inquiry.

2.88 On completion of Hampshire County Council's Junction 10 development work upto Stage 3 of the Highways England Project Control Framework (PCF) anticipated in March 2021, a report to Hampshire County Council's Cabinet on 29th September 2020 indicates a break point is likely to be required to provide all parties with the opportunity to consider the approach to the delivery of the scheme thereafter. All strategic partners in the Scheme are continuously and actively pursuing funding solutions jointly, including the developer, with the intention of reaching agreement on the sources of funding available for the Stage 4 and Stage 5 development works during this break point. At that stage, it will be possible to provide the Council with the details of the sources of funding that have been secured to enable the discharge of Condition 52 and on which basis development (other than works related to Junction 10) can commence. As Hampshire County Council's Junction 10 Delivery Programme envisages that the Stage 4 development works will be able to complete by Autumn 2021, I would anticipate that an application to discharge condition 52 may be submitted by Summer 2021. Stage 5 works are then expected to complete by Summer 2022.

2.89 I consider therefore that there is very clear intent and a detailed programme of work in place to deliver the Junction 10 improvements. As Welborne is of sub-regional importance and I have no doubt that all delivery partners, including the developer, are capable of reaching agreement to enable the development to commence as swiftly as possible.

2.90 In the meantime, I see no reason why the developer will not prepare and submit reserved matters applications and applications to discharge pre-commencement conditions once the outline consent is granted by the end of 2021 in readiness to commence development of the first neighbourhood area as soon as Condition 52 is discharged.

#### *Housing Trajectory*

2.91 I note that the Council's latest assessment of its 5YHLS position (CDC.3), the Supplementary Report to June 2020 Planning Committee, identifies that the Welborne Garden Village is anticipated to deliver some 450 dwellings within

the five-year period (30 dwellings in year 2022/23, 180 in year 2023/24, and 240 in 2024/25) based on an updated trajectory provided by the developer in Summer 2020. The Supplementary Planning Statement submitted by BDL before Christmas reaffirms this trajectory (Appendix 9 - paragraph 2.26). I consider therefore that the projected rate of completions towards the end of the plan period is a reasonable assumption on the basis that the s106 will be finalised, the consent issued within the first part of 2021 and Condition 52 is capable of being discharged in summer 2021.

- 2.92 I further note that at paragraph 1.8 of BDL's statement (Appendix 9) they confirm that significant work has been undertaken in preparation for the first reserved matters planning applications, particularly in relation to the site wide strategies which are required to be submitted in advance of these applications. At paragraph 2.13 of the statement BDL emphasise the work that has been progressing alongside the negotiation of the funding and S106 agreement including securing consent enabling works as well as having Strategic Scale Documents (Strategic Design Code, Street Manual, Biodiversity Enhancement and Housing Strategy) all ready for submission as soon as the legal agreement is signed.

*Rebuttal of Evidence from Neil Tiley*

- 2.93 Mr Tiley provides an uninformed, outdated and overly pessimistic view of the few remaining points of action left to be overcome before the outline planning permission for Welborne can be issued (paras. 10.55 – 10.56 of his evidence). He states at paragraph 10.56 that negotiation of the Section 106 obligations will take a considerable amount of time but fails to realise that such work has already been ongoing for some time. There is now agreement on all of the Heads of Terms listed at paragraph 10.55 of his proof with the exception of the viability matters referred to above. Legal drafting of the vast majority of the Section 106 agreement is already done and is clearly on course to be completed soon following the application being heard later this month at a meeting of the Planning Committee.
- 2.94 Mr Tiley also sets out the large number of conditions and amount of technical work to be carried out after the grant of outline planning permission. This is to be expected given the scale of the new community being created and I have already commented on this in my evidence. I have also noted the significant

progress made by BDL in preparing reserved matters submissions, securing consent enabling works and having Strategic Scale Documents ready (above at paragraph 2.92). Mr Tiley fails to provide any real reasons why the Council's position, that 450 homes would be delivered over the course of years 4 & 5, is unachievable. He repeats speculative claims over the impact of coronavirus on the Council's ability to progress matters (paras 10.68 – 10.70). I have rebutted this assertion elsewhere in this statement.

