

FAREHAM REVISED PUBLICATION LOCAL PLAN 2037 – REGULATION 19 CONSULTATION

REPRESENTATIONS INCLUDING REGARDING THE OMISSION OF FORMER POLICY HA2 HOUSING ALLOCATION - LAND AT NEWGATE LANE SOUTH, FAREHAM

REPRESENTATIONS ON BEHALF OF THE HAMMOND FAMILY, MILLER HOMES AND BARGATE HOMES

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Jeremy Gardiner & Trevor Moody



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Appendix: - Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).

Accompanying Supporting Specialist Representations (referred to in these representations):

Pegasus Group – Housing Provision and Affordable Housing Provision

Pegasus Group – Landscape and Visual Matters

i-Transport – Transport Technical Note: Former HA2 Housing Allocation

1.0 Introduction

- 1.1 The following representations are by Pegasus Group on behalf of our clients The Hammond Family, Miller Homes and Bargate Homes. Our clients have interests in land at Newgate Lane South, Fareham which was previously proposed to be allocated for about 475 dwellings in the Regulation 18 version of this plan. For the reasons set out in these representations, our clients are strongly of the view that this allocation should be reinstated in the local plan.
- 1.2 Our clients are important stakeholders within Fareham and are keen to work with the Council to produce a plan which is legally compliant and meets the tests of soundness set out within the National Planning Policy Framework (NPPF). Currently the plan is neither legally compliant nor sound.
- 1.3 The following representations utilise the same format as the Council's response form. Each area of the Publication Local Plan (PLP) which is deemed to be either not legally compliant or unsound is clearly outlined below. Proposed changes to the plan in relation to policies, supporting text and the proposals map are provided.

2.0 Representations Form

PERSONAL DETAILS

A1 Is an Agent Appointed?

Yes

A2 Please provide your details below:

Title:

First Name:

Last Name:

Job Title:

Organisation: **The Hammond Family, Miller Homes and Bargate Homes**

Address: c/o Agent

A3 Please provide the Agent's details:

Title: Mr.

First Name: Jeremy

Last Name: Gardiner

Job Title: Senior Director

Organisation: Pegasus Group

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B1 Which part of the Revised Publication Local Plan is this representation about?

These representations relate to the overall Revised Publication Local Plan and to documents forming part of its evidence base.

B1a Which Paragraph?

B1b Which Policy?

DS2: Development in Strategic Gaps

H1: Housing Provision

HP1: New Residential Development

HP4: Five Year Housing Land Supply

B1c Which part of the Policies Map?

Former Policy HA2 site: Newgate Lane South

B1d Which new housing allocation site?

HA54: Land East of Crofton Cemetery and West of Peak Lane

HA55: Land South of Longfield Avenue

BL1: Broad Location for Housing Growth

B1e Which new or revised evidence base document?

Sustainability Appraisal

SHELAA

B2 Do you think the Revised Publication Local Plan is:

Legally compliant - **No**

Sound - **No**

Complies with the duty to co-operate - **No**

B3 Please provide details you have to support your answers above

The RPLP Is Not Legally Compliant:

- 2.1 The National Planning Policy Framework (NPPF) states (paragraph 16 a) that Plans should "be prepared with the objective of contributing to the achievement of sustainable development". Footnote 10 confirms that this is a legal requirement of local planning authorities in exercising their plan-making functions. Meeting the objectives of sustainable development includes "...meeting the needs of the present...". By preparing a Plan which does not allocate sufficient land to meet the housing needs of the borough or the housing needs of neighbouring local planning authorities, and by failing to allocate land in locations which best respond to those housing needs, the local planning authority is failing to plan to deliver sustainable development and therefore failing to meet its legal obligations in this regard.
- 2.2 Paragraph 4.3 of the Revised Publication Local Plan (RPLP) recognises that the Standard Method provides for the minimum housing need and that the local housing need can be greater due to affordable housing needs and due to the unmet needs of neighbouring areas. These matters are considered in the appended specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021). Here, it is calculated that:
 - There is a need for 3,711 affordable homes in Fareham Borough over the plan period 2020-2037;
 - The unmet affordable housing needs of neighbouring areas will increase this figure;
 - Even if every site in the Council's estimated sources of supply of affordable homes was able to viably deliver policy-compliant levels of affordable housing, the RPLP will facilitate the delivery of 2,455 affordable homes at most;
 - In order to meet affordable housing needs in full, in accordance with the Council's stated commitments in its Vision and Strategic Priority 1 of the RPLP,

then the supply of affordable homes should be increased by a minimum of 1,038 units, requiring additional allocations of greenfield land to deliver 2,594 homes or of brownfield sites to deliver 2,965 homes;

- Therefore, it is necessary for the RPLP to deliver a total of **at least 13,188** homes over the plan period if affordable housing needs are to be met. If the Council's proposed (but unevidenced) contribution to the unmet needs of neighbouring authorities – of 900 dwellings – is added, this generates a housing requirement of **14,088** dwellings for the plan period;
- The RPLP proposes to deliver 10,594 homes over the plan period. It will therefore significantly under-deliver against local housing needs, therefore fail to deliver sustainable development and fail to meet its legal obligations.

