

FAREHAM BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

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

FURTHER REBUTTAL 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

JANUARY 2021

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1 QUALIFICATIONS AND EXPERIENCE

- 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. In this rebuttal proof, I respond to the new matters set out by Mr Daniel Weaver at paragraphs 9.13- 9.14 and paragraphs 13.12 -13.23 in his Planning Proof of Evidence update dated January 2021 and to the points raised by Mr Tiley in his update on housing need and supply matters. My evidence is filed and served pursuant to paragraph 7.2.3 of pre-inquiry note 2.

2 Weight to be given to Policy DSP40

- 2.1 Having agreed that the tilted balance is engaged by NPPF paragraph 11(d) (ii), Mr Weaver's states in paragraphs 13.21- 13 23 that:

"13.21 ...it is my view, that, as a most important' policy is now unmistakably out-of-date, DSP40 must be award substantially reduced weight commensurate with the significant shortfall in housing land supply in this instance.

13.22 ...as there is a substantial deficit of housing land supply, DPS40 should be ascribed only limited weight. Even if the Council's position of 3.9 years' supply were accepted, DPS40 would then command, at most, moderate weight.

13.23 Accordingly, and without prejudice, any conflict identified in respect of the criteria of DSP40 must be afforded at most, limited weight in the planning balance."

- 2.2 Mr Weaver justifies this view with reference to the appeal decisions at Burr ridge (CDJ.2) and at Portchester (ref. CDJ.1).

- 2.3 Mr Weaver is incorrect to state that DSP40 must be afforded limited weight.

- 2.4 In the case of Portchester, the difference of 2.26 years between the HSL position of the Appellant (2.4 years) and the Council (4.66 years) was similar to the position in respect of the Appeal Cases (a difference of 2.43 years). At paragraph 90, the Inspector errs on the side of caution and considers the Appellants figure better represents the current situation, however, notwithstanding this fact, he concludes at paragraph 97 that great weight should be attached to the conflict with Policy DSP40, CS5 and the development plan. There is no indication that the Inspector considered that less weight should be attached to Policy DSP40 because of the extent of the housing land supply shortfall.

- 2.5 Furthermore, and contrary to what Mr Weaver states, the tilted balance was engaged in the decision at Porchester. At paragraph 100, the Inspector concludes that that the adverse impacts of the granting planning permission would significantly and demonstrably outweigh the benefits as a whole which is clearly a decision he has reached having applied the tilted balance set out in

NPFF paragraph 11(d) (ii). It was common ground in Portchester that heritage matters did not amount to a separate reason for refusal on their own because the less than substantial harm to the significance of the heritage assets, when this harm was weighed against the public benefits of the proposal, did not provide a clear reason for refusal of permission pursuant to paragraph 11(d)(i). That harm was, however, weighed in the balance along with the other harms and benefits when the Inspector carried out the titled balance under 11(d)(ii), following the approach set out by Coulson J in *Forest of Dean DC v. SSCLG [2016] PTSR 1031* at [37] and [47] provided at Appendix 1).

- 2.6 I also refer Mr Weaver to Appeal Ref. APP/A1720/W/18/3199119 Land East of Posbrook Lane, Tichfield, Fareham provided at Appendix 2 where the Inspector did not conclude on the precise extent of the housing land supply shortfall (paragraph 52) but notwithstanding that he considered the shortfall to be significant, he concluded at Paragraph 68:

“...The contingency of Policy DSP40 has been engaged by virtue of the lack of a five year housing land supply and it is for these very purposes that the policy was drafted in that way. On that basis the policy has full weight and any conflict with it is also of significant weight... These are two significant policies [DPS5 and DSP40] where weight has not been reduced and the proposal when considered in the round is not in accordance with the development plan taken as a whole.

- 2.7 In the case of Appeal Ref. APP/A1720/W/18/3200409 Land West of Old Street, Stubbington, Hampshire provided at Appendix 3, similarly the Inspector did not agree the precise extent of the shortfall but considered it to be substantial and concluded at paragraph 11 that:

“Policy DSP40 in LPP2 is specifically designed to address the situation where there is a five-year housing supply shortfall as is the case here. It allows housing to come forward outside of settlements and within strategic gaps, subject to a number of provisions. It seems to me that this policy seeks to complement the aforementioned policies in situations where some development in the countryside is inevitable in order to satisfy an up-to-date assessment of housing need. It assists the decision maker in determining the weight to be attributed to the conflict with restrictive policies such as CS14, CS22 and DSP6 and provides a mechanism for the controlled release of land through a plan-led approach. Policy DSP40 is in accordance with Framework policy and reflects that the LPP2 post-dates the publication of the Framework in 2012. Conflict with it would be a matter of the greatest weight.