2.95 Finally, in relation to Welborne, Mr Tiley provides a brief and selective snapshot of the funding for the remodelling of the M27 Junction 10. The County Council has been Scheme promoter, leading on all design, development, and business case work for the Scheme since January 2018. Significant progress has been made to advance the design and to progress the Strategic and Economic Cases for the Full Business Case with the DfT and Highways England. The cabinet report provides important updates; firstly, the cost of the works at Junction 10 are not as significant as previously thought and are now given to be £75 million (the figures quoted by Mr Tiley at para 10.62 are therefore out of date), and; secondly, a £900,000 grant was offered by the Solent LEP (and has now, I understand, been secured). Mr Tiley refers to press coverage of a letter to the Prime Minister requesting a funding shortfall be met. However, this too is out of date given my evidence above in respect of the 4<sup>th</sup> January 2021 press release.

**Emerging Brownfield Sites**

<b>Source of supply</b>	<b>Position of the Council</b>	<b>Position of the Appellant</b>
<b>Sites identified on a Brownfield Register</b>	<b>145</b>	<b>0</b>
Fareham Magistrates Court	45	0
Warsash Maritime Academy	100	0

2.96 In the Council's latest HLS figures (CD F24) there are 145 dwellings forecast to be completed on emerging brownfield sites. The supply is made up of 2 sites, summarised as follows.

***Fareham Magistrates Court***

2.97 The Appellant's position is that there is no evidence that progress has been made since the planning application was submitted in November 2018. Furthermore, that reserved matters applications will need to be prepared and conditions discharged once the consent is issued which is likely to delay a start on site.

2.98 An outline application for 45 dwellings (P/18/1261/OA) from the landowner (Homes England) was submitted in November 2018. At a meeting held on 16<sup>th</sup> December 2020 Members of the Council's Planning Committee resolved to grant planning permission subject to S106 obligations. A draft legal agreement to secure bespoke off-site nitrate mitigation land in Knowle (in the administrative district of Winchester City Council) has been shared with the applicant and Winchester City Council and is nearing completion.

2.99 The reserved matters application is likely to come from Churchill Retirement Living who have already engaged the Council in pre-app discussions.

2.100 I note that the Council has adopted a precautionary approach with the delivery of the site estimated in 2023/24. I consider that given the small number of dwellings on this site, this is reasonable and anticipate the delivery of the site within the 5 year period.

***Warsash Maritime Academy (Reg. 19 Local Plan HA7)***

2.101 The Appellant's position is that an environmental statement will be required following a screening opinion issued by the Council in March 2019 and that as significant amount of work will be required, the site cannot be considered deliverable.

2.102 No planning application has been submitted for development on this site which has since been allocated for 100 dwellings in the Regulation 19 version of the draft Local Plan 2026. I am however advised by the Council that the landowner, Solent University, exchanged contracts with Metis Homes on 23<sup>rd</sup> December 2020 for the disposal of the land. Metis are said to be working on proposals to

bring forward the site for housing and will be engaging with the Council in the coming months.

- 2.103 The latest information provided by site promoter in October 2020 (Appendix 5, p16) confirmed the delivery of the site subject to nitrate mitigation as follows: 2021/22 – 100 dwellings, 2022/23 – 50 dwellings. The site promoter has indicated that the site may be capable of delivering 150 dwellings which is more than the Council has projected over the five-years.
- 2.104 The Council has proactively engaged with two further landowners to provide nitrate mitigation schemes which would be available for developers to use in a similar way to the HIWWT at Little Duxmore Farm. Currently legal agreements are being drafted and these schemes may provide suitable nitrate mitigation should the applicant wish to express an interest in due course. An alternative nitrate mitigation scheme may of course be brought forward by the developer.
- 2.105 A screening opinion (EIA) (P/19/0202/EA) for the development of up to 100 dwellings, a care home of up to 66 beds and employment space was issued by the Council on 29th March 2019 indicating that the application would need to be accompanied by an Environmental Statement. Having regard to the consultation responses, I am not of the opinion that the requirements are unduly onerous. The requirement for a Transport Assessment is a fairly typical requirement for a major planning application, regardless of whether an environmental statement is required and should not lead to significant delay. Matters in relation to European Sites in Fareham Borough are well rehearsed and any necessary mitigation measure to off-set nitrates and/recreational pressures are well understood. I note that the environmental health officer has indicated that an assessment with regard to contaminated land is not required. In my experience, there is no reason why an environmental statement cannot be produced within 3 – 6 months.
- 2.106 I note that on 11<sup>th</sup> October 2019 (P/19/0344/FP) full planning permission was granted for the redevelopment of the adjacent retained section of the academy campus and works are already underway on site. This further provides clear evidence that the wider site is deliverable and capable of being brought forward during the next five-years.

