



## Appeal Decisions

Inquiry Held on 9-12, 16-19 and 23-25 February 2021

Accompanied site visit made on 13 April 2021

**by I Jenkins BSc CEng MICE MCIWEM**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 8<sup>th</sup> June 2021**

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### **Appeal A Ref: APP/A1720/W/20/3252180**

#### **Land at Newgate Lane (North), Fareham,**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Fareham Land LP against Fareham Borough Council.
  - The application Ref. P/18/118/OA, is dated 19 September 2018.
  - The development proposed is demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
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### **Appeal B Ref: APP/A1720/W/20/3252185**

#### **Land at Newgate Lane (South), Fareham,**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Bargate Homes Ltd. against Fareham Borough Council.
  - The application Ref. P/19/0460/OA, is dated 26 April 2019.
  - The development proposed is demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure.
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## **Decisions**

1. Appeal A is dismissed and the outline planning permission sought is refused.
2. Appeal B is dismissed and the outline planning permission sought is refused.

## **Procedural matters**

3. In each case, the planning application subject of appeal is in outline, with all detailed matters except access reserved for future consideration. While the application subject of appeal B was with the Council for determination, the scheme was revised with the agreement of the Council by limiting the unit numbers to 'up to 115 dwellings', rather than 'up to 125 dwellings' as identified on the planning application form. The change was supported by amended plans. I have considered the appeal on the basis of the revised scheme and reflected the details in the summary information above.
4. Following the submission of the appeals, the Council's Planning Committee determined on the 24 June 2020 that, were it still in a position to do so,

- it would have refused to grant planning permission in both cases. In support of its view, the Council cited 15 reasons for refusal in each case (a)-o)). The reasons for refusal were the same with the exception of: appeal A reason e), which relates to the loss of best and most versatile agricultural land; and, appeal B reason i) related to the protection and enhancement of Chamomile. Prior to the Inquiry, the Council confirmed that, in each case, 3 of the other reasons for refusal had been satisfactorily addressed: appeal A reasons f), g) and i); and, appeal B reasons e), f) and h).
5. Each of the schemes is supported by a formally completed unilateral undertaking (UU): appeal site A-UUA; and, appeal site B-UUB, which seek to secure a number of financial contributions, Affordable Housing and sustainable travel measures. In addition, the appellants have provided a unilateral undertaking related to off-site mitigation for the loss of a low use Solent Wader and Brent Goose site (UUC). I have taken those UUs into account.
  6. Reasons for refusal j) and k) relate to the absence of appropriate measures to mitigate likely adverse effects on the integrity of European Protected Sites. The appellants and the Council are content that those matters have now been satisfactorily addressed by mitigation measures secured by the unilateral undertakings. Nonetheless, there is no dispute that if I were minded to allow the appeals, I would need to re-consult Natural England and undertake an Appropriate Assessment under the *Conservation of Habitats and Species Regulations 2017*.
  7. Reasons for refusal k)-o) relate to the absence of legal agreements to secure other necessary mitigation measures. However, the Council now considers that those reasons have been satisfactorily addressed by the submitted UUs or could be addressed through the imposition of suitable conditions.
  8. Insofar as appeal A reason for refusal h) and appeal B reason for refusal g) relate to the capacity of the Newgate Lane East junction with Newgate Lane, the Council withdrew<sup>1</sup> that aspect of its case before the appellants presented their evidence on the matter<sup>2</sup>. Therefore, I have not considered it further.

### **Main Issues**

9. I consider that the main issues in these cases are: the effect of the proposals on the character and appearance of the area; the effect on highway safety; whether, with reference to accessibility, the schemes would be sustainably located; the effect on the spatial development strategy for the area; and, the effect on housing land supply.

### **Reasons**

10. Appeal site A comprises 3.95 hectares of agricultural land, which is bounded by a small area of agricultural land to the north, Newgate Lane to the west and Newgate Lane East to the east. The site shares a small proportion of its southern boundary with Hambrook Lodge and the remainder is shared with appeal site B. The appeal A proposal would involve the development of up to 75 dwellings within the site as well as other associated works. Appeal site B comprises 6.1 hectares of agricultural land, which is bounded by Woodcote Lane to the south, Newgate Lane to the west and Newgate Lane East to the

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<sup>1</sup> Including the evidence given by Mr Whitehead.

<sup>2</sup> Inquiry document no. 23.

east. Part way along its length, the northern boundary of the site wraps around the western, southern, and eastern boundaries of the grounds of Hambrook Lodge. Otherwise appeal site B shares its northern boundary with appeal site A. The appeal B proposal would involve the development of up to 115 dwellings within the site as well as other associated works.

11. Vehicular, cycle and pedestrian access to each site would be provided by an access road leading from Newgate Lane. A pedestrian/cycle route is also proposed from appeal site A through appeal site B to Woodcote Lane, leading to the proposed Toucan crossing of Newgate Lane East and Bridgemary. The proposed Toucan crossing would be funded through the provision of a contribution secured by UUB. The *Statement of Common Ground-Linked Delivery* (SoCGLD) has been agreed between the appellants and the Council. It indicates that it would be possible to ensure that the appeal A scheme cannot come forward independently of the appeal B scheme through the imposition of a Grampian condition, thereby ensuring the provision of those proposed access links.
12. The appeal sites form part of an area of countryside situated between the urban settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north. The settlement referred to as Peel Common in the evidence of the main parties is limited to the residential and commercial properties located off Newgate Lane, Woodcote Lane and Albert Road, within the administrative area of Fareham Borough Council (the Council). Under the terms of the Development Plan, Peel Common does not have a defined settlement boundary and it is also situated in the area of countryside that includes the appeal sites. Furthermore, it does not include the 'Peel Common' housing estate located further to the east within Gosport Borough Council's administrative area. The closest urban boundary to the appeal sites is to the east and is associated with a number of areas within Gosport, such as Bridgemary, Woodcot and the 'Peel Common' housing estate. For simplicity, those areas have been jointly referred to in the evidence of the main parties as Bridgemary. I have taken the same approach in these decisions.
13. Policy CS14 of the *Fareham Local Development Framework Core Strategy, 2011* (LP1) indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function. Policy DSP6 of *the Local Plan Part 2: Development Sites and Policies, 2015* (LP2) indicates that there will be a presumption against new residential development outside the defined urban settlement boundaries (as identified on the Policies Map) and that proposals should not result in detrimental impact on the character or landscape of the surrounding area.
14. The area of countryside situated between the settlement boundary of Stubbington, to the west, Gosport, to the east and Fareham, to the north also forms part of the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gap (Fareham-Stubbington Gap), shown on the LP2 Policies Map Booklet. LP1 Policy CS22 indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
15. However, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

The reasoned justification for LP2 Policy DSP40 indicates that the Council is committed to delivering the housing targets in the Core Strategy, and so it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery. To that end, Policy DSP40 indicates that where it can be demonstrated that the Council does not have a five-year supply of land for housing, additional sites, outside the urban area boundary, within the countryside and Strategic Gaps, may be permitted where they meet a number of criteria (the DSP40 contingency). Those criteria are not as restrictive as the requirements of LP1 Policies CS14 and CS22 or LP2 Policy DSP6. To my mind, it follows that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced and would be outweighed by compliance with LP2 Policy DSP40.

### ***Character and appearance of the area***

16. Criterion (ii) of LP2 Policy DSP40 requires that the proposal is well related to the existing urban settlement boundaries and can be well integrated with the neighbouring settlement. To ensure that this is the case, the reasoned justification for the Policy indicates that sensitive design will be necessary. The Council and the appellants agree that the existing urban settlement boundary of Bridgemary is relevant in this context. Criterion (iii) of Policy DSP40 requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps. In this context the main parties agree that both Bridgemary and Peel Common are relevant neighbouring settlements. The reasoned justification for LP1 Policy CS22, which deals with development in Strategic Gaps, indicates that they do not have intrinsic landscape value but are important in maintaining the settlement pattern. I consider therefore, that the Strategic Gap designation is of little relevance to this particular main issue. I deal with the effect on the Fareham-Stubbington Gap later in this decision.
17. Peel Common would be the closest settlement to both appeal sites. The pattern of built development there is characterised, for the most part, by ribbon development that fronts onto the western side of Newgate Lane, with small spurs eastwards along the southern side of Woodcote Lane and westwards along Albert Road. Along Newgate Lane the ribbon of development only extends northwards to a point just beyond the alignment of the southern boundary of appeal site A on the opposite side of the highway. I consider that the only notable development to the west of appeal site A, on the western side of Newgate Lane, comprises: Peel Common Wastewater Treatment Works, which is set well back from the highway and is screened from view by landscaping; and, Newlands' Solar Farm, which is relatively low profile. Peel Common is described by the *Fareham Landscape Assessment, 2017* (FLA) as an isolated small settlement and, in my view, given its scale, pattern of development and location in the countryside, that is a reasonable assessment.
18. Both appeal sites are divided into an eastern and western section by the River Alver, which runs in a north-south direction through the sites. To the east of the river the land within the appeal sites is predominantly arable and to the west grassland. The latest Illustrative Masterplans submitted in support of the schemes indicate that, in both cases, the proposed dwellings would be clustered on the eastern side of the River Alver and the land to the west would comprise public open space. To my mind, the absence of residential

development from the western sections of the sites would be necessary, due to the environmental constraints associated with the land to the west of the river, and it could be secured by condition. The constraints include areas at high risk of surface water flooding and of particular ecological value.

