

Dear All,

A number of you have asked me what happened at the planning inquiry that began on 9 February and I promised to update you.

If you are brave enough you can scroll down to see all the previous messages I have sent on this trail going back to October 2018. It might help to give some more context to this update.

To summarise the background to February's planning appeal:

- it was to consider two applications totalling 190 houses on land immediately west of Newgate Lane East and immediately to the north of Woodcote Lane
- the grounds for appeal was non-determination by the planning authority
- 517 individual letters of objection had been received to these applications by Fareham Borough Council (FBC) who are the planning authority
- A further 1,033 signatures were obtained on two petitions opposing the applications
- Only one letter of support was submitted
- the planning applications were opposed by FBC, neighbouring Gosport Borough Council (GBC) and by Hampshire County Council (HCC) who are the Highway Authority
- the proposal by Pegasus Homes is contrary to both FBC's existing Local Plan and FBC's emerging Local Plan (ie the updated version that FBC have been consulting on)

So, on the face of it the application by Pegasus Homes didn't seem to have much going for it.

However, those who follow planning matters know that planning works in mysterious ways. Planning rules in England are governed by a document called the National Planning Policy Framework (NPPF). This document carries a great deal of weight and planning inspectors are obliged to take it into consideration as well as the local planning policies.

The NPPF has a number of things to say that were relevant in this appeal. In particular, the question of a demonstrable five-year-housing-land-supply (5YHLS). Every planning authority is required to be able to demonstrate that there is sufficient land within their area to accommodate at least five years worth of development. Usually a "buffer" of an additional 20% is also required.

Since they lost an appeal regarding development at Cranleigh Road, Portchester in August 2017 FBC have not been able to demonstrate a 5YHLS.

The NPPF dictates that the absence of a 5YHLS renders a local authority's Local Plan "out of date" and in such circumstances a "presumption in favour of development" applies. This situation largely explains why FBC are inundated with speculative planning applications, many in the Strategic Gap, that are not in line with their existing Local Plan. It also explains why FBC have been working so hard to update their Local Plan.

FBC's existing Local Plan has a policy DSP40. You can read about this in the previous emails I have sent (see below). In short, DSP40 is relied upon to prevent development outside urban centres of Fareham in the event that the Council does not have a 5YHLS. One of the central discussions at the appeal (which lasted eleven days) was around DSP40.

FBC argued at the inquiry that DSP40 was relevant and applied in this case. Pegasus Homes' counter argument was that FBC could not exist in a perpetual state of reliance on DSP40 and that FBC's Local Plan should be deemed out-of-date.

Counsel representing Pegasus Homes was a man who has been a barrister since 1994 and a QC since 2013. Looking at his details on-line one can see that he is absolutely the best in the business - and it showed. Whilst this shouldn't really matter, I'm sure it does.

## OTHER APPLICATIONS

Some of you may have received a letter from FBC last week regarding another planning appeal. This involves an application by Bargate Homes to build 99 houses on land immediately to the east of Newgate Lane East and immediately to the north of Brookers Field with exclusive vehicular access through Brookers Lane.

This appeal is unusual in that it is an appeal being made to two local planning authorities simultaneously: to FBC against non-determination (again); and to GBC against their refusal for access. I have attached the letter I have received from FBC dated 3 March 2021. Anyone wishing to make a representation on this has until 1 April 2021. No date has been set for the appeal hearing, but it could be as early as June.

Once again I will be making a representation to the Inquiry on behalf of the residents I represent in Peel Common and in Bridgemary. Hopefully I will still be a councillor when the appeal is heard and hopefully I will not on this occasion be the only Gosport councillor making a deputation and being interrogated. Without wishing to be too acidic in my observations, I note that a couple of Gosport councillors have recently been making a good deal of fuss about how opposed they are to all these applications, but have been conspicuous by their absence and deafening in their silence when it comes to actually doing something. They haven't been quite so shy in pointing fingers of blame however.

Enough of the politics. You don't want to hear that, but it does make me cross.

The application for 99 houses is particularly dangerous from a Gosport perspective because it would completely close the Strategic Gap between Fareham and Gosport and almost certainly open the floodgates for many hundreds more houses in the Strategic Gap. The area where Bargate Homes want to build is the southern section of what became known as HA2. You may recall HA2 was a housing allocation area identified by FBC running the length of the borough boundary from the top end of Tukes Avenue to Brookers Field. In fact, all land east of Newgate Lane East.