2.8 In respect of the appeal decision at Burridge (CDJ.2) the Inspector does not apply limited weight to policy DSP40. Rather he states as follows:

*“By virtue of footnote 7 of the Framework, the failure of the Council to demonstrate the requisite housing land supply renders out-of-date those policies which influence the location and distribution of new housing. This includes CS Policies CS2, CS6 and CS14, LPP2 Policies DSP6 and DSP40 and the settlement boundaries upon which these policies rely. **I have therefore attached limited weight to the conflict with development plan policy regarding housing in the countryside.**” (my highlighting)*

2.9 What he has done is attached limited weight to conflict with policy arising solely from the housing in the countryside. He does not state the weight he has given DSP40 in isolation, rather he has said that he would dismiss the appeal because of harm to character and appearance and biodiversity. His approach therefore is consistent with the approach taken by the Inspectors in the Portchester, Posbrook Lane and Land West of Old Street appeal decisions.

2.10 These decisions emphasise that Policy DSP40 should be afforded full weight and that conflict with this policy should be a matter of substantial/ the greatest weight in the event of a housing land supply shortfall because it provides a mechanism for the controlled release of land through a plan-led approach. The fact that the Inspectors in these cases did not need to determine the extent of the shortfall confirms, should Mr Weaver have been attempting to suggest otherwise (at paragraph 13.22 of his January updated evidence), that the conclusion of these appeals was not affected by the extent of any shortfall. Mr Weaver is also wrong to imply at 13.16 of this updated evidence that the weight to be attached to a policy is necessarily reduced by virtue of its being out of date, as these cases also confirm. DSP40 should be given full weight.

2.11 It therefore remains my position as set out at paragraph 7.18 and 7.19 and paragraph 13.8 of my main proof of evidence that Policy DSP40 should be afforded full weight and any breach of it very substantial weight in the planning balance as it expressly addresses the manner in which applications should be

decided in the circumstances where a five-year housing land supply cannot be demonstrated.

- 2.12 The interpretation of Policy DSP40 and the fact that, as the main operative policy, it must be given substantial weight, as confirmed in the appeal decisions discussed above, is also the only interpretation consistent with the recently agreed updated Statement of Common Ground on Housing Land Supply matters. This provides (at paragraph 2.4) that whilst the respective parties differ on the precise extent of the current housing supply shortfall, with the LPA identifying a 3.4 year land supply and the Appellant identifying a 0.97 year land supply (applying a 20% buffer), it is agreed that the shortfall is material on either basis. For that reason, it is agreed that it is not considered necessary for the Inspector to conclude on the precise extent of the shortfall. If Mr Weaver was suggesting (at 13.22 of his updated evidence) that the weight to be attached to policy DSP40 differs depending on the extent of the shortfall, such an assertion runs contrary to the cases discussed above and the position now agreed in the SoCG on Housing Land Supply.

3 Compliance with the Development Plan

3.1 Mr Weaver asserts at paragraph 13.13 of his updated Proof of Evidence that it is not a pre-requisite of the Council that full compliance with the criteria of Policy DSP40 must be met. Rather he suggests that the Council has taken decisions having regard to the Development Plan as a whole and if proposals are in general conformity with that plan, applications can be approved. To illustrate his point, he refers to a decision at Funtley (provide in Appendix 6 of his update) and to a decision at Egmont Nurseries (provided at Appendix 14 of his update).

3.2 In respect of Funtley, contrary to what Mr Weaver's says, in the second paragraph on page 107 of Appendix 6 (the Officer's Report to Committee) it is stated that:

"...in the light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria..."

3.3 I have already explained at paragraph 5.16 – 5.18 of my rebuttal proof of evidence why development to the north of Funtley was considered to meet criteria (ii) of Policy DPS40. Recent development at Roebuck Avenue, Deep Leap and Stag Way and the development to the north of Funtley are a logical extension to the defined urban settlement boundary of Funtley and are immediately adjacent to it. It is also clear from the officer's report as set out in the last paragraph on page 101 that the circumstances of that case were quite different to the appeal sites given the opportunity to secure "significant improvements to the application site on the north site of Funtley Road in terms of sustainable transport links" in the form of a permissive path through land to the south side of Funtley.