The RPLP Is Unsound

- 2.3 Paragraphs 1.5 and 1.6 of the RPLP set out the Tests of Soundness and how they are achieved:

*"1.5 This is a formal, statutory stage in the production of the Local Plan, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations specify that this stage of the plan is subject to a six-week period of consultation. The representations made to the consultation must focus on the 'Tests of Soundness' which require that the Local Plan has been '**positively prepared, justified, effective and consistent with national policy**'*

- 2.4 1.6 To be 'positively prepared' the Local Plan must:

- *Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and*
- *Be informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so; and*
- *Be consistent with achieving sustainable development.*

- 2.5 To be 'justified', the Local Plan must:

- *Provide an appropriate strategy, taking into account the reasonable alternatives; and*

- *Be based on proportionate evidence.*

2.6 To be 'effective', the Local Plan must:

- *Be deliverable over the plan period; and*
- *Be based on effective joint working on cross-boundary strategic matters.*

2.7 To be 'consistent with national policy', the Local Plan must:

- *Enable the delivery of sustainable development in accordance with the NPPF."*

2.8 **The RPLP has not been positively prepared** because it:

- Fails to meet the area's objectively assessed needs as described above;
- Is not informed by agreements with neighbouring authorities in accordance with the Duty to Cooperate so its housing provision proposals are not informed by a clear understanding of the unmet needs of neighbouring authorities;
- Is not consistent with achieving sustainable development – by definition it cannot be, because it is not planning to meet the area's objectively assessed needs.

2.9 **The RPLP is not justified** because it:

- Does not provide an appropriate strategy, taking into account the reasonable alternatives. Its strategy should properly plan to contribute towards meeting the unmet needs of neighbouring authorities including Gosport Borough, based on formal agreements with those authorities which should have been in place as part of the plan preparation process. The strategy for addressing Gosport's unmet housing needs should include housing allocations in Fareham Borough against or in close proximity to the urban edge of Gosport. This should include the re-instatement of the former Newgate Lane South allocation (former Policy HA2) to deliver up to 475 dwellings;
- Has not been prepared on the basis of a proportionate evidence base. As set out in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the evidence base supporting the RPLP is lacking in numerous pieces of evidence required by national policy and guidance if it is to be regarded as having been soundly prepared. Missing evidence of fundamental importance

includes:

- (i) An assessment of the need for affordable housing over the plan period as required by paragraph 61 of the NPPF,
- (ii) An assessment of the need for affordable housing which demonstrably adopts the methodology of national guidance or which provides the necessary outputs,
- (iii) An assessment of the unmet need for affordable housing from neighbouring authorities as required by paragraphs 35a and 60 of the NPPF,
- (iv) Statements of Common Ground with neighbouring authorities that reflect the current minimum need for housing as required to meet the Duty to Cooperate and as required by paragraph 27 of the NPPF,
- (v) An assessment of how the out-of-date identified unmet needs are to be distributed as required by the PPG (61-012) and thereby paragraph 27 of the NPPF,
- (vi) A detailed housing trajectory as required by paragraph 73 of the NPPF,
- (vii) Evidence required to demonstrate that a five-year land supply at the point of adoption is available as required by paragraph 73 of the NPPF, and
- (viii) Clear evidence that completions will be achieved on sites with outline planning permission, and on sites which are allocated or proposed to be allocated, such that these can be considered to be deliverable according to the NPPF.

In the absence of this evidence, the RPLP cannot be regarded as justified or sound, and its preparation has not been in compliance with the Duty to Cooperate.

2.10 **The RPLP is not effective** because it:

- Is not deliverable, given the uncertainties which exist around the delivery and viability of Welbourne; the uncertainties which exist around the delivery and viability of the Policy BL1 Broad Location for Housing Growth allocation; and the strong objections made to a number of the proposed allocations including HA54

Land East of Crofton Cemetery and West of Peak Lane on which there has already been two refusals of planning permission, and HA55 Land South of Longfield Avenue which lies in a narrow and open part of the Fareham – Stubbington Strategic Gap of high landscape sensitivity.

2.11 The RPLP is not consistent with national policy because it:

- Will not enable the delivery of sustainable development by failing to meet the housing needs of the area;
- Has not been prepared on the basis of the evidence required by national policy and guidance, as described above.