2.107 I note that the Council has adopted a precautionary approach with the delivery of the site in 2023/24 and 2024/25, the latter part of five-year period. On the basis of the information provided by the site promoter, I consider that the site is capable of being delivered within the five-year period.

**Windfall Allowance**

<b>Source of supply</b>	<b>Position of the Council</b>	<b>Position of the Appellant</b>
<b>Windfall allowance</b>	<b>74</b>	<b>74</b>

2.108 It is a matter of agreement with the Appellant that there are 74 dwellings forecast to be completed as part of a windfall allowance.

**Deliverable Sites: Housing Trajectories**

2.109 I accept, as pointed out by Mr Tiley at paragraph 3.12 of his rebuttal proof of evidence that I am incorrect and that the Start to Finish report, Litchfields, February 2020 does report on the average timescales for delivery of sites between 0-99 dwellings and 100 - 499 dwellings. However, I maintain my position that housing trajectories relied on by the Council are realistic.

2.110 With the exception of Welborne, the majority of the sites are under 100 dwellings. Only 5 sites are over 100 dwellings or more, the largest being 180 dwellings at Land at Brook Lane, Warsash (P/17/0845/OA). Figure 4 of the Start to Finish report indicates it takes circa two years to the completion of the first dwelling for sites of 0 – 99 dwellings and 1.9 years for sites of 100 - 499 dwellings following planning approval.

2.111 The conditions attached to the sites with a resolution to grant planning consent are standard and there is nothing especially onerous likely to impede a swift resolution of reserved matters applications or the discharge of planning conditions. Indeed, the Appellant has not presented any site specific evidence (with the exception of reference to the delivery of Junction 10 at Welborne) to demonstrate that there is no prospect of the sites being delivered in line with the Councils’ projected rate of completion.



2.112 In his decision in relation to the Land south of Mallards Road, Bursledon (APP/W1715/W/16/3156702), the Inspector concluded:

*“In this context, while the use of national housebuilders’ average annual completion rates and a national, high level report [reference to the Start to Finish Report] may give broad brush indications of delivery, they are unlikely to directly reflect local circumstance. Indeed, the former are ‘just’ averages drawn from a range of sites across the country while the latter is a general study of a particular set of large sites.”*

2.113 I note the claim by Mr Tiley at para. 8.27 of his proof that the Council's housing trajectories are likely to be over-optimistic and should be treated with caution. However, I believe Mr Tiley is mistaken. In contrast, I consider the supply position set out in section 8 of my proof to be entirely realistic and based on a detailed and pragmatic review of the current situation.

2.114 The Council undertakes a 5-year supply engagement process quarterly with site promoters and developers to add further intelligence to the delivery information. The Council have recently increased the frequency with which developers and site promoters are engaged in order to provide up to date reliable information. The Council's position has therefore been produced by engagement with developers over delivery timescales on a case by case basis. I note that the Council has acknowledged those sites that will not deliver until later in the five-year period (but still within that five-year period at years four and five) for various reasons. I consider this to be a perfectly reasonable, sensible position to take which takes account of any evident delays or lead-in periods for obtaining detailed planning permission. I also consider this was something which previous trajectories published by the Council failed to take account of but which the authority has now acknowledged. Nonetheless in my own review of the housing supply position I have discounted four sites which I consider there to be insufficient information relating to their delivery in the five year period to include in the supply thereby taking an even more cautious approach. This does not fit with Mr Tiley's description of previous trajectories from the Council as being over-optimistic.