19. As a result, and in stark contrast to the existing settlement pattern of Peel Common, none of the proposed residential properties would front onto Newgate Lane or be directly accessed from either Newgate Lane or Woodcote Lane. Links between appeal site B and Woodcote Lane would be limited to a pedestrian/cycleway connection. In each case, the main access to the proposed residential areas would comprise a single access road between Newgate Lane and the eastern section of each site. The sections of these roads through the proposed public open space, in the western sections of the sites, would be devoid of roadside development for the reasons set out above, which would further weaken the relationship between the proposed residential areas and the existing settlement. I understand that in terms of dwelling numbers, the appeal B scheme would be larger than the size of the existing settlement of Peel Common and the appeal schemes together would be approximately double its size. I consider that, with particular reference to their size and location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Peel Common, contrary to the aims of LP2 policy DSP40(iii). Furthermore, in my judgement, due to the site constraints, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
20. The area of Bridgemarky, which is situated to the east of the appeal sites, is primarily residential in character, with a variety of building styles generally of 1 to 2-storeys in height. A network of roads and footways provides for ease of movement within that residential area and closely integrates it with the much larger urban area of Gosport. The appeal proposals would also be residential in character and proposed buildings of a similar scale could be secured by condition. However, the appeal sites would be set well apart from that existing urban area, beyond agricultural fields and a recreation ground. The most direct access route between them would be along Woodcote Lane, across Newgate Lane East and along Brookes Lane; a route unsuitable for cars. In my judgement, the appeal schemes, whether considered on their own or together would comprise and would be perceived as islands of development in the countryside set apart from the existing urban settlements. They would not amount to logical extensions to the existing urban areas. I consider that, with particular reference to their isolated location, the proposals have not been sensitively designed to reflect the character of the neighbouring settlement of Bridgemarky. Furthermore, they would not be well related to the existing urban settlement boundary of Bridgemarky or well-integrated with it. In these respects, the proposals would conflict with LP2 Policy DSP40(ii) and (iii). In my judgement, due to the location of the sites, these are not matters that could be satisfactorily mitigated through design at the reserved matters stage.
21. In relation to the requirement of Policy DSP40(iii) that any adverse impact on the countryside be minimised, the Council argues that 'minimise' should be interpreted as requiring any adverse impact to be small or insignificant. I do not agree. The aim of the Policy is to facilitate development in the countryside relative in scale to the demonstrated five-year housing land supply shortfall. To my mind, any new housing development in the countryside would be likely to register some adverse landscape and visual effect, and

development of a scale to address a substantial shortfall would be unlikely to register a small or insignificant impact. The Council's approach would make the Policy self-defeating. Given the aim of the Policy with respect to housing land supply, I consider that it would be reasonable to take 'minimise' to mean limiting any adverse impact, having regard to factors such as careful location, scale, disposition and landscape treatment.

22. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal sites are not the subject of any statutory or non-statutory landscape designations. Nonetheless, *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA)* by the Landscape Institute and Institute of Environmental Management & Assessment indicates that the absence of a designation does not mean that an area of landscape is without any value and points to landscape character assessments as a means of identifying which aspects of a landscape are particularly valued. Furthermore, insofar as it seeks to minimise any adverse impact on the countryside, I consider that LP2 Policy DSP40 is consistent with the Framework, which seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
23. As the planning applications the subject of these appeals are in outline, a full assessment of the landscape and visual impacts of the proposed schemes cannot be carried out at this stage. Nonetheless, the illustrative layout plans indicate that, in each case, the proposed dwellings would be set back from the perimeter of the site beyond relatively narrow areas of landscaping. To my mind, the scope for landscaping would be unlikely to be significantly greater, given the number of dwellings proposed and that it would not be reasonable to seek to use a condition to modify the developments to make them substantially smaller in terms of unit numbers than that which was applied for. In my view, that would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application. Whilst the Design and Access Statements indicate that the proposed buildings may be up to 3-storeys in height, the appellants have indicated that they could be limited to 1-2 storeys, in keeping with the surroundings, through the imposition of conditions and without reducing the numbers of units proposed.

#### *Landscape impact*

24. GLVIA indicates that the assessment of landscape effects involves assessing the effects on the landscape as a resource in its own right. This is not just about physical elements and features that make up the landscape; it also embraces the aesthetic<sup>3</sup>, perceptual and experiential aspects of the landscape that make different places distinctive/valued.
25. Natural England's *National Character Assessment* places the appeal sites within the South Coast Plain National Character Area, the characteristics of which include that the plain slopes gently southwards towards the coast and there are

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<sup>3</sup> CD138 page 84 Box 5.1 'scenic quality...landscapes that appeal primarily to the visual senses', perceptual aspects...perceptual qualities, notably wilderness and/or tranquillity', 'experiential 'evidence that the landscape is valued for recreational activity where experience of the landscape is important'.

stretches of farmland between developed areas. At a county level, the sites form part of the Gosport and Fareham Coastal Plain Landscape Character Area, as identified by the *Hampshire Integrated Character Assessment 2012* (HICA), and within that area part of the Coastal Plain Open Landscape Type.

Its characteristics include, amongst other things, extensive and flat or gently sloping plain, often associated with arable land uses and some of the most densely developed areas in Hampshire have occurred in this landscape.

The HICA informed the *Fareham Landscape Assessment, 2017* (FLA), which was commissioned by the Council to inform emerging Local Plan policy.

26. The FLA identifies the area within which the appeal sites are situated as Landscape Character Area 8 (LCA 8), Woodcot-Alver Valley. LCA 8 forms part of the easternmost extent of the Fareham-Stubbington Gap and is divided into 5 Local Landscape Character Areas (LLCAs). More specifically appeal site A and the majority of appeal site B, with the exception of the strip of land to the west of the River Alver, fall within LLCA 8.1a. This area is generally bounded by Newgate lane to the west, Woodcote Lane to the south, the western edge of Bridgemary to the east and Speedfields Park Playing Fields to the north. Outside of this LLCA, to the west and south are the main residential sections of the Peel Common settlement, which fall within LLCA 8.2: *Peel Common and Alver Valley*, as does the western section of the appeal B site. Newlands' Solar Farm and Peel Common Wastewater Treatment Works, which are sited to the west of the appeal sites, fall within LLCA 7.1: *Fareham-Stubbington Gap*.
27. The FLA comments both on the character of LLCA 8.1a prior to the completion of Newgate Lane East and on the likely implications of that highways scheme.
28. Prior to the completion of Newgate Lane East, the FLA recognises that LLCA 8.1a is not covered by any current national or local landscape designation, its scenic quality is not exceptional and it is affected by some localised intrusion of urban features around its periphery. It indicates that LLCA 8.1a shares the typically flat, low-lying character of the coastal plain landscape and whilst it lacks the very open, expansive character of other parts of the coastal plain (including adjacent land within the Strategic Gap to the west), it nevertheless has a relatively open and large-scale character. More specifically, it is generally devoid of built development (apart from buildings at Peel Farm<sup>4</sup>), retains a predominantly open, rural, agricultural character, and tree belts along its boundaries to the north, east and south give the area a sense of enclosure from surrounding urban areas and contribute to its aesthetic appeal. The FLA indicates that overall, the landscape value of LLCA 8.1a is moderate to high. Furthermore, the FLA identifies that the landscape resource has a high susceptibility to change, as it has very limited capacity to accommodate development without a significant impact on the integrity of the area's rural, agricultural character. Whilst these judgements are not disputed, the Council and appellants disagree over the impact that the construction of Newgate Lane East has had.
29. Regarding Newgate Lane East, the FLA anticipated that as the road corridor would be relatively narrow, unaffected land within the rest of the area should be of sufficient scale to maintain its essentially rural character. In my view, this is the case notwithstanding that the roadside planting, which has the potential to reduce the visibility of the highway and associated fencing, has yet to

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<sup>4</sup> Around Hambrook Lodge.

mature. Furthermore, given the relatively low profile of the road scheme, the openness of the area is largely unaffected. Under these circumstances, I consider that whilst the landscape value of LLCA 8.1a has been reduced by the road scheme to medium, the susceptibility of the landscape to change remains high, rather than low/medium identified by the *Landscape and Visual Impact Assessments* submitted in support of the applications (LVIAs). Support for this judgement is provided by the FLA, which indicates that significant further development in addition to the road scheme would almost certainly have an overwhelming urbanising effect, potentially tipping the balance towards a predominantly urban character. Overall, I regard the sensitivity of the landscape resource within LLCA 8.1a to be medium/high, consistent with the Council's Landscape and Visual Assessment findings, and contrary to the low/medium findings set out in the LVIAs.