The RPLP does not meet the Duty to Cooperate

2.12 The housing provision proposals of the RPLP have not been prepared on the basis of agreements with other planning authorities set out in Statements of Common Ground. This is contrary to Government PPG advice.

2.13 In relation to unmet need, it should also be remembered that Welborne (previously known as the North of Fareham SDA) was originally conceived by PUSH (now PfSH) as one of two SDAs which were promoted to meet the sub-regional needs of south Hampshire and brought forward in the "South East Plan". The Inspector's Report on the Examination into the Fareham LDF Core Strategy (dated 20th July, 2011) identified five Main Issues, Main Issue 1 being:

"7. The North of Fareham SDA represents the most significant and controversial element of the Core Strategy.While the principle of the SDA's development is contained in the regional strategy – policy SH2 of the South East Plan (SEP) – the justification for the proposal derives from evidence prepared by South Hampshire local authorities (the Partnership for Urban South Hampshire [PUSH]) during the SEP's preparation....The advantages of SDAs are seen as threefold: safeguarding existing towns and villages by reducing coalescence; providing more opportunities for planning gain; and achieving a critical mass to deliver sustainability benefits. The development now proposed is one of two SDAs proposed by PUSH and brought forward into the SEP. Both are aimed at meeting sub-regional housing needs and, as such, their housing totals are separated from the housing requirement for the remainder of the Boroughs concerned in the sub-regional strategy and SEP." (our underlining)

- 2.14 However, the Council is now treating Welborne as a source of housing supply for Fareham Borough only, disregarding its planned sub-regional role. This compounds the lack of positive preparation of the RPLP and starkly contrasts the Council's current approach to the delivery of housing to meet sub-regional needs with its approach of a decade ago.
- 2.15 **For these many reasons, the RPLP is unsound. It should be replaced by a further Regulation 19 plan which has been prepared on a legally compliant and sound basis.**

Representations about specific draft Policies of the RPLP:

- 2.16 **DS2: Development in Strategic Gaps / HA55 Land South of Longfield Avenue / HA54 Land East of Crofton Cemetery and West of Peak Lane**
- 2.17 There is an inherent contradiction between Policy DS2 and proposed allocation HA55 in particular, and to a lesser extent, HA54. Policy DS2 states that:
- "Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters."***
- 2.18 Housing Allocation Policy HA55 allocates Land South of Longfield Avenue for residential and mixed use development with an "indicative yield" of 1,250 dwellings. The number of dwellings is to be confirmed through a Council-led masterplanning exercise. Criterion b) states:
- "The built form, its location and arrangement will maximise the open nature of the existing landscape between the settlements of Fareham and Stubbington, limiting the effect on the integrity of the Strategic Gap in line with DS2...."***
- 2.19 This illustrates the fundamental problem with a proposed allocation of this scale – it is located in an open landscape between Fareham and Stubbington and its effect will be to potentially almost halve the width of the Strategic Gap at this point. A development of 1,250 homes and other built form will not ***"maximise the open nature of the existing landscape"*** – that can only be achieved by development being allocated elsewhere. This allocation will inevitably cause significant harm to

the integrity of the Strategic Gap by physically and visually diminishing the remaining extent of open land, which also includes the route of the Stubbington Bypass, to such an extent that the function of this part of the Strategic Gap will be significantly undermined, contrary to Policy DS2.

2.20 Appended to these representations is a specialist representation on Landscape and Visual Matters (James Atkin, Pegasus Group, July 2021). Section 3 provides an analysis of the "Technical Review of Areas of Special Landscape Quality and Strategic Gaps" undertaken by Hampshire County Council (HCC) on behalf of FBC and published in September 2020. The executive summary of the Technical Review makes two observations in respect of the Fareham to Stubbington Strategic Gap, stating that (Technical Review, pages 6 and 7):

"The Fareham-Stubbington Strategic Gap is proposed for continued designation, also having strong sub-regional agreement for its designation, and a clear role in preventing settlement coalescence through continued and heavy pressure for Southern expansion of Fareham and Northern and Eastern expansion of Stubbington, but it is considered that there are some opportunities for development to be accommodated within the landscape, without compromising the Strategic Gaps function..."

Possible adjustments to the Fareham-Stubbington Strategic Gap could be considered in the following locations:

- *An area to the South of Fareham, and west of HMS Collingwood, as some development in this area could be visually absorbed into the Gap without compromising the Gap function...*

It is also noted that the Newgate Lane Area (Newgate Lane West and East from Fareham to Peel Common Roundabout) has undergone a significant amount of change in the recent past."