3.4 The permissive footpath and cycle way path that was secured provided a direct link south, across the M27 to Thames Way which significantly reduced walking and cycling distances to facilities in this part of north Fareham. It was therefore a unique opportunity to improve the relative sustainability of this part of Funtley and it was in this context that officers considered the development would

“address any outstanding concerns in relation to the relative sustainability of the application site” and would satisfy criteria (ii) of Policy DPS40.

- 3.5 Regarding application P/18/0592/OA at Egmont Nurseries, the particular circumstances of this case are very similar to land north of Funtley. I have included a plan at Appendix 4 showing the context of the site in relation to adjoining development. The Plan shows that the site at Egmont Nursery is bounded to the east by residential development including Cawtes Reach (Application No. P/08/1310/FP) which is immediately adjacent to the defined urban settlement boundary. Housing development at Yorkdale (Application no. P/99/1197/FP) adjoins Egmont Nursery to the west. In this context, whilst it is technically correct that the site is not adjacent to a defined urban settlement boundary, it is clear that the development when viewed in the surrounding local context is a logical extension of development that has already taken place to both the east and west of the site unlike the appeal sites. Not only is it well related, well integrated and sustainably located in relation to the existing urban settlement boundaries (thus satisfying the other parts of DSP40(ii)), but when complete it will present as part of the same urban area in the same way as if it had been technically adjacent to the existing boundary because of the development that has already taken place. There was therefore no conflict with the requirements of DSP40 in substance.

4 Weight to be given to the Regulation 19 Draft Local Plan (October 2020)

- 4.1 I note that paragraphs 9.13 and 9.14 are new paragraphs although they are not highlighted in red text.
- 4.2 At paragraphs 9.13 Mr Weaver asserts that the Regulation 19 draft Local Plan is unsound and inconsistent with the NPPF as it is not meeting the housing need for the Borough identified in the Standard Method. For this reason, Mr Weaver considers it should be given no weight.
- 4.3 At paragraph 9.14 Mr Weaver goes on to assert that the Regulation 18 Draft Local Plan 2017, together with its supplement plans should instead be given greater weight than the Regulation 19 Local Plan, albeit that its weight is limited due to its stage in the plan making process.
- 4.4 I strongly disagree with Mr Weaver's logic. NPPF at paragraph 31 is clear that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. The draft Regulation 19 Plan is based on the most up-to date evidence that supercedes the evidence base of the Regulation 18 plan prepared in 2017 and the Supplement in January 2020.
- 4.5 It is not the case, that the whole of the Regulation 19 Plan and its evidence base is out of date upon the publication of the standard method. The Regulation 19 Plan, in so far as it has been through a round of further public consultation in the Autumn of 2020, provides a sound basis on which the Council will now take forward the draft Plan through to adoption. The implications of the standard method will of course need to be considered by the Council and the plan's policies and proposals may need to be adjusted although there is no certainty at this stage what those changes may comprise. For this reason, it is accepted that the weight to be attached the Plan and its policies is limited at this stage.
- 4.6 Not only does the Regulation 18 Local Plan 2017 and the Supplement (January 2020) represent an earlier stage in preparation of the emerging plan than the

Regulation 19 Plan, its policies and proposals were subject to significant unresolved objections. Having regard to paragraph 48 of the NPPF, for this reason alone less weight can be attached to the Plan.

5 Housing Land Supply Matters

The Housing Delivery Test Results

5.1 Section 3 of Mr Tiley's update is now out of date in so far as it speculates about the outcome of the Housing Delivery test results. However, the Housing Delivery Test results 2020 were published on 19th January 2021 and it is now agreed with the Appellant that as a result it is necessary to apply a 20% buffer in Fareham. To clarify the respective revised positions of the Council and the Appellant, an updated Statement of Common Ground on Housing Land Supply matters has been prepared which has been submitted to PINS. For this reason, I consider that Mr Tiley's evidence as set out section 3 is no longer irrelevant. Notwithstanding this fact, I do not accept the Appellant's criticism of my approach for the reasons set out below.

5.2 Mr Tiley raises two points in his HLS update:

- i) That the Council was not correct to use the DSP and Welborne housing requirements in the HDT results; and
- ii) that the Welborne trajectory figures should have been used over the requirement in the policy.

I shall address these points in turn.

i) the use of the DSP and Welborne housing requirements in the HDT results

5.3 Mr Tiley, persists in arguing that the standard methodology should have been used in the HDT calculations to undermine the use of the DSP and Welborne plans in HDT calculations.