30. In both cases, the proposals would replace a significant proportion of the agricultural land within LLCA 8.1a with residential development. Whether single-storey or taller buildings are proposed, the massing of each development would add to the sense of enclosure of this LLCA, greatly diminishing its open character and the duration of the impact would be long term. Considering each scheme on its own, the size and scale of the change, taken together with the existing limited intrusion from surrounding urban influences and the effect of Newgate Lane East, would be sufficient in my judgement to tip the balance towards a predominantly urban character. I acknowledge that the impact would not extend beyond LLCA 8.1 to affect a wider area of landscape. Nonetheless, I judge the magnitude of change as medium and the significance would be moderate to moderate/major adverse, even after mitigation. In my view, the effect would not be as low as the minor/moderate or minor adverse significance of effect identified by the LVIAs, which the appellants suggest would be considered acceptable and would not constitute an overall 'harm' to the landscape.
31. As I have indicated, the only section of the appeal sites that falls within LLCA 8.2 is the western section of appeal site B, the development of which would be constrained by its ecological value. Therefore, I give little weight to the view set out in the FLA regarding LLCA 8.2 that there may be potential for some modest, small scale development associated with the existing built form at Peel Common.
32. I consider overall that the proposals would each cause significant harm to the landscape of the area.

#### *Visual impact*

33. There is no dispute that the area from which the proposed developments would potentially be visible, the visual envelope, would be limited. This is due to a combination of the flat topography of the surroundings and the effects of vertical elements such as neighbouring settlement edges and some tall vegetation. As a result, the visual receptors identified by the Council and the appellants are relatively close to the appeal sites and the associated assessments of visual effects provided by those parties are broadly comparable, finding a number of adverse impacts of moderate or greater significance.
34. As regards the users of Newgate Lane, I consider them to be of medium sensitivity to change, consistent with the position set out in the LVIAs and by



- the Council. However, the proposed development would significantly alter views eastwards. Currently long views can be enjoyed from some vantage points across relatively open countryside, Newgate Lane East being low profile infrastructure, towards the tree lined edge of Bridgemary and the 'big skies' noted by the *Technical Review of Areas of Special Landscape Quality and Strategic Gaps* (2020)(TR). As a result of either appeal scheme on its own, residential development would become a prominent feature in the foreground of such views, notwithstanding the proposed setback beyond an area of open space between the highway and the proposed dwellings. From some vantage points, the long rural view would be interrupted entirely, being replaced by a short suburban view of one of the appeal schemes, which would be likely to break the existing skyline and greatly reduce the sense of space. I regard the magnitude of impact as high and the significance of impact as major/moderate adverse, in common with the Council.
35. The LVIA's did not consider vantage points along Newgate Lane East, which was under construction when the assessments were undertaken. I consider users of Newgate Lane East to be of medium sensitivity to change, in common with users of Newgate Lane. It is anticipated that the proposed buildings would be set back from Newgate Lane East beyond a strip of landscaping, within the sites and along the edge of the highway. Nonetheless, given the likely scale and disposition of the built development, I consider it likely that it would still be visible to some extent from that neighbouring road. In my judgement, when travelling between the built-up areas to the north and south, the respite provided by the surrounding countryside along Newgate Lane East is of notable value. That value would be greatly diminished as a result of either scheme. Both would foreshorten views to the west and tip the balance from a predominantly rural to suburban experience. The magnitude of impact on that receptor would be medium and the significance of impact moderate adverse.
36. Overall, I consider that the significance of the visual impact would be moderate to moderate/major adverse. It would have a significant adverse effect on the appearance of the area.
37. The FLA sets development criteria to be met in order to protect the character and quality of landscape resources, views, visual amenity, urban setting and green infrastructure. Whilst the aim of LP2 Policy DSP40 is to minimise, rather than avoid, any adverse impact, I consider that they are of some assistance when judging the extent to which there would be an impact and whether it can be regarded as being minimised. I acknowledge, that in the context of making some provision for housing land supply in the countryside, it would be unrealistic to expect the open, predominantly agricultural and undeveloped rural character of area LLCA 8.1a to be entirely protected as the FLA suggests. However, the proposals would cause significant harm in that regard. Furthermore, rather than situating the proposed developments to the east of Newgate Lane East, next to existing urban areas, the schemes would amount to the creation of substantial new pockets of urbanising built development within existing open agricultural land.
38. I conclude that, in each case, the proposal would cause significant harm to the character and appearance of the area, having had regard to the location, disposition, likely scale and landscape treatment, each would fail to minimise the adverse impact on the countryside. The proposals would conflict with LP2 Policy DSP40(ii) and (iii).

### **Highway safety**

39. The *Statement of Common Ground on Transport (SoCGT)*, agreed between the Council and the appellants, states it is agreed that the individual and cumulative impacts of the northern and southern sites would have a detrimental impact on the operation of the existing right turn lane priority junction between Newgate Lane and Newgate Lane East. Furthermore, this cannot be mitigated by priority junction improvements and so a signalised junction is proposed.
40. The proposed signalised junction would introduce a flare from 1 to 2-lanes on the northbound Newgate Lane East approach to the junction and a merge back to 1 lane some distance after the junction. Furthermore, the SoCGT indicates, in relation to southbound vehicles seeking to access Newgate Lane from Newgate Lane East across 2 lanes of on-coming traffic, the proposed signal method of control would be the provision of an indicative arrow right turn stage. Under the proposed signalling arrangement, right turn movements from Newgate Lane East into Newgate Lane could occur at three points in the cycle of the signals: firstly, turning in gaps in the free flowing northbound traffic; secondly, during the intergreen period when the northbound flow is stopped and before the Newgate Lane traffic is released; and, then if right turners are still waiting after the cycle, the indicative arrow would be triggered to allow them to turn unopposed. The SoCGT confirms that the appellants are proposing an indicative arrow arrangement rather than the provision of a fully signalised right turn stage, as the latter would operate unacceptably in terms of capacity.
41. The appellants' *Stage 1 Road Safety Audit (RSA)* identifies a potential problem with the proposed right turn lane arrangement, with reference to CD 123 of the *Design Manual for Roads and Bridges (DMRB)*. In the context of right turning traffic movements at signal-controlled junctions, CD 123 indicates that where the 85<sup>th</sup> percentile approach speed is greater than 45 mph, there is an increased risk of accidents between right-turning vehicles seeking gaps and oncoming vehicles travelling at speed. It confirms that where the 85<sup>th</sup> percentile approach speed is greater than 45 mph, right hand turns should be separately signalised. Against that background, the RSA raises the concern that higher northbound vehicle speeds (particularly in off-peak traffic conditions) may mean that gap acceptance by the drivers of right turning vehicles could lead to right-turn collisions or to sudden breaking and shunt type collisions. It recommends that, at detailed design stage, signal staging/phasing should incorporate a separately signalled right-turn into Newgate Lane and that it would be appropriate to measure northbound vehicle speeds to design signal staging and phasing arrangements accordingly.
42. DMRB CA 185 sets out the approach to vehicle speed measurement on trunk roads where existing vehicle speeds are necessary to set the basis for the design of signal-controlled junctions. CA 185 confirms that 85<sup>th</sup> percentile vehicle speeds shall be calculated where designs are to be based on measured vehicle speeds. It is common ground that, whilst this standard is intended for use in relation to trunk roads, in the absence of any other reference, it can be used to guide the measurement of vehicle speeds on other roads, such as Newgate Lane East.
43. The SoCGT identifies 3 speed surveys whose results are relevant to the consideration of northbound speeds on Newgate Lane East. They were

undertaken in: September/October 2018; February/March 2020; and November 2020. All three surveys include measurements undertaken at weekends, contrary to the CA 185 protocol which indicates that speed measurements shall not be undertaken at weekends. Nevertheless, they were not limited to weekend measurements. Each survey included measurements on other days of the week, and I have not been provided with any evidence to show that the 85<sup>th</sup> percentile speeds derived from the surveys are not reasonably representative of the weekdays surveyed. However, the last survey was carried out during a period affected by movement restrictions associated with the coronavirus pandemic and the recorded average flow rates are noticeably lower than those recorded at the same times of day in the other two surveys. I consider that, under these circumstances, greater weight is attributable to the results of the earlier two surveys.

44. CA 185 indicates that a minimum number of 200 vehicles speeds shall be recorded in the individual speed measurement period and speed measurements should be taken outside of peak traffic flow periods. The peak hours identified by the *Transport Assessments* submitted in support of the appeal planning applications are 08:00-09:00 hrs (AM peak) and 17:00-18:00 hrs (PM peak). Whilst CA 185 indicates that non-peak periods are typically between 10:00-12:00 hrs and 14:00-16:00 hrs, I share the view of the Highway Authority (HA) that this does not rule out consideration of other non-peak periods, so long as a minimum number of 200 vehicles speeds are recorded in the individual speed measurement period as required by CA 185. Having regard to the results of the September/October 2018 and February/March 2020 surveys for northbound traffic on Newgate Lane East, in addition to the typical periods identified above, the period from 05:00-06:00 hrs meets these criteria, falling outside of the peak hours and having a recorded average flow greater than 200 vehicles.
45. The September/October 2018 and February/March 2020 survey results record 85<sup>th</sup> percentile speeds in the periods 10:00-12:00 hrs and 14:00-16:00 hrs in the range 41 mph-44.8 mph when a wet weather correction is applied. The upper end of this range being only marginally below 45 mph. In the period 05:00-06:00 hrs the results exceeded 45 mph. CA 185 indicates that where there is a difference in the 85<sup>th</sup> percentile speeds derived from the individual speed measurement periods, the higher value shall be used in the subsequent design.
46. I give little weight to the view of the appellants that the introduction of traffic signals, as proposed, would be likely to result in drivers being more cautious and so reduce their vehicle speeds. Even if that were the case, it is not clear that it would reduce 85<sup>th</sup> percentile speeds in the period 05:00-06:00 hrs to below 45 mph or that this undefined factor should be taken into account in the design. The appellants have suggested that in the absence of any demand over-night, the signals would revert to an all red stage, which would further slow the speeds of vehicles. However, it appears that there would be likely to be demand in the period 05:00-06:00 hrs. Furthermore, the HA has confirmed, for a number of reasons, that is not the way multi-arm junctions are set up on its network. Firstly, for junction efficiency, the signals would be expected to rest on green on Newgate Lane East, allowing traffic to proceed unimpeded on the main arm. Secondly, this approach reduces the likelihood of drivers, who wrongly anticipate that the lights will turn from red to green on their approach,