2.21 The Technical Review goes on to state that an area south of Fareham and west of HMS Collingwood be considered as a potential location for development, while land east of Newgate Lane (ie. the previous HA2 Newgate Lane South allocation) is not suggested for development. This Technical Review was prepared as part of the evidence base for the December 2020 Regulation 19 local plan, so it was written to support its proposals. The December 2020 Regulation 19 local plan deleted the

former HA2 allocation following previous objections to it from Gosport Borough Council. The Revised Regulation 19 plan or RPLP now proposes additional housing allocations including HA55 Land South of Longfield Avenue. In comparison to the former HA2 allocation, development in that location would place development in a more open and exposed part of the landscape, at a point where the existing Strategic Gap (between HMS Collingwood / Newlands Farm and Stubbington) is only between ca. 325m and 550m wide. This contradicts some of the principles set out in the analysis and conclusions of the HCC Technical Review and calls into question the robustness of the technical assessment work which led to the HA55 allocation being proposed.

2.22 Housing Allocation Policy HA54 allocates Land East of Crofton Cemetery and West of Peak Lane for housing with an indicative yield of 180 dwellings. Whilst this development would not physically reduce the width of the Strategic Gap at this point, the development of this site will consolidate the extent of built form on the northern edge of Stubbington, and, when taken together with the potentially significant physical and visual impacts of the proposed HA55 allocation, the two developments are likely to harmfully affect the integrity of the Strategic Gap. It is understood that the promoters of the HA54 site, Persimmon Homes, are pursuing an appeal against the Council's decision to refuse permission for 206 dwellings on the site (P/20/0522/FP, refused 17 February 2021). Two of the Council's ten reasons for refusal were:

- "ii) *The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) *The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces."*

2.23 It is not clear how a reduction in the yield of this site from 206 dwellings to 180 dwellings could overcome these reasons for refusal as the quantum of development is similar. "Adverse visual effects" are still likely to result, compounding the significant harm to the integrity of the Strategic Gap which will result from the development of the HA55 allocation.

BL1: Broad Location for Housing Growth

- 2.24 This policy proposes the delivery of up to 620 dwellings in years 10 – 16 of the plan period from the redevelopment of a part of Fareham town centre which includes the Council's Civic Offices, Fareham Shopping Centre, surface and multi-storey car parks, Fareham Library, Fernham Hall, the Police Station and Bus Station offices. This is a highly complex site with multiple ownership and stakeholder interests, and significant existing built form, and its redevelopment is likely to be a challenging and protracted process which will foreseeably extend well beyond the plan period. This policy is high level and aspirational, and as such it should not form part of the housing supply for the plan period. The revised NPPF published on 20 July, 2021, states (para. 22) with regard to Strategic Policies:

"....Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

- 2.25 Policy BL1 requires such a 30 year delivery timescale and the RPLP should be amended to this effect. It should be assumed that any housing completions from this site will come beyond the plan period.

Policy HP1 New Residential Development

- 2.26 As worded, this policy does not list all of the circumstances in which housing will be permitted outside the urban area.
- 2.27 For clarity, amend to add:

"c) It is for small-scale housing development that accords with Policy HP2."

d) It is in circumstances where the Council cannot demonstrate a Five Year Housing Land Supply and the proposal accords with Policy HP4."

Policy H1 Housing Provision / Policy HP4 Five-Year Housing Land Supply

2.28 As set out fully in the specialist representations on Housing Provision and Affordable Housing Provision (Neil Tiley, Pegasus Group, July 2021) appended to these representations, the RPLP:

- Proposes a housing requirement that will not meet the affordable housing needs of Fareham Borough let alone contribute to the unmet affordable housing needs of neighbouring authorities, contrary to the Vision and Strategic Priority 1 of the RPLP and contrary to paragraph 20a of the NPPF;
- Proposes a contribution towards the unmet needs of neighbouring authorities that has not been demonstrated to be sufficient or to be in an appropriate location as required by paragraphs 11b and 60 of the NPPF;
- Has not been informed by effective and on-going joint working such that the duty to cooperate has not been met as required by paragraphs 26 and 27 of the NPPF;
- Proposes a stepped housing requirement, beginning at 300 dwellings per annum (so well below the Standard Method requirement of a minimum of 541 dwellings per annum) without any consideration of the significant existing backlog of housing supply, such that the needs of the present will not be provided for as required by paragraph 7 of the NPPF;
- Unjustifiably proposes a stepped housing requirement which requires less development in the early years of the plan period than the trajectory suggests can be achieved which will only serve to unnecessarily delay meeting development needs contrary to the PPG (68-021);
- Unjustifiably proposes a stepped housing requirement to secure a five-year land supply but sets this significantly below the level at which the RPLP would demonstrate a five-year land supply and therefore serves to delay meeting development needs contrary to the PPG (68-021);
- Seeks to replace paragraph 11d of the NPPF with Policy HP4 which is clearly inconsistent with the NPPF and actively undermines the operation of the NPPF;
- Does not identify a sufficient developable supply to meet even the proposed housing requirement for 9,556 homes in the RPLP contrary to paragraph 67 of the NPPF, and

- Does not provide any evidence that a five-year land supply will be able to be demonstrated at the point of adoption as required by paragraph 73 of the NPPF.