2.115 Mr Tiley refers to the Council's inclusion of sites which he claims cannot be demonstrated to be suitable due to the likely significant effects on Natura 2000 sites and the absence of appropriate mitigation (para. 17.1 of his proof). He

does not provide any information on why, on a site by site basis, he believes this to be the case but it is clear from its inclusion in his conclusion that this is his real concern in relation the deliverability of sites and the other issues he identifies are of no real substance, as shown in my evidence, and do not undermine the trajectory. Contrary to Mr Tiley's assertions, and as set out in my evidence above, a framework for delivering nitrate mitigation is now in place. Securing this mechanism for delivering the nitrate mitigation required is an important step to bringing forward development sites and gives confidence to the Council's stated trajectory. I can now confirm that the first application to benefit from the mitigation scheme offered by the Hampshire & Isle of Wight Wildlife Trust was determined by the Council's Planning Committee on 18th November 2020 and permission was issued on 30<sup>th</sup> November 2020. The Officer report is appended to this statement as Appendix 6 (paragraphs 8.30 – 8.34 relate) and the Nitrate Mitigations Proposals pack is included at Appendix 7 (referred to in para. 8.32 of my evidence). Since then decisions on a further 8 planning applications for residential development have been made with a total of 26 dwellings permitted. I am informed that, at the time of writing, such packs relating to a further eleven planning applications have been received by the Council which between them seek permission for another 335 dwellings. The packs will enable Officers to carry out Habitat Regulation Assessments for those undetermined applications. This will enable the Council to continue issuing permissions as they are now doing without any further delay such as those for developments already with resolutions to grant planning permission and, where applicable, under Officer delegated powers. Other applications, such as that referred to at Appendix 6, will be able to be taken to the Council's Planning Committee for a decision to be made.

2.116 Mr Tiley asserts that the timescale for delivery of sites is likely to have been compromised by the coronavirus pandemic (paragraph. 10.16 of his evidence). He says that Council resources to determine outstanding applications have been reduced such that these would take longer than is usually the case (paragraph 10.18). He makes these remarks without any evidence to support them. Mr Tiley's comments are frankly a great disservice to the hard work of not just the Council but the private sector and construction industry as a whole to continue as far as possible 'business as usual' when it comes to planning and to support economic recovery.

2.117 To my knowledge Mr Tiley has not had any direct contact with the Council's Planning Officers at all in recent months. Had Mr Tiley consulted his colleagues he would surely have been informed that Officers from the Planning department have been in regular and indeed constant contact with them concerning the appeal sites up to and after the non-determination appeals were lodged in May this year amidst the first wave of the coronavirus pandemic. Although Officers are now working remotely, as is most of the country, the Planning service at Fareham Borough Council has operated as normal throughout 2020. At paragraph 10.17 of his proof Mr Tiley provides an unsourced quote by Fareham Borough Council. If Mr Tiley had visited the Council's website he would have seen that, with the exception of April this year, the Council's Planning Committee have met every month throughout the pandemic as they would normally do albeit virtually to determine planning applications as usual. The function of the Council as local planning authority has not been compromised by recent events and planning applications continue to be determined including those for major housing developments in the Borough.

*Implications of Covid 19 on the Rate of Housing Delivery*

2.118 The Council maintains that whilst Covid-19 and the nationwide lockdown in March 2020 led to temporary construction site closures, there has been increasing activity since, including as a result of the Government's changes to Stamp Duty and increased construction working hours. Construction sites remain open during the current lock down announced in January 2021. The Council does not therefore consider it appropriate to apply a further discount to its housing land supply as a result of Covid-19. I note that this matter was specifically taken into consideration by the Inspector in the Tiptree decision (APP/A1530/W/20/3248038) [CDJ.23], with the Inspector concluding that it was not necessary to make any adjustment to the 5-year housing supply figures in response to the Covid-19 pandemic situation.

2.119 I also note the Secretary of State reached similar conclusions in paragraph 24 of his decision letter in Hawthorns (APP/R3650/W/18/3211033) [CDJ.22].