5.4 At paragraph 3.5 of his HLS update he asserts that there are four pieces of evidence where the Council, its consultants or a Planning Inspector has reportedly stated that the DSP and Welborne plan do not re-assess the housing requirement. I repeat my position that these arguments are irrelevant for the

appeals given that the HDT is a Government test which has now published results *three* times based on the DSP and Welborne plan requirement. Furthermore, MHCLG has confirmed that the housing requirement for the purposes of the HDT is set out in the DSP and the Welborne Plan in email correspondence with the Appellant (Appendix 4 to Mr Tiley's Proof of Evidence) and following a similar enquiry from Terence O'Rourke (see Appendix 10 of the Council's addendum proof). The suggestion in para 3.10 of Mr Tiley's proof update that MHCLG publish the results without scrutiny or approval is not supported. Indeed, the email response from MHCLG to the appellant included in Appendix 4 of his proof states '*in short, it is our **understanding** that subsequent plans updated the housing requirement in LP1, and therefore is [LPT2 and LPT3] used to set the housing requirement within the Housing Delivery Test upon adoption*' (my emphasis).

- 5.5 In respect of the reference to paragraph 3.1 of the Council's response to Inspector's question 2 at paragraph 3.5 this should not be read out of context. Paragraph 3.2 of that document [Appendix 5] goes on to say that the SHMA, completed by PUSH in January 2014 (for the South Hampshire Strategy) needs to be taken into account, and the Council at that time put forward the suggestion of an early review of the Local Plan, in which it is currently engaged. Therefore, during the examination of the DSP and Welborne plans it was acknowledged that the housing requirement in the Core Strategy was insufficient to meet the needs and used evidence prepared for the forthcoming South Hampshire Strategy to uplift the requirement, thereby '*complet(ing) the process started by the Core Strategy*' as acknowledged in para 4.1 of the same document.
- 5.6 Similarly, Mr Tiley's reference just to paragraph 44 of the Inspector's examination report to DSP [CDE.4] indicating that Inspector did not reassess objectively assessed need, presents this information out of context. Later in the paragraph, the Inspector states that '*Welborne is intended to contribute towards meeting the need of the wider sub-region and any re-assessment or reapportionment of housing numbers is more appropriately undertaken as part of the SHS*' (South Hampshire Strategy). Therefore, this statement accepts that Welborne is in addition to the Fareham housing requirement and therefore

provides justification for the Council to use higher numbers than solely in the Core Strategy.

- 5.7 It is unusual to be facing a challenge from an appellant that the housing requirement should be lower than the Council contends, i.e. that the DSP and Welborne Plan requirement should not be taken into account. Mr Tiley is clearly pursuing this approach to undermine the use of the DSP and Welborne plans in HDT calculations even though they were both less than five years old. The result is that he tries to argue that the standard methodology should have been used in the HDT calculations. The Council can only reiterate that it is a Government test which has now published results three times based on the housing requirements in the DSP and Welborne plans.

ii) that the Welborne trajectory figures should have been used over the requirement in the policy.

- 5.8 The second substantive point that Mr Tiley re-iterates is the use of the Welborne requirement from the housing trajectory, rather than the housing requirement set out in Policy WE3 in the Welborne Plan. Again, Mr Tiley presents only the information best placed to support his argument. Policy WEL3 states that 6,000 dwellings shall be delivered on site, but it is preceded by paragraph 3.43 which states that Chapter 10 details the phasing of the development and trajectories. It is the Council's position that Table 10.1 in Chapter 10 represents the phased (stepped) Housing Trajectory for Welborne in support of WEL3 with 500 in the first phase, split over three years as 120,180 and 200 homes respectively. The HDT rule book does say that the housing requirement should be used for the calculation, but it does not expressly exclude trajectories as Mr Tiley's proof update suggests. Given that the Welborne Plan, and DSP for that matter, were published before the HDT rule book was published, it simply remains for the Council to state that it has tried to provide clarity on the stepped requirement within the Welborne Plan in Table 10.1 and the paragraph immediately preceding the policy. Footnote 11 of the HDT rule book states that it is annual or stepped requirement in the plan and therefore does not exclude the use of a stepped requirement in the calculation.

6 Site Specifics

- 6.1 I note the comments from Mr Tiley in Section 4 of his updated proof of evidence. I feel that the points made by Mr Tiley are already suitably addressed in my own updated housing land supply (HLS) addendum, however I have the following brief comments in response to three sites he queries in particular.