2.29 The Council has a history of persistent failure to deliver a Five Year Housing Land Supply since at least 2015. During this period, extant Local Plan Policy DSP40 has purported to operate as a "safety net" policy (as Policy HP4 is now proposed to operate) to facilitate the release of additional sites for housing to restore a five year supply of housing land. In June 2021, as part of an appeal by Bargate Homes against the Council's refusal of consent for 99 dwellings on Land East of Newgate Lane East (Appeal ref. APP/A1720/W/21/3269030) the Statement of Common Ground signed by the Council and the Appellant stated that it was agreed that the Council was unable to demonstrate a Five Year supply, and that the Council identified a 3.57 year supply while the Appellant identified a 0.95 year supply. Whilst the precise extent of the shortfall was not agreed, this confirms that the extant Policy DSP40 has not been operated in a manner which delivers a Five Year supply. That policy is demonstrably not fit for purpose. Policy HP4 is similar, so is therefore likely to be similarly operated by the Council, perpetuating the persistent under-supply of housing in the Borough. This assertion is wholly supported by the decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who determined appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). Here at paragraph 46 the Inspector commented:

"LP2 Policy DSP40 criteria (ii) and (iii), however, carry greater weight, albeit that the evidence indicates that the balance they strike between other interests, including character / appearance and the Strategic Gap, and housing supply may be unduly restrictive given that the housing supply shortfall has persisted for a number of years in spite of this Policy."

2.30 Indeed, as currently drafted, Policy HP4 is even more restrictively worded than its predecessor DSP40. In particular:

- *DSP40 iii) 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;* has been re-worded as below:

- *HP4 c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;*

2.31 Policy DSP40 recognises that the operation of the policy necessarily involves permitting new housing on greenfield land which is currently designated as "countryside", and perhaps also as "strategic gap", and that such development will inevitably have some landscape impact – so it sets out an aspiration for such adverse impacts to be minimised. This has been regarded as a reasonable approach by appeal Inspectors. For example, in his decision letter determining appeals relating to land at Newgate Lane (North) and Newgate Lane (South), Fareham (App/A1720/W/203252180 and 3252185) dated 8 June, 2021, the Inspector, Mr. I. Jenkins, reasoned at paragraph 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."

2.32 Policy HP4 on the other hand removes the reference to minimising adverse impacts and replaces it with a nebulous requirement for developments to "*recognise the intrinsic character and beauty of the countryside*". It is unclear how this policy test can be satisfied, and if this policy is retained it is likely that the Council will release even fewer sites for housing to meet its substantial Five Year Housing Land Supply shortfall than it has done previously. **Policy HP4 is not fit for purpose, or necessary, and should be deleted.**

Representations about the RPLP Proposals Map:

Re-instatement of Housing Allocation HA2

- 2.33 Proposed housing allocation HA2 Newgate Lane South was included in the Regulation 18 draft Local Plan in 2017, and it remained a proposed allocation in subsequent iterations of the emerging Local Plan for approaching 3 years until it was deleted as a proposed allocation in the Regulation 19 Publication Local Plan in November 2020. The draft HA2 allocation was supported by a Development Framework prepared by the Council which included a conceptual masterplan which showed a green buffer along the western edge of the proposed housing *'to enhance the strategic gap setting of the road and the new neighbourhood'*. The 2020 Regulation 19 Plan was prepared on the basis of a lower housing target for Fareham Borough calculated from the Government's consultation draft changes to the Standard Method, which were published for consultation in August 2020. The Council deleted the HA2 allocation from the Regulation 19 Plan because it needed to make fewer allocations to meet its perceived lower housing target. Of course, the Regulation 19 Plan was soon found to be based on erroneous assumptions, because the Government confirmed in December 2020 that Fareham's housing requirement calculated through the Standard method would remain as previously.
- 2.34 In these circumstances it would be reasonable to expect the Council to reinstate the HA2 allocation in its Revised Regulation 19 Plan. Instead, HA2 has still been omitted and the Policy HA55 South of Longfield Avenue draft allocation for about 1,250 dwellings has been proposed alongside other new draft allocations. This has been justified through alterations to the assessment of the component parcels of site HA2 in the Council's SA/SEA between the 2017 and 2020/21 versions, although the assessment methodology does not appear to have changed.
- 2.35 We have reviewed the SA/SEA report ("Sustainability Appraisal and Strategic Environmental Assessment for the Fareham Borough Local Plan 2037 – Sustainability Report for the Revised Publication Local Plan, May 2021" prepared by Urban Edge Environmental Consulting / Natural Progression) and the commentary that it provides on the Council's site selection process through the iterations of the emerging Local Plan to date. From our review we note the following:

- Table 4.3 "Strategic Alternatives for Residential Development for the 2017 Draft Plan" details the packages of residential development options considered and confirms that the Preferred Option was **Option 2F** which comprised:
 - Welborne – 4,000 units by 2036
 - Regeneration sites in Fareham town centre
 - Warsash Maritime Academy
 - Cranleigh Road, Portchester
 - Romsey Avenue, Portchester
 - Three greenfield clusters:
 - Warsash Greenaway Lane
 - Segensworth
 - Newgate Lane South
 - Reduced scheme at Portchester Downend
 - Spread of urban fringe sites
- At Regulation 19 stage in 2020 (prepared in the context of the Government's consultation on a draft revised Standard Method calculation which reduced Fareham's housing requirement) the Council continued with a development strategy based on Option 2F above, although it removed the allocations of Newgate Lane South and Romsey Avenue, Portchester, and did not allocate the Strategic Growth Areas at Fareham South or the western portion of Downend, Portchester.

2.36 The "Rationale for Site Selection / Rejection" is provided at Appendix G of the SA/SEA report. The Newgate Lane South site is comprised of three parts – sites 3002, 3028 and 3057. All three sites are rejected. For all three the rationale for this was *"Development would have a detrimental impact on the Strategic Gap."* In addition, for sites 3028 and 3057, the further rationale was added – *"Site designated as a Brent Geese and Solent Waders low use site and there is no evidence of a strategy-compliant solution."* The rationale for Land South of

Longfield Avenue (site 3008) states:

"Rejected - Development would have a detrimental impact on the Strategic Gap. Site contains Brent Geese and Solent Waders designations. If appropriately masterplanned, areas of the site are likely to be developable where there is a strategy compliant solution for Brent Geese and Wader designations. Any development would need to be sensitively designed and accompanied by significant GI to ensure that it would not undermine the integrity of the Strategic Gap."

2.37 In relation to the mitigation of impacts on Brent Geese and Solent Waders low use habitat, the Council has not been consistent in its assessments of the Newgate Lane South site and the South of Longfield Avenue site. The promoters of Newgate Lane South can provide suitable mitigation in this regard.

- Proposed residential allocations in the Revised Regulation 19 Publication Local Plan are set out in Table 4.6 of the SA/SEA Report. Here a number of new allocations are proposed, including:
 - South of Longfield Avenue - allocated because it *"falls within a sustainable urban fringe location, in alignment with preferred development strategy 2F"*; - even though at Appendix G, "Rationale for Site Selection / Rejection" it is stated that this site was rejected because *"Development would have a detrimental impact on the Strategic Gap."*

2.38 Perversely, Newgate Lane South is again not allocated. This site formed part of Preferred Development Strategy 2F (compared to being "in alignment" with 2F) and it lies in a sustainable urban fringe location (actually in a more sustainable location than the Longfield Avenue site). Moreover, as noted above, an appeal Inspector has concluded that development east of Newgate Lane East is potentially acceptable in terms of its impact on the Strategic Gap.

2.39 In our submission, HA55 should be deleted or its proposed housing yield should be significantly reduced, and the HA2 allocation (which comprised part of Preferred Option 2F) should be reinstated for about 475 dwellings. Any objectively based comparative assessment of the HA2 and HA55 sites should conclude that HA2 is preferable because:

- The HA55 allocation will have a significantly more harmful impact on the integrity of the Strategic Gap, given the different (much more open) landscape character area that it lies within and the much greater scale of development proposed. The HA2 site lies between Newgate Lane East to the west, the playing fields to HMS Collingwood and Speedfields Park to the north, the urban edge of Bridgemary to the east, and Brookers Field recreation ground to the south – as such it is much more enclosed and discrete, and its development will complete the extent of built form in this location. In his **appeal decision letter on appeals relating the land West of Newgate Lane East dated 8 June, 2021** (Appeal Decisions APP/A1720/W/20/3252180 and 3252185), the Inspector, Mr. I.Jenkins, commented on those appeal proposals in relation to the Spatial Development Strategy of the extant development plan at paras. 78-86. At para. 84, he commented:

"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."

2.40 This adds significant weight to the case in support of the reinstatement of the HA2 housing allocation, given that a Planning Inspector has concluded that housing development to the east of Newgate Lane East would be potentially acceptable in terms of its impact on the Strategic Gap.