**Future Five-year Housing Supply**

2.120 I consider that the shortfall in the 5YHLS is material, and that the weight to be afforded to the countryside Development Plan Policies is reduced as a result.

However, the shortfall is likely to be short-lived, and therefore the weight is not reduced to the extent that it might have been in the context of a more significant long-term shortfall.

2.121 The Statement of Case prepared by the Appellant examines available evidence to determine whether the five-year land position is likely to improve in the short-term. In this context, reference is made to paragraph 60 of the High Court Judgement of *Phides Estates (Overseas) Limited vs the Secretary of State for Communities and Local Government et al* [2015] EWHC 827 (Admin) [CDK.1] which considered that the extent of the shortfall may be material to the weight afforded to policies and the housing supply, but so may the length of time this is likely to persist.

2.122 I therefore examine those matters likely to influence the future five-year housing below.

*Actions taken to address the shortfall*

2.123 As set out previously, sites with a resolution to grant planning consent have been 'held back' since February 2019 where developers have not been able to demonstrate that their proposals maintain or reduce the levels of nitrates leaving their site or developers are unable to provide the necessary mitigation. This is affecting not just the Council but all Authorities in the Solent catchment area.

2.124 The Council has taken significant actions and has already entered into a legal agreement with the Hampshire and Isle of Wight Wildlife Trust and Isle of Wight Council to secure nitrate mitigation at Little Duxmore Farm to enable residential planning permissions to be granted within the Borough of Fareham. Following further pro-active engagement by the Council, legal agreements are also currently drafted with other two landowners to bring forward nitrate mitigation schemes on two additional sites.

2.125 The Council is also taking significant actions to address the shortfall with the allocation and progression of the Welborne Garden Village (LPP3), which is scheduled to deliver up to 6,000 dwellings. This strategic site is already an extant allocation within the LPP3. Negotiations are well advanced with the s106 and the Council is confident that delivery of housing at Welborne will be able to commence through the determination of the Buckland Development planning

application, enabling the delivery of the site to increase up to 250 dwellings per annum as a robust assessment, and likely higher numbers.

- 2.126 The Council has furthermore taken a positive approach to determining planning applications for major residential development, even where there is conflict with the adopted Development Plan policies. The Council has granted consents for major residential development outside of the existing urban settlement boundaries as defined on the adopted policies map.
- 2.127 It is notable that a large number of these sites are proposed allocations in the emerging Local Plan. In addition to decisions taken to date, the Council is in the process of determining additional planning applications on further emerging Local Plan allocations. The precise extent of permissions from this source cannot be predetermined but could extend to many hundreds of additional dwellings.
- 2.128 The Council has an express policy permitting development in the countryside if DSP40 is satisfied and have used that policy to grant permissions when appropriate to do so. Moreover, through the Plan-making work, they have publicly identified potential sites as being appropriate for development, thus encouraging applications to be made. Many of those have been permitted and I consider it reasonable for me to conclude that in the context of the 5 year housing land shortfall, doubtless others will also be approved.

*Housing Delivery Test and Buffer*

- 2.129 The appropriate buffer is determined by the Housing Delivery Test (HDT). The signed SoCG (Jan 2021) confirms that all parties agree that the HDT identifies Fareham Borough as being a 5% buffer authority and so it is appropriate to apply a 5% buffer in Fareham Borough (para 7.9). The HDT is a Government test and MHCLG have agreed and published two sets of HDT results that include housing requirements from the Council's adopted plans. The Council recognises that this will change now that the DSP is five years old which needs to be taken into account and the standard methodology should be used instead (for the relevant financial year in HDT 2021).

