

To: The Local Plan Inspector

c/o Programme Officer

City Offices

Winchester SO23 9LJ

29th July 2012

Dear Mr Payne,

Winchester District Local Plan: Part1: Joint Core Strategy; Submission Stage

Opportunity Site: Bushfield Camp: Policy WT3:

Further Comments on behalf of City of Winchester Trust : Objector no 3082

In March 2012, the City of Winchester Trust submitted a substantial and carefully argued objection to this policy, explaining why it considers proposal WT3 to be unsound. The Trust proposes that it should either be deleted or substantially modified.

The objections were referenced as **3082**.

WCC have now invited further comment in respect of two documents:

Modifications WCC June 2012

NPPF DCLG March 2012.

Both documents have the potential to affect the Trust's comments in respect of Policy WT3. These further comments look at both the Modifications and the NPPF separately. Firstly they look at the Modifications to see if WCC has taken on board the Trusts objection; they then consider if the Modifications are compliant with NPPF.

The Trust then lists the main changes introduced by NPPF as they apply to WT3, and then re-evaluates WT3 against NPPF; finally it considers whether the Trust's objections are invalidated or weakened by the NPPF.

Summary of conclusions.

A. Modifications. In respect of the Modifications, the Trust does not consider that they address its objections. The additional wording in Mod 48 is out of step with the NPPF in allocating land for uses that are neither strategic nor identified and therefore not supported by evidence base.

The Trust does not object to these modifications on any new ground but does not alter its objections.

B. The NPPF. In general terms, the new guidance maintains the same balance between economic growth and social provision on the one hand and environmental constraints on the other. The approach of the NPPF does not appear to change the conflicts identified by the Trust; nor does it make WT 3 more “sound”.

In detail, the NPPF makes the WDLP, WT3 less sound; the NPPF sets out procedures for addressing historic assets and considering the interrelationship with landscape. Further work to establish an adequate evidence base is required to satisfy NPPF.

The NPPF requires LPAs to identify land of the lowest environmental value for development ...assuming other factors are equal.

The NPPF has introduced a new way of protecting certain categories of open land from development. Bushfield Camp, (probably extended to include all of Bushfield Down, north and east of the Badger Farm Road) appears an ideal candidate for designation as Local Green Space, as an alternative to designation as an Opportunity Site for unspecified development. NPPF gives an opportunity for the plan to be amended to include an alternative way of dealing with this site which was not available before. The alternative would be in line with community aspirations.

For judging whether local plans are sound or not, NPPF has introduced an additional category by subdividing “positively prepared” from “justified”; both categories must now be satisfied. These tests are readdressed and show that neither test is satisfied.

There are additional grounds for judging the Local Plan is unsound, but no grounds for the Trust to alter or withdraw its objections.

Modifications: June 2012

No 47. Three minor changes “for clarification.”

The Trust has No further objection.

No 48. Explanatory text inserted on advice from PINS.

The advice from PINS which gives rise to this insertion is not in the published papers.

In the Trust’s view, this paragraph underlines the problems of devising policies for a site whose uses are not identified, the need for which is not certain and where the timing is also unknown, and where the policy itself is contingent on studies of the suitability of other land.

Mitigation is described only in general terms. As mitigation appears to be essential to making the site acceptable to the LPA (see WT3 and Policy CP 19; South Downs NP and NPPF Para 116), the

likely harm would need to be identified and performance objectives for mitigation (or, to use NPPF's term in Para 116, "moderation").

No further objection

NPPF March 2012: What are the main changes from the Government advice which it replaces?

In general, the NPPF restates the established principles of planning in a much shorter and more succinct form. While encouraging economic development and insisting that proper provision be made for the needs both of local communities and the population at large, the NPPF also requires the continued protection of the environment and applies the principles of sustainable development to do so.

In respect of WT3, the key changes are:

- identifying development land for specific purposes, but only as supported by information base, e.g. Para 182
- Only policies which provide a clear indication of how the decision maker should react to a development proposal should be included in a plan. (Para 154)
- use of previously developed land to be preferred only where there are not high environmental constraints (Paras 17 and 111)
- development to be sited on land of least environmental value (Paras 110, 152)
- proposal to be shown to be best having tested alternatives (Para 182)
- historic environment to be given due weight on basis of up to date study (Para 169)
- landscape to include historic landscape (Para 170)
- Local Green space introduced to enable LPA's to impose greenbelt level of protection on land with intrinsic merit and valued by community, even if not in community ownership (Paras 76-78)
- Tests of soundness of local plan to include separate assessments of "positive preparation" and "best alternative" (Para 182)

Changes to Local Plan WT3 Bushfield in response to NPPF

There does not appear to have been any formal assessment as to how WT3 is affected by NPPF or what could be done in response to the changes. There is no proposal to amend the policy (e.g. by including greater safeguards or reference to Local Green Space).