- Greater weight to the case in support of the reinstatement of the HA2 housing allocation is provided by **the appeal decision letter from the Inspector, Mr. G.D. Jones dated 28 July, 2021, who has allowed appeals relating to Land East of Newgate Lane East, Fareham which comprises the southern part of the former HA2 allocation** (Appeals Ref. APP/J1725/W/20/3265860 and APP/A1720/W/21/3269030). The Inspector allowed both appeals, granting outline planning permission for 99 dwellings on the site. This represents a very significant change in circumstances which the Council must now take into account. In reaching his decision, we note that the following conclusions were drawn:

- Paragraph 31 – *"Given the relatively modest scale of development proposed relative to the overall scale of the Strategic Gap along with the site's location on the outer edge of the Gap adjacent to the settlement boundary, **there would not be a significant effect on the integrity of the Gap, be it individually or cumulatively.** Nor would the built form extend fully to the settlement to the west, maintaining a degree of separation such that coalescence would not occur. Consequently, Peel Common would continue to be understood as mostly comprising a small, isolated ribbon of development."* (our emphasis)
- Paragraph 41 – the Inspector listed a wide range of issues raised in relation to the appeals which did not alter his decision to allow the appeals, including:
 - Setting a precedent for other development including in the Strategic Gap;
 - The cumulative effect of development with other development, and;
 - Whether his decision was prejudicial to, and premature in terms of, the development plan-making process.
- Paragraph 52 – the Inspector concluded the ***"the development would be sustainable development in terms of the Framework....such that the site is a suitable location for housing."*** (our emphasis)
- We note above that the "Rationale for Site Selection / Rejection" for the RPLP is provided at Appendix G of the SA/SEA report; and that the rationale for the rejection of former allocation HA2 in principle was *"Development would have a detrimental impact on the Strategic Gap"*. This rationale is now superseded and discredited by the Inspector's conclusion at Paragraph 31 of the Newgate Lane East appeal decision where he concluded that a development of 99 dwellings on the southern part of the HA2 site ***"would not be a significant effect on the integrity of the Gap, be it individually or cumulatively."*** (our underlining). By commenting on its cumulative effect, the Inspector must be referring to its development as part of the wider development of the HA2 site because that is the only area of land that can be developed together with the

East of Newgate Lane East application site. **A Planning Inspector has therefore concluded that the development of the HA2 site would not have a significant effect on the integrity of the Strategic Gap. He has also concluded that land east of Newgate Lane East on the urban edge of Bridgemary is both a "suitable location for housing development" and is "sustainable development in terms of the Framework". As a result of this significant change in circumstances, there are sound and overriding planning reasons for site HA2 to be re-allocated for housing development.**

- Appended to these representations is a **Pegasus Group masterplan** which overlays the approved outline concept masterplan for the East of Newgate Lane East appeal site onto Fareham Borough Council's Development Framework Plan for the HA2 site – confirming the interrelationship of the appeal site with the balance of the HA2 site. Now that development of the southern part of HA2 has been granted planning permission and is to proceed, and that it has been confirmed by an Inspector that development of the whole HA2 site will not significantly harm the integrity of the Strategic Gap, it would be entirely justifiable for the Council to take these significant changes in circumstances into account and to work with the promoters of the HA2 site to masterplan its comprehensive development to deliver a scheme which both makes a significant contribution to Fareham's housing needs and is designed to create a new landscaped edge to the Strategic Gap at this point.
- Unlike any other proposed strategic allocation in Fareham borough, the HA2 site offers its future residents the opportunity to travel on the Bus Rapid Transit (BRT) and cycleway route which currently operates between Fareham railway station and Gosport Ferry, with funding in place for its further extension as part of the sub-regional transport network. The BRT runs through Bridgemary and is within easy walking distance of the HA2 site. Despite SA/SEA Strategic Objective 4: "To promote accessibility and encourage travel by sustainable means", the accessibility of this strategic sustainable transport route was discounted in the SA/SEA assessment because the BRT appears to have been treated like all other bus routes and because it is more than 400m from the HA2 site it doesn't create a positive score. That disregards its attractiveness as a high speed route, to which users are likely to be prepared to walk a greater

distance than 400m, so the BRT should be treated differently in the SA/SEA scoring matrix. This is a significant flaw in the SA/SEA methodology;

- The HA2 site lies on the edge of the urban area of Gosport. It exhibits a higher degree of accessibility to local services and facilities than the HA55 site;
- Given that the RPLP is planning (albeit in an unsound manner at present) to contribute to meeting the unmet housing needs of Gosport Borough, the HA2 site lies on the edge of Bridgemarky so is ideally located to assist in addressing Gosport's housing needs. In the absence of a Statement of Common Ground between Fareham and Gosport Borough Councils, we note that Gosport's most recent Housing Delivery Test Action Plan (July 2020 – March 2021) identified an under-delivery of 329 homes over the plan period to date. The borough is significantly constrained in terms of its ability to deliver housing because:
 - Gosport Borough is surrounded by international habitat designations and therefore the entire Borough is subject to Habitats Regulations. This results in the Borough falling within the zone of influence where housing development is likely to have a significant effect on the integrity of the designations. As such, it is not possible to automatically apply the presumption in favour of sustainable development as a likely significant effect cannot be ruled out without the completion of an Appropriate Assessment (AA). This is in line with the NPPF (2019) Paragraph 177:
 - Due to the significantly built-up nature of the Borough, the availability of sites for residential development will continue to be an issue. Most land outside of the existing built-up area has limited potential for development for a variety of reasons including:
 - it is of strategic importance for open space such as the Alver Valley Country Park and Stokes Bay;
 - it is used for defence operations such as the Defence Munitions site;
 - it has significant environmental constraints (nature conservation designation/flood risk) such as the Browndown Site of Special Scientific Interest.