- 2.130 Mr Tiley considers there to be a miscalculation by the Council of information sent to MHCLG and on that basis the Housing Delivery Test results in November 2019 are incorrect (paragraph 5.3 of Mr Tiley's proof of evidence). The Appellant argues that the Council currently should be applying 20% buffer and that on this same basis the predicted results of this year's housing delivery test (to be confirmed) will be under 75%.
- 2.131 The Council is anticipating the need to apply a 20% buffer for past under delivery when the results of the 2020 housing delivery test are published. The Council considers the assertion by Mr Tiley of a miscalculation of past HDT calculations to be erroneous. Much of the information submitted by the Council in the HDT submission to Government is pre-populated and the Council has discussed with MHCLG directly any figure that has been provided that did not immediately accord with its records. However, until the HDT 2020 results are published, the Council can continue to apply a 5% buffer in line with previous HDT results.
- 2.132 With regard to the argument made by Mr Tiley that the Housing Delivery Test results, based on the erroneous information provided by the Council, are incorrect, the Council again refutes this claim and notes errors in the appellants calculations. The data input for the 2016/17, 17/18 and 18/19 HDT returns is sourced direct from Table 1: Housing Delivery Overview (2006-2026) in the DSP Plan and Table 10.1: Housing Trajectory for Welborne in the Welborne Plan. These sources provide for a requirement of 147 homes per annum for the DSP Housing Requirement, 120, 180 and 200 homes for the three years from Welborne. This results in an overall total of 267, 327 and 347 homes per annum for the three years as opposed to the appellants claim of 423, 401 and 419 per annum. The Council notes that the appellant has applied an annual average of the Welborne Plan per annum which significantly increases the requirement. The Council recognises that the DSP is now out of date and the Standard Methodology should now be used for the financial year 2020/21 in the 2021 HDT result, however this will not impact the 2020 HDT results which looks back at the period from April 2017-March 2020. The DSP became 5 years old in June 2020 and so is entirely valid for year 19/20. The appellant has erroneously suggested that the HDT for 2020 would include the financial year 20/21 and calculated the housing requirement by apportioning the year between April 2020-June 2020 using the DSP Plan and the remainder of the year as using

the standard methodology. This is wholly inaccurate as the year 20/21 is not included in the HDT 2020, which again looks backward between April 2017 – March 2020. Both these errors identified in Mr Tiley’s case show that the appellants position set out in table 5.2 in the Housing Need and Supply Evidence is incorrect.

2.133 I understand this is not the first time such an assertion has been made. A similar line of enquiry was followed by Terence O’Rourke (TOR) during preliminary discussions before an Inquiry held in 2019 concerning an appeal at Land east of Down End Road, Fareham (APP/A1720/W/19/3230015). TOR contacted MHCLG in May 2019 prior to evidence in that Inquiry being exchanged to query the HDT results based on the adopted plan. MHCLG responded to confirm that “... the housing requirement for Fareham Borough Council, for the purpose of the Housing Delivery Test, is set out in the Local Plan Parts 2 and 3.” The correspondence from TOR and the response from MHCLG is included at Appendix 10. It is clear from the response from MHCLG that they do not consider the matter can be reopened or the results of the HDT re-examined and are content that the Council’s housing requirement was based on the adopted local plan. This confirms my own view that the Appellant is not in a position to be able to reopen the basis for the previous HDT results and neither is it for the Inspector to do so in the determination of these appeals. As I say above, the HDT is a Government test the results of which are published by MHCLG.

2.134 The appellant also argues, on the same basis of the HDT results being incorrect, that the predicted results of this year’s HDT will be under 75%. I am advised by the Council that it is not the case. The number of completions during 2019/20 have been submitted to MHCLG over the summer and total 285 dwellings. Over the period 2017 -2019, there were 581 completions. The total number of completions 2017 – 2020 is 866. On this basis the calculations show that the Housing Delivery Test is not failed. This is subject to confirmation when the results of the Test are published by government in the coming months.

2.135 On this basis, the presumption in favour of sustainable development will therefore not be automatically engaged regardless of the five-year housing supply position with reference to the results of the Housing Delivery Test in footnote 7 of the NPPF.

2.136 I am however advised that the Council is likely to be required to apply a 20% buffer on the 5-year housing requirement between 2020/21 and 2024/25 from November 2020 onwards as housing delivery is likely to fall below 85%. However, this position is also yet to be confirmed by MHCLG and will not be known until the results of the Housing Delivery Test are published. I have calculated that if the 20% buffer is required to be applied, then the five-year housing requirement would increase to 3,084 dwellings (617 dwellings per annum). Using the Council's revised supply figures (2,094), the Council would have a 3.4 year 5YHLS (a shortfall of 991 dwellings). Should a 20% buffer be required, I therefore accept that the extent of the 5 year housing land supply shortfall over the period 2020/21 – 2024/25 will increase.

