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Dear Ms Morton

July 2012

Submission of Winchester District Local Plan Part 1 – Joint Core Strategy - Comments on Winchester City Council’s Schedule of Modifications

References herein are to:

NPPF = National Planning Policy Framework published March, 2012 (paragraph numbers)
Mod = WCC's Schedule of Modifications to the Local Plan Part 1 (mod numbers)
BPH = WCC's 'Background paper -1, Housing Provision, etc. (paragraph numbers)
HTP = Housing Technical Paper – WCC, June 2011
DTZ 8/11 = DTZ (August, 2011) Review
WT = 'Winchester Town'
WCC = Winchester City Council
MTRA = Market Towns and Rural Areas
JCS = Joint Core Strategy
SNUG = reference to a project proposing alternative sites for additional dwellings in WT.

Please find below our comments on WCC’s modifications that we understand were prepared in the light of representations made to the pre-submission version of the Plan and to reflect the publication of the National Planning Policy Framework in March 2012. These should be read in conjunction with our original submission in March this year.

Please note that we also support the following representations regarding the modifications as follows:

- Representation regarding windfalls from the Campaign to protect Rural England (CPRE), Hampshire.
- Representation by Harvey Cole on Retail and Housing Requirement on behalf of the City of Winchester Trust (CWT)
- Representation regarding Housing Issues from the Winchester City Residents Association (WCRA)
- Representation regarding the Natural Environment from CPRE Hampshire.

Background

Soon after the Local Planning Framework was adopted in 2006, consultations began with professionals (such as Envision who were commissioned to draft a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)), Council officials and Councillors and, thereafter, the public on the drafting of a Core Strategy (CS), which was adopted in 2007. A PINS advisory visit to discuss the draft CS in 2008 caused the Council to review its Strategic Housing Land Availability Assessment (SHLAA), because it was felt that it would not provide sufficiently robust evidence for the CS to be considered sound¹.

The original Core Strategy programme envisaged publication of the Pre-Submission Core Strategy in January 2010. However, with the need for further work on various matters raised by the Planning Inspectorate's advisory note, the programme needed to be revised. Only four 'reserve sites' had been identified, within settlement boundaries.

However, as the PINS inspector advised that there had to be a 'substantial reduction of dwellings originally estimated through the SHLAA', and because the SHLAA was required to help the LDF to identify sufficient deliverable housing land to meet the Council's housing allocation in the South East Plan, it was decided there needed to be allocations of land outside the settlement boundaries; potential greenfield sites had to be considered and identified within the SHLAA. Barton Farm became a 'Preferred Option' site, requiring, under policy MDA.2, a 'compelling justification' before being released as a reserve site for development. Bushfield Camp became a strategic employment allocation site.

After public consultation on the CS 'Preferred Option' during late 2009/early 2010, the Council made further amendments, and following the Blueprint consultation a revised draft of the CS re-titled the 'Local Plan Part 1' was agreed for publication in November 2011 (paragraph 1.19 of the CS describes this exercise in the following terms: the CS 'was originally adopted in March 2007 and refreshed in 2008 and 2010').

Parallel to the passage of the CS through its various stages was a series of applications by Cala Homes Ltd for planning permission to develop land to the north of Winchester at Barton Farm. There were repeated, unsuccessful applications by the developer during the course of a Local Plan Inquiry during 2005-6 to have an immediate allocation of the site included in the Local Plan.

The Council objected to the grant of planning permission at a Public Inquiry in 2005, and again in 2010, and on appeal to the High Court in February 2011. However, in an apparent volte face by the Council, the strategic allocation of Barton Farm as a development site for 2000 dwellings appeared as Policy WT2 in the JCS when it was adopted in December 2011, in the period after Cala Homes Ltd had lodged with the High Court an application for Judicial Review of the Secretary of State's refusal to confirm the grant of planning permission.

Some two months later, in February 2012, the Secretary of State signed a consent order quashing his decision to refuse Cala Homes permission to build 2,000 homes at Barton Farm. He accepted he erred in law in failing to give adequate reasons when considering how the Council's emerging CS impacted on his decision.

¹ CAB 1901 (Oct 2009)

His decision was based on what have been called “prematurity” grounds, which purported to pre-empt the coming into effect of the Localism Act and abolition of Regional Spatial Strategies: he didn’t want to prejudice the Council’s Blueprint consultation, a precursor to its proposed CS, by granting permission in advance of its findings. The matter has been remitted back to the Secretary of State and a decision will be forthcoming by the end of September 2012. A cynical observer might opine that the Council’s actions in forcing a vote on the adoption of the JCS, including Barton Farm as a strategic allocation site for development but re-designating Bushfield Camp from a strategic allocation site to an ‘Opportunity Site’, in December 2011 were designed to influence the Secretary of State’s eventual decision.