- proceeding without slowing and colliding with others. In light of the HA's established approach, I give little weight to the appellants' suggestion.
47. I consider that the proposals, which would not include separate signalisation of the right-hand turn, would conflict with CD 123.
48. The operation of the existing priority junction involves some drivers turning right from Newgate Lane East into Newgate Lane across a single northbound lane and there is no dispute that at present the junction operates safely. However, the proposed junction arrangement would give rise to the possibility of right turning vehicles gap-seeking across 2 opposing lanes, a practice which the HA considers would be unsafe. I note that Rule 180 of the *Highway Code* indicates that right turning drivers should wait for a safe gap in oncoming traffic. However, the basis of the HA's concern is that a right turning driver may not be able to see an oncoming nearside northbound vehicle, due to screening by offside northbound vehicles, until it is too late to avoid a conflict. The Rule 180 illustration is of a single opposing lane and it does not grapple with the potential for unsighted vehicles in a two opposing lanes scenario. In support of its concern, the HA has identified other junctions where the frequency of accidents involving right turning vehicles has been reduced by moving from a situation where gap-seeking across 2 lanes is allowed to a fully signalised right turn phase.
49. With respect to the modified junctions drawn to my attention by the HA, I agree with the appellants that, in the absence of data with respect to traffic flows, speeds and percentage of right turners at those other junctions, it cannot be determined that they are directly comparable to the appeal junction in those respects. However, nor can it be determined that they are not. Nonetheless, the improved accident record at those other junctions following the introduction of a fully signalised right turn phase appears to me to support, for the most part, the HA assessment that the practice of gap-seeking across 2 lanes was previously a contributory factor to the incidence of accidents<sup>5</sup>. In relation to this matter, I give greater weight to the assessment of the HA, as it is likely to be more familiar with the historic operation of its network, than that of the appellants' highway witnesses.
50. The appellants consider that an arrangement which allows vehicles turning right across two opposing lanes by gap-seeking is common. In support of that view, they have identified 2 junctions in the area where the HA has not prevented right turning vehicles from crossing 2 lanes without signalling: A27/Ranvilles Lane; and, A27/Sandringham Road. However, the HA has indicated that there is a history of accidents associated with right turn manoeuvres at the A27/Ranvilles Lane junction, the most recent having occurred in 2020, and the junction will be taken forward on the HA's provisional list for safety remedial measures during 2021/2022. The A27/Sandringham Road junction is located close to the point at which the speed limit reduces from 40 mph to 30 mph on the A27. Furthermore, Sandringham Road is a cul-de-sac serving far fewer dwellings than would be the case at Newgate Lane as a result of either of the appeal A or B schemes, and so the number of daily or peak hour right turning movements associated with it would be likely to be much lower than the appeal junction. To my mind, the circumstances associated with these two junctions do not lend support to the appeal schemes.

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<sup>5</sup> Whether a 3-year or 10-year accident record period is considered.

51. The appellants argue that in circumstances where a vehicle is waiting at the proposed junction for an approaching northbound offside vehicle to pass before turning right onto Newgate Lane, it is likely that a nearside vehicle screened from view by that offside vehicle would also have passed when the waiting vehicle starts to cross the lanes. To my mind, that would not necessarily be the case, as it would depend on the degree to which the pair of northbound vehicles are staggered and their relative speeds. Some screened vehicles may be slowing to turn left into Newgate Lane causing a right turning vehicle to pause in the offside lane when that previously screened nearside vehicle comes into view and that would potentially bring it into conflict with other approaching offside vehicles. Furthermore, it is foreseeable that right turning drivers seeking gaps may be faced with a stream of traffic in both opposing lanes and with some variation in approach speeds. A nearside vehicle moving past an offside stream of traffic may be unsighted until a late stage and may be closing the gap faster than the right turning driver had anticipated, leading to conflicting movements.
52. With reference to the appellants' *Transport Assessment Technical Note-Junction Modelling Results (TATN)*, by the 2024 design year, the cumulative impact of each appeal scheme and other developments would be likely to result in a marked increase in the total number of right turning vehicles into Newgate Lane. Furthermore, the appellants' traffic modelling predicts that in the AM peak there would not be any suitable gaps in free-flowing northbound traffic for right turning vehicles to cross. However, the proposed signalling arrangement would not prevent drivers from gap-seeking and they may still attempt to do so, if they thought that they could get across, rather than waiting for the intergreen period or the indicative arrow. The modelling predicts that in the PM peak almost all of the right turning traffic would cross in gaps in free-flowing northbound traffic.
53. Against this background, I share the concern of the HA that right turning vehicles gap-seeking to cross 2 oncoming lanes at the proposed junction poses a far greater risk of collisions than the existing arrangement and a significant risk to highway safety.
54. I conclude that the proposed junction arrangement, whether one or both of the appeal schemes were to proceed, would have an unacceptable impact on highway safety. Furthermore, in my view, this harm could not be reduced to an acceptable level through the imposition of a condition(s). As I have indicated, the Council and appellants agree that a fully signalised right turn stage would operate unacceptably in terms of capacity. The proposals would conflict with LP2 Policy DSP40(v), which seeks to ensure that development would not have any unacceptable traffic implications, and it would not fit well with the aims of LP1 Policy CS5(3) insofar as it supports development which does not adversely affect the safety of the local road network. These Policies are consistent with the Framework, which indicates that development should only be prevented or refused on highway grounds in limited circumstances, including if there would be an unacceptable impact on highway safety. This weighs very heavily against the schemes.

***Sustainably located, with reference to accessibility***

55. LP1 Policy CS15 indicates that the Council will promote and secure sustainable development by directing development to locations with sustainable transport

- options. LP1 Policy CS5 indicates that development proposals which generate significant demand for travel and/or are of high density, will be located in accessible (includes access to shops, jobs, services and community facilities as well as public transport) areas that are or will be served by good quality public transport, walking and cycling facilities. LP2 Policy DSP40(ii) seeks to ensure that proposals are sustainably located adjacent to the existing urban settlement boundaries.
56. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and identifies that this should be taken into account in decision-making. I acknowledge that the appeal sites are in the countryside. However, they are situated in a relatively narrow countryside gap between urban areas, rather than a larger rural area where opportunities for sustainable transport could reasonably be expected to be limited. In any event, consistent with Development Plan Policies CS15, CS5 and DSP40, the Framework also indicates that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
57. The appeal sites are not near to, but are set well apart from: the western, urban area boundary of Bridgemary, as defined by the *Gosport Borough Local Plan 2011-2029 Policies Map*, which is to the east of the appeal sites on the far side of an area of agricultural land that adjoins the eastern side of Newgate Lane East; and, further from the southern settlement boundary of Fareham, which is defined by the LP2 Policies Map Booklet and is located some distance further north at the edge of HMS Collingwood and Speedfields Park. Peel Common does not have a defined urban settlement boundary. As such, I consider that the sites are not adjacent to any existing urban settlement boundary, contrary to the requirement of LP2 Policy DSP40(ii).
58. I acknowledge that the Council appears to have taken a flexible approach to the 'adjacency' requirement in a number of other cases. However, in the cases drawn to my attention, with the exception of the site to the south of Funtley Road, development has taken place or been approved between the application site and the nearest existing urban settlement boundary. In the case of the site to the south of Funtley Road, it abuts a highway on the opposite side of which is some of that other development and the site boundary is a relatively short distance across undeveloped land from an existing urban settlement boundary. The circumstances are not directly comparable to those in the cases before me, in relation to which the sites would be set further apart across undeveloped land from the nearest existing urban settlement boundary. In any event, each case must be considered primarily on its own merits and in my view, the Council's approach elsewhere would not justify harmful development of the appeal sites. I give little weight to those decisions of the Council. Furthermore, appeal decision Ref. APP/L3625/X/16/3165616 considered adjacency in the context of the relationship between a highway and gates set back from it by around 1 metre. The circumstances are not comparable to those in the cases before me and are of little assistance.
59. I turn then to consider the accessibility of the sites with reference to modes of transport. The *National Travel Survey, 2019* (NTS), identifies, amongst other things, the average trip length and duration in England by all modes of travel for the trip purposes of: commuting; education; personal business; shopping; sport (participate); and, entertainment/public activity. There are a range of