- 2.41 All of these factors combine to confirm that Gosport Borough Council is under-delivering against its current housing requirement and that it faces considerable challenges in meeting its housing needs in its emerging Local Plan Review. The allocation of site HA2, on the edge of Bridgemarky, will assist in this regard.
- 2.42 Development of the HA2 site will not cause adverse transport or highway impacts. Accompanying these representations is a Transport Technical Note prepared by i-Transport. This assesses the technical acceptability of the proposed means of vehicular access to the Newgate Lane South site - the principal access being proposed via a new four-arm roundabout on Newgate Lane East, with a secondary access into the southern part of the site from Brookers Lane, both of which are found to be acceptable. The Technical Note also considers the site's very good accessibility to local services and facilities, and its sustainability in transport terms given its proximity to the BRT route through Bridgemarky and other non-car options. The site's strong transport sustainability credentials are not accurately reflected in the Council's SA/SEA which should be updated in this regard.
- 2.43 i-Transport's Technical Note also confirms that the proposed access from Newgate Lane East will not have a significant impact on traffic flows on Newgate Lane East. At paragraph 2.3.4, they advise:
- "All arms of the proposed junction operate within design capacity (<0.85 RFC) and with a Level of Service rating of 'A – Free Flow'. Maximum delay on any one arm is 8 seconds which is inconsequential and will have no material impact on the operation of Newgate Lane East."*
- 2.44 There is therefore no basis for rejecting the allocation of Newgate Lane South on transport grounds.
- 2.45 **B4a What modification(s) is necessary to make the Revised Publication Local Plan legally compliant or sound?**
- Plan to meet the area's housing needs including its affordable housing needs and the unmet needs of neighbouring authorities, so plan to deliver sustainable development;

- Address the identified significant gaps in the evidence base supporting the RPLP which should have been in place ahead of the plan's preparation so that its spatial strategy and level of housing provision are prepared in accordance with legal requirements and national policy and guidance;
- Accordingly, increase the RPLP's proposed housing provision to a minimum of 14,088 dwellings;
- Delete proposed housing allocation HA55 South of Longfield Avenue or significantly reduce (perhaps halve) the quantum of housing proposed in that location to the part of the site closer to the western boundary of HMS Collingwood, to preserve the integrity of that part of the Strategic Gap;
- Review and reduce the quantum of housing proposed through the HA54 East of Crofton cemetery etc allocation to ensure that this development includes sufficient land for green infrastructure to mitigate the visual harm to the local landscape which was alleged to flow from the previous planning application for 206 dwellings – perhaps reducing its yield to 150 dwellings;
- Delete Policy HP4, given that the operation of its predecessor Policy DSP40 by the Council has been ineffectual as evidenced by the persistent housing land supply shortfall in the Borough, and HP4 as drafted is more difficult to comply with. Instead, the Council should simply determine planning applications against NPPF paragraph 11d in relevant circumstances;
- Amend Policy BL1 to confirm that it is a strategic policy with a delivery timescale of 30 years, such that it will not yield any housing during the plan period;
- Reinstate proposed housing allocation HA2 Newgate Lane South to deliver at least 475 dwellings.
- Prepare an updated Development Framework Plan for housing allocation HA2, jointly with the site's promoters, to guide its detailed masterplanning, given that part of the site now benefits from planning permission.

2.46 B4b How would the modification(s) you propose make the Revised Publication Local Plan legally compliant or sound?

For the reasons stated above.

2.47 B4c Your suggested revised wording of any policy or text:

See above.

2.48 **B5a If your representation is seeking a modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

Yes, I want to take part in the hearing session(s)

2.49 **B5b Please outline in the box below why you consider it necessary to take part in the hearing session(s):**

To explore the robustness of the Council's proposed revised housing provision and spatial development strategy, given the significant changes to both which have occurred during this plan preparation process which have included the proposed allocation and then deletion of the HA2 Newgate Lane South housing allocation site.

Appendix:

Masterplan of former HA2 allocation overlaid with outline layout for 99 dwellings with planning permission on southern part of the site (allowed on appeal on 28 July, 2021).