Matters have been made even more complicated by FBC's continually shifting position on the Strategic Gap. In October 2017 they published a Draft Local Plan where HA2 emerged for the first time. They did this without any prior consultation with anyone (councillors or council officers) from Gosport. During the consultation at the end of 2017 FBC were forced into a humiliating u-turn over access when it emerged that they intended to gain vehicular access to many of HA2's 475 houses by knocking down two residential properties in Tukes Avenue. The main stumbling point was that they had forgot to tell the owners of those houses before publishing their Draft Local Plan. FBC withdrew any suggestion of knocking down the two houses half way through the consultation but, bizarrely, retained HA2 in their Plan.

In 2018 the housing numbers handed down by Government to local councils changed, so FBC decided, in their own words, to "tear up" the Draft Local Plan in December 2018. So HA2 was out.

In June 2019 FBC republished their Draft Plan and HA2 was back in.

Then in August 2020 the Government published a White Paper on planning reform which included a suggested algorithm for deciding housing numbers for each local authority area. Fareham's allocation under the proposed algorithm would be reduced reduced, so in October 2020 FBC decided to remove HA2 from their Draft Local Plan. So, HA was out again.

When local authorities publish a draft plan they are required to go through a series of public consultations. The first is known as Regulation 18. Then Regulation 19. Then the Plan is subjected to what is known as an examination in public before it is finally signed off by the Secretary of State. Most of the amendments are usually done at the Regulation 18 stage.

When FBC announced that HA2 was, once again, no longer part of their new Plan in October 2020 it coincided with the launch of their Regulation 19 consultation phase. That consultation phase ended on 18 December 2020. Just three days before the end of the consultation the Government announced that it had decided to scrap the new proposed housing numbers algorithm and return to the previous (and in Fareham's case higher) housing numbers.

If you are following the twists and turns of this saga (as I am) you can see that FBC are in a bit of a jam. The difference between the reinstated housing numbers and the numbers they were working to in their Regulation 19 consultation is quite big. It equates to around 1,600 more houses during the Plan period and FBC have to work out where those extra houses are going to go.

Essentially, FBC have two choices. They can go back to where they were before October 2020 which would mean putting HA2 back into their emerging Local Plan for the third time; or they can rethink their whole strategy towards find the additional housing numbers by, say, going for higher densities in their town centre or near to transport hubs. As at this moment no one knows what they will do, but whichever choice they make they will have to reopen some sort of consultation.

I am going to throw into this melting pot the deal I made with the Leader of Fareham Council last October. When I heard that FBC intended to withdraw HA2 from their emerging Plan I wanted to see whether I could get an agreement that would ensure the idea never saw the light of day again. So, I approached the Leader of Fareham Council and asked him to join me in signing a joint letter to the Hampshire & Isle of Wight Wildlife Trust to use money they had obtained from the Government to buy land in the Strategic Gap (specifically the farmland that makes up HA2) and turn the land over to meadow in perpetuity. He agreed and we sent the letter. I announced the initiative on social media; the details were in the newspapers; and I was even interviewed about it on the radio. Recently, a couple of other Gosport councillors have putting out leaflets (during a lockdown when we are all supposed to be staying at home to protect the NHS and save lives) saying that the wilding of the Strategic Gap was all their idea. These are the same two councillors who don't turn up to planning inquiries. They are also the same two councillors who I invited to join me at the public meeting at Woodcot School in September 2018 to discuss Fareham's Local Plan and to sit with me at the top table. One never replied to my invitation and the other agreed at first before deciding he needed to attend a German language lesson instead.

Sorry, I'm going into politics again.

So far as I am concerned I have a deal with the Leader of FBC. We both want to see the wilding of the Strategic Gap. I expect him to honour that commitment and not reinstate HA2 into his emerging Local Plan.

However, I understand that FBC are under enormous pressure. They face planning applications from Pegasus Homes and Bargate Homes (as mentioned). They also face applications from Hallam Land for 1,200 houses south of Longfield Avenue; an application from Persimmon for 206 houses at Oakcroft Lane; plus many others including in Warsash, Titchfield and Portchester.

FBC will need to determine their position on the 99 houses Bargate Homes want to build in the Strategic Gap before the matter comes to appeal. As previously stated, their current position would have to be to oppose the houses because their existing Local Plan seeks to protect the Strategic Gap and the current version of their emerging Local Plan does not include HA2 as a housing allocation site. Having just been

through an eleven day hearing before an Inspector arguing just that very point they are going to look incredibly foolish if they abandon that stance in advance of the appeal hearing to decide Bargate Homes' application.

As I say, I expect Fareham Council to uphold their commitments: to keep HA2 out of their emerging Local Plan; and to continue with our joint campaign to see the area turned over to meadow in perpetuity. But, as you know, I have no control over Fareham Borough Council.

Kind regards,

Stephen Philpott