- employment, education, retail, health, sport, and leisure uses well within those average distances and durations of the appeal sites. This indicates that there are likely to be some opportunities for residents of the proposed developments to travel less when compared to the national average journey distances and durations, and in this context, the locations of the appeal sites limit the need to travel. However, the NTS 'all modes of travel' includes, amongst other modes, car travel and so it does not automatically follow that the proposed developments would be served by good quality public transport, walking or cycling facilities.
60. The *Manual for Streets* indicates that walkable neighbourhoods are typically characterised by having a range of facilities within around 800 metres walking distances of residential areas which residents may access comfortably on foot. However, it indicates that this is not an upper limit and walking offers the greatest potential to replace short car trips, particularly those under 2 kilometres. This is echoed by the Department for Transport *Local Cycling and Walking Infrastructure Plans (2017)*, which indicates that for walking, 'the distances travelled are generally...up to 2 kilometres'.
61. The Institute of Highways and Transportation's (now CIHT) *Guidelines for Providing for Journeys on Foot, (2000)* (PfJoF) gives more detailed guidance, setting out, with reference to some common facilities, suggested desirable, acceptable and preferred maximum walking distances which range up to a preferred maximum of 2 kilometres for some facilities. The approach is consistent with CIHT's more recent *Planning for Walking, April 2015* (PFW), which indicates that most people will only walk if their destination is less than a mile away (equivalent to around 1.6 kilometres) and about 80% of journeys shorter than 1 mile are made wholly on foot, the power of a destination determining how far people will walk to get to it. To illustrate the point it indicates that while for bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point, people will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.
62. Having regard to the Department for Transport's NTS (Table NTS0303-2020 update), there have been no significant changes in the average walking trip length in the period 2002-2019. To my mind, this indicates it is unlikely that attitudes towards walking trip length have altered to any great extent since the publication of PfJoF. This is consistent with the position taken by my colleague who dealt with appeal Ref. APP/A1720/W/19/3230015, which related to a site elsewhere, in Portchester. I am content therefore, that the PfJoF guidance on acceptable walking distances is not out of date and it provides a reasonable basis for the assessment of whether, having regard to the locations of the appeal sites, walking can be regarded as a genuine choice of transport modes. In addition, PFW indicates that propensity to walk is not only influenced by distance, but also by the quality of the experience, having regard to factors such as the attractiveness and safety of the route.
63. I note that the Council's position regarding the accessibility of the sites is not based on an objection in relation to that matter raised by the Highway Authority, but rather an assessment undertaken by a planning professional with reference to PfJoF, amongst other things. In my view, it does not follow that the weight attributable to the Council's assessment should be reduced. As reported by the appellants, the PfJoF states it is the task of the professional

- planner or engineer to decide if a lower standard is acceptable in given circumstances.
64. There is no dispute that there are a range of services and facilities within 2 kilometres of the appeal sites. However, to my mind, in the absence of any consideration of the 'power of the destinations' and the quality of the experience that is of little assistance. Applying the PfJoF approach, which reflects the 'power of destination', facilities and amenities within its 'acceptable' walking distances of the southern and linked appeal sites are limited to a primary school, a church, and a recreation ground. Within its 'preferred maximum' walking distances there are additionally a college campus (CEMAST), a limited number of small shops and a pub in Bridgemary, an employment area (HMS Collingwood) and four other schools.
  65. However, the appeal sites only fall within the catchment area of one of the five schools, Crofton Secondary School, which is barely within the preferred maximum walking distance. Whilst I understand that Crofton Anne Dale Infant and Junior School, which would serve the appeal sites, is within the maximum walking distances for schools identified by the Department for Education, it falls outside the PfJoF preferred maximum walking distances.
  66. Although PFW indicates that in residential areas, 400 metres has traditionally been regarded as a cut-off point, the CIHT's more recent *Buses in Urban Developments, January 2018* (BUD) provides more detailed guidance. It identifies maximum walking distances between developments and bus stops with the intention of enabling the bus to compete effectively with the car and to benefit a wide range of people with differing levels of motivation and walking ability. It recommends a maximum walking distance of 300 metres to a bus stop served by a service which is less frequent than every 12 minutes.
  67. The SoCGT indicates that the closest bus stop to the appeal sites is on Newgate Lane East and only the southern site would meet that BUD recommendation. Furthermore, the buses return approximately with a frequency of every 75 minutes in each direction and the first northbound bus in the morning, towards Fareham, departs from the bus stop at 09:12 hrs. Notwithstanding that the bus trip duration to the train station may be shorter than the national average trip time by local bus of 36 minutes, to my mind, the start time and frequency of the service would limit the attractiveness of the service as far as northbound commuters are concerned. Whilst there is a bus stop on Tukes Avenue served by a more frequent service, it is significantly further away from the sites than the maximum walking distance for high frequency services recommended by BUD.
  68. The SoCGT indicates that the closer of the 2 appeal sites is some 3.7 kilometres from Fareham Railway Station, a distance well beyond the 800 metres identified by PFW.
  69. I note that the PfJoF was one of the documents that informed the accessibility standards set out in the Council's *Fareham Local Plan 2037 Background Paper: Accessibility Study 2018*, the application of which in the cases before me appears not to result in a significant difference in outcome compared with the application of the PfJoF guidance.
  70. The appellants have applied a Walking Route Audit Tool to the local walking routes, which assesses the attractiveness, comfort, directness, safety, and



coherence of the routes. Whilst a number of the findings are disputed by the Council, I consider that the current condition of the likely route east of the sites to the limited number of shops and the pub referred to in Bridgemary is of greatest concern. That walking route would involve crossing Newgate Lane East and walking along Brookers Lane. However, difficulties crossing Newgate Lane East, due to the speed and volume of traffic, would be satisfactorily addressed by the proposed provision of a Toucan crossing, funded by a contribution secured by the UUB. Currently, the character of the initial section of Brookers Lane would be likely to dissuade users, due to a lack of street lighting and the potential for people to conceal themselves from view from approaching walkers in trees along the southern side of the route, giving rise to potential safety concerns. However, I consider that these matters could be satisfactorily addressed through the provision of unobtrusive lighting and fencing along the southern side of the route, which would be unlikely to have a material adverse impact on the character or appearance of the locality and could be secured by condition. I acknowledge that these improvements may be of some benefit to the wider community, not just residents of the appeal sites, to which I attribute limited weight.

71. In my judgement, the quality of local walking routes could be made acceptable. However, applying the PfJoF and more recent BUD guidance on walking distances to destinations, the number and range of facilities and amenities within the ranges identified would be limited. I consider overall that the accessibility of the area by walking would be poor and, for the most part, walking cannot be regarded as a genuine choice of transport mode.
72. The site subject of previous appeal decision Ref. APP/A1720/W/19/3230015, was found to satisfy LP2 Policy DSP40(ii). However, the factors taken into consideration in relation to that matter included, amongst other things, that the site was well related to the existing urban settlement boundary for Portchester and close to many other dwellings in Portchester, and accessibility to local services and facilities would be similar to that for many of the existing residents of the area. Those circumstances are not directly comparable to those in the cases before me. The appeal sites are not well related to an existing urban settlement boundary or close to dwellings within one. Whilst accessibility to local services and facilities would be similar for existing residents of Peel Common, it is a small settlement relative to which each of the appeal schemes would be larger in terms of households. Under the circumstances, I consider that the policy finding of the previous appeal decision is of little assistance in these cases.
73. Within 5 kilometres of the appeal sites, which is a distance commonly regraded as reasonable cycling distance, there is a much greater range and number of services, facilities, amenities, and employment sites. Furthermore, there are shared cycle pedestrian/cycle routes in the vicinity of the appeal sites which would facilitate access by bicycle to the areas to the north, south, east, and west of the sites. I consider therefore that the sites would be served by good quality cycling facilities and cycling could be regarded as a genuine choice of transport modes. However, having regard to the NTS for 2019, in comparison with 250 trips per person per year associated with walking, only 16 trips per person per year were associated with cycling. To my mind, it is likely therefore, that relatively few future residents of the appeal sites would cycle, reducing the weight attributable to this factor.

74. As I have indicated, the bus services available within the maximum walking distances recommended by BUD are very limited and the nearest train station is located well outside the PfJoF preferred maximum walking distance. I acknowledge that the sites would be within reasonable cycling distances of Fareham Train Station and residents could drive there by car. Nonetheless, I consider overall that the sites would not be well served by good quality public transport, the accessibility of the area by public transport would be poor and, for the most part, it cannot be regarded as a genuine choice of transport modes.
75. The Framework indicates that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location. A Travel Plan for each site has been agreed by the HA. However, in my view, it does not automatically follow that the appeal sites would be sustainably located with reference to accessibility. The *Planning Practice Guidance* (PPG) indicates that the primary purpose of a Travel Plan is to identify opportunities for effective promotion and delivery of sustainable transport initiatives, for example walking, cycling, public transport and tele-commuting, in connection with both proposed and existing developments and through this to thereby reduce the demand for travel by less sustainable modes.
76. The proposed Travel Plan measures include, amongst other things, the provision of: information to promote sustainable modes of travel; electric vehicle charging/parking facilities on the sites; a Travel Plan Coordinator as well as contributions towards: the improvement of the Newgate Lane East crossing at Woodcote Lane/Brookers Lane; the provision of shared pedestrian/cyclist infrastructure along parts of the routes between the appeal sites and local schools; and, supporting the use (travel vouchers for residents) and operation of the existing limited bus service in the vicinity of the sites for a number of years. Having regard to these matters, I am satisfied that a number of appropriate opportunities to promote sustainable transport modes have been provided for, in accordance with the aims of LP1 Policy CS15 and the Framework. However, as identified above, I consider that the attractiveness of the existing bus service to commuters would be limited and, in my view, this casts significant doubt over the indicative Travel Plan target which anticipates an increase in bus service use, notwithstanding some provision for travel vouchers.
77. I conclude that the appeal sites would be in a location with some, albeit limited, sustainable transport options and in this respect would accord with LP1 Policy CS15. However, the limitations are such that they would not be in an accessible area, with particular reference to public transport and walking facilities, and I do not regard the sites as being sustainably located adjacent to an existing urban settlement boundary. Insofar as they seek to ensure that development is sustainably located with reference to accessibility, I consider overall that the proposals would conflict with LP1 Policy CS5, LP2 Policy DSP40 and the Framework.