*Reg 19 Consultation Draft Local Plan*

2.137 The Council consulted on a Regulation 19 Local Plan in December 2020 based on the Government's proposed new standard methodology released for consultation in August 2020.

2.138 The consultation standard methodology afforded councils the option of using either a percentage of the Borough's existing housing stock as the calculation's starting point or the most up-to-date household projections, whichever is the higher, before an affordability uplift is applied. Having regard to the consultation standard methodology, the Council considered it appropriate for the Regulation 19 Publication Local Plan to plan for a scale of growth based on the proposed new methodology, and not one based on out-of-date household projections. The proposed standard methodology in the consultation would have reduced the housing need figure from 514 dpa to 403 dpa (a 21.6% reduction in the housing requirement), which would in a future 5YHLS require 2,015 dwellings between 2021 – 2026.

2.139 Therefore, the Publication Local Plan consultation was based on the proposed 403dpa arising from the consultation standard methodology. Strategic Policy H1 in the Publication Local Plan makes provision for at least 8,389 dwellings in the Plan period 2021 - 2037. However, the Council was always clear in its approach; the Local Development Scheme (September 2020) confirms that submission of the Local Plan for examination would only happen after the Planning Practice Guidance (PPG) confirms the changes to the standard methodology.



- 2.140 Paragraph 4.16 of the Publication Local Plan makes it clear that the Council considers a stepped housing requirement, and trajectory, to be appropriate reflecting that housing delivery will be lower in the first 0-5 years, particularly in the first two years. In order to secure a five year housing land supply, the Publication local plan also states that it is appropriate to use the local plan process to secure a five year housing land supply and therefore a 20% buffer has been imposed in the light of the next Housing Delivery Test results due to be published in November 2020 (now assumed to be delayed).
- 2.141 On the basis of the stepped approach, Strategic Policy H1 of the Publication Local Plan states that over the five year period 2021/22 and 2025/26 2,250 dwellings will be required, averaging 450 dwellings per annum.
- 2.142 However, the Government announced on the 16<sup>th</sup> December 2020 that it intended to scrap the proposed standard methodology and the Planning Practice Guidance would be amended in favour of remaining with the previous iteration of the methodology, with an uplift applied to a number of urban areas. Having regard to this PPG amendment the Council will consider the implications for the Local Plan process alongside the responses to the Publication Local Plan consultation and determine a way forward in delivering the Local Plan.
- 2.143 Given the confirmation that the basis for calculating the housing land requirement is to be the existing standard methodology, the Council acknowledges that it does not currently have a 5-year land supply. What is clear however is that, regardless of the standard methodology remaining unchanged for Fareham, the housing requirements of the Plan can be adjusted accordingly and flexibility will continue to be built into the Plan with the express objective of securing a future five year housing land supply. On this basis, I am confident that a five year housing land supply will be secured and the shortfall in supply will be short lived upon the adoption of the Local Plan. The Council will continue to progress the Local Plan in a timely manner which remains at a significantly advanced stage.

*Rebuttal of Evidence from Neil Tiley*

- 2.144 Section 7 of Mr Tiley's rebuttal refers to evidence set out in paragraphs 8.111 – 8.114 of my original main proof of evidence. I now consider that this evidence

has been superseded by the Government's new standard methodology published in December 2020. I therefore no longer rely on my previous evidence and consider those matters, and Mr Tiley's rebuttal, are no longer relevant. Notwithstanding this fact, I did not accept the Appellant's criticism of my approach for the reasons set out below.