Land East of Brook Lane, Warsash

- 6.2 In relation to the site Mr Tiley calls "Land east of Brook Lane and south of Brookside Drive, Warsash" (paragraphs 4.2 - 4.3 of his proof), I explain in my Addendum Proof of Evidence at paragraph 2.16 the further extension of time requested by the applicant. Notwithstanding, I conclude that it is realistic to anticipate that the site is capable of being delivered within the 5 year period (para 2.17).

Fareham Magistrates

- 6.3 Mr Tiley continues to cast doubt on the site of the former Fareham Magistrates Court being redeveloped in the next five years (para 4.4 of his proof). He may not have appreciated that the Planning Committee has now resolved to grant outline permission, that work on the Section 106 legal agreement concerning nitrate mitigation is all but complete and that Churchill Retirement Living are keen to submit a reserved matters application imminently (paras 2.97 - 2.100 of my proof relate). I attach at Appendix 6 a recent letter received by the case officer at the Council from Churchill Retirement Living (CRL) inviting them to view their latest proposals. Similar letters have been sent to various parties as part of a round of public engagement required prior to submitting a reserved matters application. The letter, and the details at the CRL website, demonstrate that the scheme is well advanced and I consider this clear evidence that a reserved matters application will be submitted within the next six months most likely much earlier.

Land east of Brook Lane

- 6.4 At paras 4.5 - 4.7 of his updated proof Mr Tiley discusses Land east of Brook Lane (south), Warsash. Mr Tiley suggests various matters are still to be

resolved which I find curious since the applicant in this instance is also his client in this appeal, Bargate Homes. As set out at para 2.49 of my HLS addendum the Section 106 agreement for this application is to be signed imminently. Furthermore, the applicant has submitted a nitrogen mitigation proposals pack from the HIWWT. The Council will carry out a HRA/AA, consult Natural England and issue the decision without delay. I see no evidence of the problems to which Mr Tiley refers.

Welborne

- 6.5 Mr Tiley dedicates paragraphs 4.8 - 4.20 of his updated proof to Welborne. The information on which he relies is however out of date. I set out my response in the following paragraphs.
- 6.6 Since the submission of HLS addendum the Council has confirmed that the current application for Welborne (reference P/17/0266/OA) will be considered once again by the authority's Planning Committee at a meeting due to take place on Wednesday 27th January 2021. On Tuesday 19th January the Officer report to the Planning Committee was published with a recommendation that planning permission be granted (Appendix 7).
- 6.7 Section 8.30 of the report contains detailed analysis of development viability, including addressing Junction 10 funding matters, CIL, and the implications for affordable housing provision and compliance with local plan policies in respect of Passivhaus and Lifetime Homes.
- 6.8 Paragraph 8.30.80 concludes as follows:

“With the applicant’s Junction 10 contribution increased to £40M, no CIL contribution, no Passivhaus and Lifetime Homes coupled with the provision of affordable housing, as described above, the profit on cost for the development is 1.5%. This level of developer’s return is far below the accepted market norm of 15-20% GDV. In this case, the applicant is willing to take this risk in order to ensure delivery of Welborne, on the basis that their proposed amendments to the viability review mechanism are accepted. This approach, whilst unusual, is considered appropriate for a Development Manager led scheme such as Welborne which has significant infrastructure costs. Through the planning viability review mechanism, this council has a choice about what should be

provided if the scheme begins to make higher profits. These choices are to increase the number of affordable housing units, vary the affordable tenure or deliver Passivhaus homes or lifetime homes, or a combination of any of these. Officers consider that the proposal accords with the policies and guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance and the relevant policies of the Welborne Plan.”

6.9 In carrying out the planning balance Officers then go on to confirm at paragraph 8.32.39 that:

“...It is considered that there are substantial benefits that flow from the proposal. The benefits identified accord with the requirements of the Welborne Plan and also satisfy the social, economic and environmental strands of sustainable development identified in the NPPF. The benefits are considered to be numerous and significant and are not outweighed by any identifiable harm.”

6.10 The recommendation to the Planning Committee is that outline permission be granted. The timing of submission of this rebuttal statement means that I will need to provide the Inspector with a further update prior to the commencement of the Inquiry as to the committee’s resolution on this.