### ***Spatial development strategy***

78. The reasoned justification for LP1 Policy CS22 indicates that gaps between settlements help define and maintain the separate identity of individual

settlements. It states that Strategic Gaps do not have intrinsic landscape value but are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green infrastructure/green corridors. The Policy indicates that development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.

79. The appellants place some reliance on the proposed allocation of land for development in the Fareham-Stubbington Gap in the Regulation 18 consultation draft of the emerging *Fareham Local Plan 2036* (LPe). This included allocation HA2 for residential development on land between Newgate Lane East and Bridgemary, within the Fareham-Stubbington Gap. Whilst the Regulation 19 draft of the LPe did not include that allocation, it was based on the assumed imposition of Government's proposals to introduce a new Standard Method, which was not subsequently supported. However, going forward, there is no certainty that the proposed allocation of HA2 will be reinstated by the Council. Furthermore, even if it were, that proposed allocation was the subject of objections at the earlier stage and there is no dispute that the emerging plan is at a relatively early stage towards adoption. Under the circumstances, I give little weight to the possibility that proposed allocation HA2 would form part of the LPe when adopted.
80. The appeal sites fall within the Fareham-Stubbington Gap. The TR indicates that the purpose of this gap is to avoid coalescence between the settlements of Fareham and Bridgemary with Stubbington and Lee-on-the-Solent. Drawing a straight line east-west across the gap between Stubbington and Bridgemary, the appellants have estimated that the appeal schemes would reduce the gap from some 1.6 km to around 1.1 km. However, to my mind, that cross-country approach does not represent the manner in which the gap is likely to be experienced and, as a result, generally understood.
81. Consistent with the TR, I consider that a key vehicle route between the settlements of Fareham and Stubbington from which the Strategic Gap is experienced is along Newgate Lane East (between Fareham and Peel Common Roundabout)/B3334 Gosport Road (between Peel Common Roundabout and Marks Road, Stubbington). Along that route travellers leave behind the urban landscape of Fareham at HMS Collingwood and Speedfields Park and travel to the edge of Stubbington, via Peel Common Roundabout, through an area which includes the appeal sites and is predominantly characterised by undeveloped countryside. The Strategic Gap designation washes over some development, which includes Newlands' Solar Farm, Peel Common Wastewater Treatment Works (WWTW) and the settlement of Peel Common. However, along the route identified, intervening planting prevents the WWTW from being seen and limits views of the low-profile solar farm to glimpses. Furthermore, I consider that, when seen from those highways to the east and south, Peel Common is easily understood as comprising, for the most part, a small, isolated ribbon of development within the gap between the larger settlements of Fareham, Stubbington and Gosport.
82. In each case, the proposals would involve substantial development to the east of Peel Common and, as identified above, it would be sufficient to tip the balance of the character of the area between Peel Common, Bridgemary and Fareham from predominantly rural to suburban. Whilst Fareham, Peel Common and Bridgemary would remain physically separate, the contribution of this area

to the sense of separation provided by the Strategic Gap would be greatly diminished. I acknowledge that the proposals would not materially alter the experience of the Strategic Gap along the B3334 Gosport Road, between Peel Common and development at Marks Road, as they would not be visible from there. However, the appellants have estimated that the distance between the two is as little as 560 metres and, in my view, the limited sense of separation it provides is likely to be eroded by the Stubbington Bypass, which is under construction there. The FLA recognises that the role played by the area between Peel Common and Bridgemary in preventing coalescence between Stubbington and Gosport is likely to become more significant as a result of developments along Gosport Road, such as the bypass.

83. I consider overall that the proposals would cause significant harm to the integrity of the Fareham-Stubbington Gap and the physical and visual separation of settlements, with particular reference to the experience of travellers along the Newgate Lane East section of the Newgate Lane East/B3334 Gosport Road key route, contrary to the aims of LP1 Policy CS22.
84. Furthermore, in my judgement, the impact on the integrity of the Strategic Gap would be greater than would be likely to be the case if the same scale of development were to be located to the east of Newgate Lane East, next to an existing urban settlement boundary and Peel Common were to remain a small, isolated ribbon of development within the gap. The proposals would fail to minimise any adverse impact on the Strategic Gap, contrary to the aim of LP2 Policy DSP40(iii).
85. There is no dispute that the proposals would accord with criterion (i) of LP2 Policy DSP40, being relative in scale to the demonstrated five-year housing land supply shortfall. Turning then to criterion iv), which requires a demonstration that the proposals would be deliverable in the short term. The current tenant of appeal site A has suggested that the formal procedures associated with the surrender of the agricultural tenancy may delay implementation of that scheme. However, based on the timeline and formal procedures for obtaining possession outlined by the appellants, it appears to me that delivery in the short term would be possible<sup>6</sup>. In any event, this matter could be satisfactorily addressed, in relation to both sites, through imposition of conditions that required reserved matters applications to be made within 12 months of the grant of planning permission and the commencement of development within 12 months of the approval of reserved matters, as suggested by the appellants. Under the circumstances, I am satisfied that the proposals would not conflict with criterion iv) of LP2 Policy DSP40. Nonetheless, they would conflict with criteria ii), iii) and v) and I consider overall that each proposal would conflict with LP2 Policy DSP40 taken as a whole.
86. I conclude that each of the schemes, which would conflict LP1 Policy CS22 and LP2 Policy DSP40, would not accord with and would undermine the Council's Spatial Development Strategy.

### ***Housing land supply***

87. The Council and the appellants agree that the housing requirement set out in the Development Plan has not been reviewed within the last 5 years and found not to need updating, and so the five-year supply position should be calculated

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<sup>6</sup> Michelmores LLP letter dated 20 January 2021 and Lester Aldridge LLP letter dated 3 February 2021.

against the minimum local housing need identified by the Standard Method. This produces a local housing need figure of some 514 homes per annum. Furthermore, having regard to the Housing Delivery Test results published in January 2021, it is now necessary to apply a 20% buffer. This leads to an annual requirement of around 617 units per annum and 3,084 dwellings over the five-year period. As I have indicated, the Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The Council and the appellants differ regarding the precise extent of the shortfall; the Council suggesting a 3.4-year land supply and the appellants a 0.97-year land supply. However, they agree on either basis that the shortfall is material and it is not necessary to conclude on the precise extent.

88. A significant proportion of the difference between the supply figures of the Council and the appellants is associated with applications with a resolution to grant planning permission (709 units) and allocations (556 units).
89. In respect of the majority of the sites with resolutions to grant planning permission, which date from 2018, it remains necessary, before planning permission could be granted in each case, for the Council to complete Appropriate Assessment (AA) to establish whether the scheme would have a significant effect upon European Protected Sites. To inform the AA, it is necessary for the developers to demonstrate that their schemes would not increase the levels of nitrates entering the Solent. In order to facilitate that process, in September 2020, the Council established a legal framework through which developers/applicants can purchase nitrate credits associated with land use at Little Duxmore Farm (LDF). However, at the Inquiry, the Council was unsure whether there would be sufficient capacity at LDF to provide mitigation in relation to all the identified sites and whilst it is seeking to secure additional capacity elsewhere, the associated negotiations are not yet complete. Furthermore, since September 2020, only a relatively small number of dwellings have been taken through this process culminating in the grant of planning permission. With respect to the other sites, which together account for over 500 units, I consider that in the absence of favourably completed AAs there is significant doubt about the deliverability of housing within the five-year period on those sites. Furthermore, AA is not the only issue. In a number of the cases, while some progress has been made, necessary planning obligations have yet to be formally secured. This adds to the uncertainty.
90. The Welborne allocation accounts for 450 units included in the Council's assumed supply figure. The site was subject to a resolution to grant outline planning permission for up to 600 dwellings in October 2019, subject to planning obligations being secured. Although the Council expected the planning obligations to be secured pursuant to section 106 of the *Town and Country Planning Act 1990* by the end of the summer 2020, this was not achieved. In December 2020, the developer submitted amended plans for the site. Whilst in January 2021, the Council resolved to grant planning permission for the revised scheme, it would also be subject to planning obligations and a pre-commencement condition would be imposed to ensure that funding had been secured for the improvement of junction 10 of the M27. At the Inquiry, the Council confirmed that whilst funding sources have been identified, not all the necessary agreements are in place to secure the funds. In light of the limited progress made since October 2019 and the outstanding areas of

uncertainty, I consider it likely that housing delivery on that site within the five-year period will fall well short of that assumed by the Council.