- 2.145 Mr Tiley's rebuttal suggests that the Council was wrong to include a 5YHLS calculation based on the 403dpa figure because this is not the housing requirement in the Local Plan. The Council contests this point because until such a time as the emerging Local Plan is adopted, the Council will calculate its housing land supply based on the standard methodology. Were that to change, to 403dpa or another number, the calculation would also change.
- 2.146 Mr Tiley's rebuttal also incorrectly references a housing requirement of 7,292 in Appendix B of the Publication Local Plan. This figure was presented in an earlier draft that was published for the Committee approval process but was corrected before the start of the consultation to the correct figure of 7,295.
- 2.147 The appellant's rebuttal suggests that the Publication Local Plan trajectory is inconsistent with the 5YHLS trajectory published in June 2020. They are not inconsistent, but simply cover different periods; the Publication Local Plan has a base date of 1<sup>st</sup> April 2021, while the latest 5YHLS statement has a base date of 1<sup>st</sup> April 2020. They are also different because the Local Plan trajectory includes the delivery rates for proposed allocations, but contrary to his suggestion, these would be not included in 5YHLS statements.
- 2.148 Mr Tiley's rebuttal also asserts that there is some confusion over the stepped requirement in Appendix B of the Publication Local Plan, suggesting a figure of 2,279 homes between 2021 and 2026. However, this also is not accurate. Appendix B does not present the stepped requirement but the cumulative housing requirement based on annualised averages across the plan period, or 456dpa. Again, Mr Tiley is not referring to the Publication Local Plan and should have referenced the figure 2,280. However, the Council agrees that the stepped requirement, and therefore the housing requirement to be used for any 5YHLS calculation, should be derived from Strategic Policy H1, not Appendix B, upon adoption of the plan.

## **My conclusions on the Council's current five-year housing land supply position**

2.149 On the basis of the preceding sections of this addendum, my conclusions are as follows.

### *Housing Requirement*

2.150 The Council's latest (June 2020) calculation of its five-year housing requirement, on the latest ONS household project figures, and a 5% buffer, is 2,699 dwellings (540 dwellings per annum). Should the Council be required to apply a 20% buffer on the 5-year housing requirement from November 2020 onwards having not met 85% of its housing requirements over the last three years, I have calculated that the five-year housing requirement increases to 3,084 dwellings (617 dwellings per annum). I am advised however that the Council has not delivered less than 75% of its housing requirement over the last three years and therefore presumption in favour of sustainable development does not automatically apply.

### *Housing Supply*

2.151 The Council's revised five-year HLS as set out in this proof of evidence is 2,094 dwellings. For the reasons identified above, this is on the basis of the existing published trajectory information and that the sites identified in the Council's five-year housing supply are capable of being delivered within the five-year period with the exception of the sites at 1 Station Industrial Park, Raley Road, 335-337 Gosport Road and 33 Lodge Road, Locks Heath which I accept are not available now. In particular, I conclude that the 450 dwellings at Welborne are capable of being developed within the five-year period and that the sites with a resolution to grant planning permission (709 dwellings) can be considered to be deliverable as a category (b) sites in the definition of 'deliverable' in Annex 2 to NNPF.

### *5 Year Housing Land Supply Conclusion*

2.152 The Council's revised supply figures identify it as having a 3.9 year HLS (a shortfall of 605 dwellings), based on the latest ONS figures and a 5% buffer.

2.153 In respect of the future supply, housing delivery has not fallen below 75% of the housing requirement over the previous three years and therefore the

presumption in favour of sustainable development will not automatically apply regardless of the 5 YHLS position. Should a 20% buffer be required, subject to the Housing Delivery Test results when published, the Council is identified as having a 3.4 year 5YHLS (a shortfall of 991 dwellings).

2.154 However, I consider that this shortfall will be short-lived. It is clear that the Council has taken significant steps to address the shortfall. Good progress is being made on the delivery of a significant number of dwellings through Welborne, a large-scale Garden Village development and on those sites with a resolution to grant planning permission. The Council has also taken a positive approach to determining planning applications for major residential development, even where there is conflict with the adopted Development Plan policies. Furthermore, the Council has made significant progress in reviewing the adopted the Local Plan as directed by MHCLG and has recently (November - December 2020) undertaken a Regulation 19 consultation. The Council now needs to consider the implications of the December 2020 PPG amendment as well as the representations made to the consultation in determining a course of action to take the Local Plan forward. However, the Local Plan will secure a five year housing land supply and therefore the shortfall in supply will be short lived upon the adoption of the Local Plan.