6.11 In his updated evidence Mr Tiley says that even assuming the proposed changes to the outline application are approved by the committee, and the s106 is able to be agreed, the funding gap will remain unresolved (para 4.16). He then proceeds to set out why he considers this will result in delay to the stated housing trajectory. I have already addressed this issue in my own HLS addendum at paras 2.92 – 2.94 where I note that significant work has been undertaken in preparation for the first reserved matters applications, securing consent enabling works and having Strategic Scale Documents ready. The timely way in which the Council has brought the revised Welborne application before the Planning Committee combined with the wealth of detailed work already undertaken serves only to confirm my view that the projected rate of completions weighted towards the end of the five year supply period is a reasonable assumption (para 2.91 of my updated evidence).

6.12 In respect of the revised CIL charging schedule referred to by Mr Tiley at paragraph 4.19, whilst the timetable is yet to be confirmed I am advised that the Council will be progressing this matter expediently and that the adoption of the

schedule should be possible in a matter of weeks, subject the Council's approval of the current Welborne application at Planning Committee on the 27th January 2021. I can also clarify that the M27 funding is not contingent on the revised CIL charging schedule being approved as suggested by Mr Tiley at paragraph 4.19 of his updated evidence.

7 The Future Five-Year Housing Land Supply

- 7.1 Mr Tiley presents Table 5.1 in his updated proof (as an update of table 7.5 in his Rebuttal Proof of Evidence November 2020) which appears to try to establish the future five-year land supply position. No reliance can be placed on five year housing land projection 2021 – 26 he presents following the publication of the new standard method or following the adoption of the new Local Plan. The assumptions he has set out in the table are flawed.
- 7.2 In the fourth section entitled ‘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 he presents a series of figures suggesting a minimum supply of 3.09 years and a maximum of 4.87 years.
- 7.3 These figures are inaccurate for a number of reasons. Firstly, the baseline five-year requirement is not 2,568 (514 x 5), it would be 508 x 5, totalling 2,540 as the standard methodology calculations have moved forward one year to look at the household projection difference between 2021-2031. Secondly the buffer, would be 20% following the publication of HDT results, taking the total five-year requirement to 3,048. The figure of 3,003 is taken from Mr Tiley’s rebuttal (November 2020), specifically Table 7.2, where he attempts to calculate the number of homes to be delivered each year from the housing trajectory of the Regulation 19 Publication Local Plan based on his assumption about whether the homes come from allocations or permissions (see para 7.12 of Mr Tiley’s rebuttal). This information cannot be ascertained from the Local Plan housing trajectory and so is guess work beside which the Regulation 19 Plan may need to be updated in line with the new standard methodology. Without rolling forward all of the elements of supply to the new base date, including an updated position on permissions granted, resolutions to grant given and windfall rates, the suggested supply figures are merely supposition and unfounded.
- 7.4 Similarly, the fifth section of this table entitled ‘Following adoption of the Local Plan for the period 2021-26’, Mr Tiley assumes a five-year requirement of 3,258 which equates to 651.6 dpa. This figure again is not recognised by the Council,

and Mr Tiley's rebuttal presents this figure as one option of the five-year requirement in the Local Plan (see para 7.34 of his rebuttal). This is the highest option. The standard methodology for this year is 508dpa so where Mr Tiley finds the additional requirement to reach 651.6 is not understood. The Regulation 19 Publication Local Plan was suggesting a stepped requirement of 450dpa, some 12% higher than the proposed standard methodology figure of 403dpa to account for the Council's contribution to unmet need. However, Mr Tiley has assumed a 28% increase to the standard methodology figure, which makes no sense.

- 7.5 The figure of 3,003 is presented again, which as described above is based on guesswork from the Regulation 19 Publication Local Plan housing trajectory and is seriously flawed because it presumes that the Local Plan does not increase the housing land supply in the first five years, i.e. upon adoption there are no new sites that could be considered deliverable against the definition in the NPPF. The Council would not put forward a Local Plan with no additional deliverable sites so this assumption is flawed.
- 7.6 More fundamentally, it makes no sense that the Council would produce a Local Plan which cannot demonstrate a five-year supply. To do this would be contrary to paragraph 67 of the NPPF and as the Publication Local Plan states in paragraph 4.16, the Council proposes a stepped housing requirement to secure the five-year supply. This table does not therefore reflect reality as the Council will take the necessary steps to ensure that it can demonstrate a five year supply of housing.
- 7.7 The Council suggests that the Inspector disregard Table 5.1 as it is based on inaccurate housing requirements and guesswork in relation to supply figures.