The Trust's evaluation of NPPF in relation to WT3

1. The NPPF encourages development for all purposes and the LPA is to make the necessary allocations for housing, the economy and social change. The allocations are to be based on analysis of need and demand. As the use is not specified, it is not clear what needs it is meeting or which of the various categories of development listed in the NPPF is to justify it. Proposals have to be justified by the evidence base. Here the proposal is to make land available independently of need.

2. Policies to give clear guidance to decision maker. The Bushfield policy does not give clear guidance on either the use or whether Bushfield is acceptable as a development location. It seems to fail the test in Para 154.

3. Use of previously developed land. There is no longer the clear encouragement to redevelop PDL. The use of PDL is now subject to the assessment of its environmental value see Paras 17 and 111. Part of Bushfield Camp has been used previously and the redevelopment of this land appears to have been the major justification for the Camp's designation under WT3, encouraged by previous Government advice.

4. Development is to be sited on least sensitive sites. This test has not been carried out. The NPPF appears to envisage the allocation to take place only after a comparison of sensitivity has been carried out.

5. Alternatives to be tested. In this case there are several alternative scenarios:

- A. which use or mix of uses?
- B. is this the best site in Winchester for the use?
- C. if economic, should the use be in the PUSH area?
- D. what are the alternatives for the future of Bushfield?

Additional exploring and testing of alternatives appears to be required.

6. Historic assets. Bushfield Down is a complex of historic assets in its own right; it is part of the setting of the cathedral city of Winchester and the backdrop to the Hospital of St Cross viewed from St Catherine's Hill.

The setting of historical assets is established by NPPF as a material consideration in planning applications, requiring survey by applicants. (Para 128).

For plan making the NPPF now requires the integration of historic landscape character with landscape character assessment, "where appropriate". For Winchester, studies have been done separately for the Setting of the City of Winchester in the 1990's and for the whole district for the WDLPR (Winchester Landscape Assessment 2004). However, it is only the latter which is given the benefit of the support of the Development Plan. The consequence is that the setting of the Cathedral City which is one of unparalleled resonance both in English History and English landscape has not been fully articulated and is undervalued in policy terms. The two approaches now need to be integrated. This will enable the LPA to give the weight it merits to the landscape and heritage. The Trust has been advocating such an approach for some years and is pleased that it is now a key feature of the NPPF. Additional work is required by the City Council, to establish a proper evidence base. It is the lack of such an evidence base which has led to the proposals of WT3.

7. Local Green Space: (Paras 76 to 78). This new policy is to be applied through local plans, when being prepared or reviewed. It is to enable local communities "to identify for special protection green areas of particular importance to them." Bushfield Camp is one such area, probably extended to all the land north east of the Badger Farm Link road (Bushfield Down).

There is no requirement that the land should be acquired by the local community. Once designated the land is to be managed in a way consistent with Green Belts

There are several criteria:

- Reasonably close to the community it serves
- Demonstrably special, with particular local significance for example, beauty, historic significance, tranquillity, richness of wildlife
- local in character
- Not an extensive tract of land.

These criteria appear to fit Bushfield like a glove.

Local green space is not to be used to block necessary development, so there is a further requirement that before Local Green Space is designated, adequate provision for jobs, homes etc., should have been met. Bushfield is not required for the Local Plan's strategic purposes; provision for necessary development has been made in other places within the District.

There is therefore no bar to the designation of Bushfield as Local Green Space. The Trust proposes the designation of the whole of the land included in WT 3. Evidence for value as public space may be seen in the current application by local residents for designation of Bushfield Camp as a Village Green, the formal application has been made and is to be considered at a Public Hearing.

When the Local plan was being prepared, this option was not available. Now that it is available and now the Local Plan is to be assessed in relation to NPPF, WT3 would at least have to show that it has considered it before it can be found sound.

In the Trust's view the designation of the land as Local Green Space is in every way preferable to that of "opportunity site" and the development of 20 ha, probably as a visually damaging business park, or worse (there being no designated use or schedule of constraints).

It should be noted that this land would qualify for various agricultural grants if it was managed by formal agreement under the DEFRA stewardship scheme. Such schemes retain the land in agricultural use but for biodiversity, respecting the historic uses and features and encouraging public access. Capital works are subsidised separately. The owners are effectively compensated for the reduced yields resulting in substantial annual payments. Other land of similar character around Winchester is being managed in this way (see the Trust's objection 3082).

8. Positive preparation and best alternative. In separating these two requirements for a plan to found sound, the NPPF has highlighted that both must be satisfied. Both are dealt with in the Trust's objection 3082.

Conclusion There are additional grounds in the NPPF for judging the Local Plan to be unsound, (in particular Paras 76, 126 et seqq and 182) but no grounds for the Trust to alter or withdraw its objections.

The Trust confirms its request to participate in the Examination.

Yours sincerely

Chris Corcoran

On behalf of City of Winchester Trust.

Copied : Patrick Davies; Michael Carden; Judith Martin; John Beveridge