91. Based on the evidence before me, I consider that the Council's expectations of delivery are likely to be unrealistic and the actual housing land supply position is likely to be closer to the appellants' estimate than the Council's. The Council acknowledges that other recent appeal decisions have found the deliverable supply it has identified to be too optimistic<sup>7</sup>.
92. The Council considers that the shortfall in supply would be short lived upon the adoption of the LPe. However, it appears that the LPe is at a relatively early stage towards adoption. Furthermore, at the Inquiry, the Council confirmed that no firm date has been set for adoption and it estimated that it would be unlikely to be before the autumn of 2022. Therefore, I consider it likely that a shortfall in housing land supply will persist for some significant time to come.
93. The appellants anticipate that around 123 of the 190 proposed appeal dwellings could be completed within the current five-year period. Against this background, I consider it likely that each of the appeal schemes would make a modest contribution towards reducing the significant shortfall in housing land supply. Having had regard to other appeal decisions drawn to my attention<sup>8</sup>, I give those contributions substantial weight.

### **Other matters**

#### *Planning obligations*

94. Each of the schemes is supported by a formally completed unilateral undertaking: appeal site A-UUA; and appeal site B-UUB. Amongst other things, they include provisions for: a Solent Recreation Mitigation Strategy contribution; on-site open space and play area provision and maintenance contributions; an education contribution; provisions to secure on-site Affordable Housing delivery, sustainable travel measures as well as the implementation of a Travel Plan. UUB also makes provision for: the implementation of a Chamomile Management Plan, for the purpose of conserving the ecological features in the Chamomile and Meadow areas of the site, consistent with the aims of LP2 Policy DSP13; and, a Toucan crossing contribution. Having had regard to the Council's *Community Infrastructure Levy Regulations Compliance Statement, February 2021*, I consider that the UUs would accord with the provisions of Regulation 122 of the *Community Infrastructure Regulations 2010* and the tests of obligations set out in the Framework. Furthermore, I conclude that the infrastructure provisions referred to above would accord with the aims of LP1 Policy CS20.
95. With reference to the ecological assessments submitted in support of the applications, the appellants have indicated that, subject to mitigation measures which would be secured either by the submitted UU's or by condition, the schemes would each provide moderate ecological benefits for the sites, consistent with LP1 Policy CS4 and LP2 Policy DSP13. Furthermore, measures would be incorporated in the design of the schemes to limit energy and water consumption as well as carbon dioxide emissions, which could be secured by condition and would amount to minor environmental benefits, consistent with

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<sup>7</sup> Statements of Common Ground, January 2021 (paragraphs 7.14).

<sup>8</sup> Such as APP/A1530/W/19/3223010, APP/G1630/W/18/3210903, APP/E5900/W/19/3225474, APP/N1730/W/18/3204011 and APP/G1630/17/3184272.

LP1 Policy CS16. I have no compelling reason to take a different view. However, in my judgement, they do not weigh significantly in favour of the schemes, as the benefits would be only moderate/minor and the Framework commonly requires the provision of net gains for biodiversity, minimisation of energy consumption and the prudent use of natural resources.

96. UUC would secure off-site mitigation for the loss of a low use Solent Wader and Brent Goose site. Having regard to the measures secured by UUA, UUB and UUC and with reference to the 'Shadow Habitat Regulations Assessments' submitted in support of the applications, the appellants have indicated that the proposals would not have an adverse effect on the integrity of any European Protected Sites, consistent with the aims of LP2 Policies DSP14 and DSP15, and this would weigh as neutral in the planning balance. These matters are not disputed by the Council.
97. It is common ground that there is an unmet Affordable Housing need in Fareham Borough. The shortfall appears to be sizeable. Looking forward, the Council's adopted *Affordable Housing Strategy (2019)* identifies a need for broadly 220 Affordable Homes per annum over the period to 2036. This can be compared to the delivery of an average of 76 Affordable Homes per annum in the period 2011-2019, well below the need identified for that period by the Council's *Housing Evidence: Overview Report (2017)*. 40% of the proposed dwellings in each case would comprise Affordable Housing, consistent with the requirements of LP1 Policy CS18. Furthermore, I understand that the commercial profits of Bargate Homes Ltd, which is owned by Vivid and has contractual control of both sites, are reinvested in Vivid's wider Affordable Housing Programme. I consider that the proposals would amount to meaningful contributions towards addressing the identified need and the Affordable Housing benefits attract substantial weight in each case.
98. The Council considers that the public open space provision shown on the illustrative masterplans submitted in support of the applications would be sufficient to meet the requirements of LP1 Policy CS21 and I have no reason to disagree. Whilst I acknowledge that the proposed public open space may be of some value to existing local residents, given the accessibility of the countryside thereabouts, I consider that any benefit in that regard would be small and I give it little weight.

*Economic benefits*

99. The Framework gives encouragement to development that would support economic growth. The proposals would be likely to give rise to a range of economic benefits. For example, the appellants have estimated that the proposed households would be likely to generate expenditure in the region of £6.4 million per annum, some of which would be spent locally. Furthermore, the proposals could support an estimated 191 jobs during the three-year build programme and could generate an additional £33.8 million of gross value added for the regional economy during that period. The proposals would help to support the growth of the economy, which has been adversely affected by the current coronavirus pandemic. I give the economic benefits likely to result from the proposals in each case substantial weight.

*Best and most versatile agricultural land*

100. Appeal site B contains land classified as best and most versatile (BMV) agricultural land, which would be lost as a result of the scheme, contrary to the aims of LP1 Policy CS16, which seeks to prevent the loss of such land. However, with reference to the Framework, which indicates that decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the economic and other benefits of BMV agricultural land, I consider that LP1 Policy CS16 is unduly onerous. Furthermore, as BMV agricultural land makes up only a very small proportion of the site, I share the view of the appellants that the weight to be given to the loss is very limited.

*Privacy*

101. At present, Hambrook Lodge occupies an isolated position in the countryside, set well apart from other dwellings. In this context the proposed developments on land adjacent to that property would be likely to have some effect on the privacy of the existing residents. However, the elevations of the dwelling that contain the majority of its habitable room windows are set back from the boundaries shared with the appeal sites. I consider that it would be possible to ensure, through careful design and layout of the schemes controlled at the reserved matters stage, that reasonable levels of privacy would be maintained in keeping with the aims of LP1 Policy CS17.

*Community services and facilities*

102. I do not share the concerns raised by a number of residents of the Borough of Gosport that the proposals would adversely affect their community services and facilities. As indicated above, it is likely that spending associated with the schemes would benefit the local economy. As regards facilities, I understand that the appeal sites are not within the catchment area of Gosport schools. Whilst some future residents may wish to use the recreation ground situated to the southeast on the other side of Newgate Lane East, there is no compelling evidence before me to show that the numbers would be large or that such activity would be problematic.

***Planning balance***

103. The Framework indicates, with reference to succinct and up-to-date plans, that the planning system should be genuinely plan-led. For decision making this means approving development proposals that accord with an up-to-date Development Plan without delay. The Council and the appellants agree that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites and so in these cases the relevant policy for determining the acceptability of residential development on the site is LP2 Policy DSP40. I consider that each of the schemes would conflict overall with LP2 Policy DSP40. However, in these cases, that is not the end of the matter.
104. LP1 Policy CS2 sets out the housing development needs in the plan period, and Policy CS6 establishes the settlements and allocations to deliver development needs. However, Policy CS2, which pre-dated the publication of the Framework, does not purport to represent an up-to-date Framework compliant assessment of housing needs. The housing requirement set out in the Development Plan has not been reviewed within the last 5 years and so the



five-year supply position should be calculated against the minimum local housing need identified by the Standard Method. This generates a higher figure. To my mind, it follows that LP1 Policies CS2 and CS6 are out-of-date. Furthermore, against this background, I consider that the weight attributable to conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6, which place strict controls over development outside settlement boundaries, is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements<sup>9</sup>.

105. Furthermore, as the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, under the terms of paragraph 11 of the Framework it follows that the policies which are most important for determining the appeals are deemed out of date. The Framework indicates that decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, this means granting planning permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This approach is reflected in LP2 Policy DSP1.
106. Under these circumstances, I consider that little weight is attributable to the identified conflicts with LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6. This is reinforced by my earlier finding that in circumstances where the DSP40 contingency is triggered, the weight attributable to conflicts with those more restrictive Policies would be reduced.
107. LP2 Policy DSP40 is also deemed out of date for the purposes of paragraph 11 of the Framework. However, I consider, for a number of reasons, it does not automatically follow that conflicts with this Policy also attract little weight, contrary to the approach of my colleague who dealt with appeal decision Ref. APP/A1720/W/18/3209865.
108. Firstly, the DSP40 contingency seeks to address a situation where there is a five-year housing land supply shortfall, by providing a mechanism for the controlled release of land outside the urban area boundary, within the countryside and Strategic Gaps, through a plan-led approach. I consider that in principle, consistent with the view of my colleague who dealt with appeal Ref. APP/A1720/W/18/3200409, this approach accords with the aims of the Framework.
109. Secondly, consistent with the Framework aim of addressing shortfalls, it requires that (i) the proposal is relative in scale to the demonstrated supply shortfall and (iv) it would be deliverable in the short-term.
110. Thirdly, criteria (ii) and (iii) are also consistent with the Framework insofar as they: recognise the intrinsic character and beauty of the countryside by seeking to minimise any adverse impact on the countryside; promote the creation of high quality places and having regard to the area's defining characteristics, by respecting the pattern and spatial separation of settlements;

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<sup>9</sup> CDK5-Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37, para 63.

and, seek to ensure that development is sustainably located. They represent a relaxation of the requirements of Policies LP1 Policies CS14 and CS22 as well as LP2 Policy DSP6 in favour of housing land supply. However, I consider that the shortfall in the Framework required five-year housing land supply, which has persisted for a number of years and is larger than those before my colleagues<sup>10</sup>, indicates that the balance they strike between those other interests and housing supply may be unduly restrictive. Under these circumstances, in my judgement, considerable, but not full weight is attributable to conflicts with LP2 Policy DSP40(ii) and (iii).

111. Fourthly, insofar as LP2 Policy DSP40(v) seeks to avoid an unacceptable impact on highway safety, with particular reference to traffic implications, it is consistent with the Framework and conflict with that requirement would be a matter of the greatest weight.
112. Whilst the proposals would accord with criteria i) and iv), they would conflict with criteria ii), iii) and v), causing significant harm to the character and appearance of the area, having an unacceptable effect on highway safety, they would not be sustainably located with reference to accessibility and they would fail to minimise any adverse impact on the Strategic Gap. I have found that the proposals would conflict with LP2 Policy DSP40, undermining the Council's Spatial Development Strategy. I consider overall that these matters weigh very heavily against each of the proposals.
113. In each case the proposals would provide a mix of housing types and styles. They would make meaningful, albeit modest, contributions towards addressing the shortfall in the five-year supply of deliverable housing land as well as the need for Affordable Housing supply. The appeal schemes would also be likely to provide employment opportunities and economic benefits to the area. In these respects the proposals would be consistent with the Framework, insofar as it seeks to significantly boost the supply of homes, provide for the size, type and tenure of housing needed for different groups in the community and to support economic growth. I give those benefits substantial weight. I give little weight to other identified benefits, such as the proposed measures to secure net gains for biodiversity, the minimisation of energy consumption and the prudent use of natural resources. Although I give a number of the benefits substantial weight, in my judgement, it would fall well short of the weight attributable to the harm identified.
114. I consider on balance that, in each case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the schemes would not represent sustainable development under the terms of either LP2 Policy DSP1 or the Framework. In light of these findings, it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued, it would not have affected the planning balances or my conclusions on these appeals.

### **Conclusions**

115. Whilst acknowledging that appeal scheme A would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case

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<sup>10</sup> APP/A1720/W/18/3199119, APP/A1720/W/18/3200409

would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal A should be dismissed.

116. Whilst acknowledging that appeal scheme B would conform with some Development Plan policies, I conclude on balance, with particular reference to LP2 Policy DSP40, that the proposal would conflict with the Development Plan taken as a whole. Furthermore, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan. For the reasons given above, I conclude that appeal B should be dismissed.

*I Jenkins*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

**Mr D Lintott**

Of Counsel

He called

**Mr I Dudley**

BSc(Hons) MICFor CEnv CMLI

**Mr C Whitehead**

BEng CEng

**Mr J Mundy**

MSc IMICE

**Mr N Sibbett**

CEcol CMLI CEnv MCIEEM

**Ms J Parker**

BA(Hons) MA MRTPI

**Mr R Wright** (conditions/obligations)

**Mr N Gammer** (conditions/obligations)

MSc MCIHT MTPS

**H Hudson** (conditions/obligations)

Solicitor

Lockhart Garratt Ltd

SYSTRA Ltd

Hampshire County Council

The Landscape Partnership

Adams Hendry Consulting Ltd

Fareham Borough Council

Hampshire County Council

Southampton City Council

### FOR THE APPELLANTS:

**Mr C Boyle**

QC

He called

**Mr J Atkin**

BSc(Hons) DIP LM CMLI

**Mr N Tiley**

ARTPI

**Miss M Hoskins**

BA(Hons) MCIHT

**Mr A Jones**

BSc(Hons) MCIHT

**Mr D West**

MEnv Sci(Hons) CEnv MCIEEM

**Mr D Weaver**

BA(Hons) MA MRTPI

**Mr C Marsh** (conditions/obligations)

Pegasus Group

Pegasus Group

Red Wilson Associates

Pegasus Group

WYG

Pegasus Group

Pegasus Group

### INTERESTED PERSONS:

**County Councillor P Hayre**

The Crofton Division of Fareham

**Mrs A White**

**Mr A Thomas**

**Borough Councillor J Forrest**

The Stubbington Ward

**Mr B Marshall**

**County Councillor S Philpott**

The Bridgemary Division

**Mrs A Roast**

**Borough Councillor C Heneghan**

The Stubbington Ward

Interested party

Local resident

Local resident

Interested party

Fareham Society

Interested party

Lee Residents' Association

Interested party

## DOCUMENTS

- 1 Letters notifying interested parties of appeals A and B.
- 2 Appeals notification responses
- 3 Councillor Philpott-updated proof of evidence
- 4 Ms Parker-revised appendices to proof of evidence and errata
- 5 Council-opening statement
- 6 Appellants-opening statement
- 7 Councillor Forrest-proof of evidence
- 8 Statement of Common Ground (Transport)
- 9 Fareham Society-updated proof of evidence
- 10 Councillor Philpott-updated proof of evidence
- 11 Mr Thomas-email dated 10 February 2021
- 12 Red Wilson Associates-Delay Tables Summary Note
- 13 Mr Thomas-email dated 11 February 2021
- 14 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)
- 15 Community Infrastructure Levy Regulations Compliance Statement (including education contributions email dated 9 November 2020 and Planning Obligations Supplementary Planning Document
- 16 Bargate Homes-Delivery Rate Update, dated 16 February 2021
- 17a Composite masterplan
- 17b Settlement boundaries proximity plan
- 17c Land south of Funtley Road Committee Report Ref. P/18/0067/OA
- 17d Consolidated conditions schedule
- 18 Mrs White-proof of evidence
- 19 Natural England guidance documents and Conservation Objectives.
- 20 Gosport Borough Council-Additional submissions regarding the Newgate Lane South Appeals (12 February 2021)-references included.
- 21 Land south of Funtley Road Committee Report Ref. P/18/0067/OA, dated 18/07/2018.
- 22 Ms Parker- response to Inquiry document 16
- 23 Council's letter withdrawing reason for refusal (h)-appeal A and (G)-appeal B insofar as they relate to the capacity of the junction of old Newgate Lane/Newgate Lane East
- 24 Fareham Society-proof of evidence summary
- 25 Ms Hoskins-Linsig model results, junction layouts note and extract from the Highway Code
- 26 Highway Authority-Note dated 18 February 2021 regarding highway capacity point raised by Gosport Borough Council
- 27 Councillor Philpott-supplementary notes
- 28 Councillor Hayre-proof of evidence
- 29a Mrs White-proof of evidence summary
- 29b Mrs Roast-proof of evidence summary
- 30 Updated Report to inform HRA Stage 1 and Stage 2
- 31 Plan-Gosport Road Fareham Air Quality Management Area 2017 (A)
- 32 Gosport Borough Council Ward Maps-Peel Common and Bridgemary North

- 33 Pegasus-1) Traffic Flows at the old Newgate Lane and Newgate Lane East Junction and 2) 21 and 21A Bus Service
- 34 Birds Unilateral Undertaking-update
- 35 Appeal A-Main Unilateral Undertaking
- 36 Highway Authority-Note in response to new information provided by the appellants under cross examination of Ms Hoskins, Ms Parker-note on settlement terminology and Mr Gammer-updated proofs of evidence.
- 37 Councillor Philpott-email dated 19 February 2021, air quality clarification
- 38 Tetra Tech-Note on Winter Bird Mitigation Area Nitrogen Budget, 23 February 2021
- 39 Council-email dated 23 February 2021, consultation responses
- 40 Council/appellants-Consolidated Conditions Schedule
- 41 Council-Boundary plans related to Brookers Lane
- 42 Pegasus-Newgate Lane East Capacity note
- 43 Ms Parker-Status and weight of Local Plan Evidence Based Landscape Documents
- 44 Mr Sibbett-Note on qualifying features
- 45 Fareham Society-closing statement
- 46 Highway Authority-Note addressing queries relating to the southern site Unilateral Undertaking
- 47 Planning Inspectorate-contaminated land model conditions
- 48 Councillor Heneghan-consultation response, dated 29 October 2018
- 49 Lee Residents Association-Closing statement
- 50a Council/appellants-additional conditions
- 50b Pegasus-scale and density note
- 51 Councillor Heneghan-proof of evidence
- 52a The Civil Engineering Practice-Technical Note on Flood Risk and Discharge Restriction
- 52b Appeal A-Main Unilateral Undertaking-tracked changes
- 53 Pegasus note-Ownership and status of the Brookers Lane shared footway/cycleway between Newgate Lane East and Bridgemary
- 54 Ms Parker-Further advice on the consultation responses to the Fareham Landscape Assessment (FLA)(2017)(CDG15)
- 55 Tetra Tech-Report to inform Habitats Regulations Assessment Stage 1 and stage 2-updated
- 56 Acon Uk-Air Quality note
- 57 Birds Unilateral Undertaking-update (tracked changes)
- 58 Council-closing statement
- 59 Council-email confirmation, dated 25 February 2021, of the red line site boundary drawing numbers for the applications
- 60 Birds Unilateral Undertaking-update
- 61 Appellants-closing statement
- 62 Formally completed unilateral undertakings