General

The modifications are in the Schedule of Proposed Modifications to Pre-Submission Local Plan Part 1 and in the Council's supporting documents, including Background Papers. At the outset it must be noted that WCC's Modifications, as well as the 'Background Papers' are so very extensive (but noticeably hardly any as a result of citizens’ representations), that they raise questions about the extent to which the Pre-Submission version of the Plan is or was deficient in terms of completeness and accuracy; and hence in soundness and conformity with legal requirements, under both the previously applicable requirements and the new NPPF.

The newly published NPPF introduces some additional standards which, apart from giving rise to amendments to the Plan, prompt some comments from us. We are concerned that WCC's presentations in certain key areas lack rigour and appear to be disingenuous. They seem to be targeted towards certain preferred, predetermined results or outcomes. This impression is based entirely on a reading of the Council’s presented papers, their summaries of papers submitted by others and the quality of their underlying evidence.

WCC in their most recent documents (e.g. BPH 3.19; 3.37; 4.2) assert that no alternatives to their proposals were offered or properly 'worked-up'. Ours were. This is required under NPPF 182, as well as under previous criteria. WCC also (e.g. BPH 5.2 & 5.3) disparage representors’ motives and draw the Inspector's attention to this. We chose not to raise this issue when we were making our earlier representations and comments but, as this may be the last opportunity to do so, we felt we should express our concern that this attitude on the part of the Council demonstrates a lack of seriousness in the way WCC considers residents’ representations.

A) Housing Requirement Numbers - sources and evidence

NPPF 182 requires housing numbers to be objectively assessed. This matter is also referred to in Mods 19, 23, 26, etc. and, since the District numbers are used by WCC in places to determine sub-district numbers, the following comments are felt appropriate. Of the four scenarios for future District housing (Govt. Projections – ONS; Zero Net Migration (ZNM); Economic-based Projections; Affordable Housing-led Projections) the ONS is arguably the most relevant, although the others provide good illustrative information.

Migration

ZNM in particular highlights how heavily actual housing growth figures depend on population in-migration. Net in-migration makes up about 87% of the projected population increase over the Plan period², although WCC says it is particularly difficult to estimate or project³. To amplify the point, we note that WCC now states (BPH 4.28):

“..... migration is particularly difficult to estimate, let alone project. There is no legal requirement to give official notification of moves and so estimates are generally produced based on a number of datasets, none of which completely measure migration.”

This is very significant when read in conjunction with BPH 5.12:

*“In terms of meeting local housing needs, there is no reason why housing provision needs to be spread evenly across the District. **The District housing requirement is made up largely from housing required to accommodate in-migration, rather than the ‘indigenous’ needs of the District.** The Housing Technical Paper shows that of the projected population increase of 16,562, only 2,179 relates to ‘natural change’ compared to 14,383 through ‘net migration’ (Housing Technical Paper, Appendix 1).*

Thus, considering the second sentence in 5.12 and WCC's observation in BPH 4.28 (both emphasised above), it would be reasonable to draw the conclusion that both the prediction of 14,383 for additional population through net migration and, more significantly, the 11,000 for additional dwellings are unreliable. The figure of 11,000 has been calculated from a projected population increase of 16,562, 87% of which is predicted to be through net migration. Therefore 87% of the 11,000 must of necessity be *‘particularly difficult to estimate, let alone project’*.

In terms of indigenous housing needs, even candidates for the District's affordable houses can be 'in-migrants'. They can come from neighbouring Districts⁴ and also from much further afield. We understand other surrounding LPAs are also said to be expecting significant net in-migration; somewhere there must be some net out-migration. WCC have acknowledged the considerable effect of in-migration and are right in assuming that net in-migration will continue. However the economic downturn should already be reducing the District's in-flow, as was pointed out in DTZ 8/11.

The foregoing further exposes the fragility of the figure of 11,000 used by the Council and suggests that a lesser and safer figure of figure of 10,000 or less, should be adopted at this point in time but as neither a target nor a cap. In fact, in its Pre-Submission Stage Representation Form, dated 12th March 2012, SBFSG argued that trends and economic forecasts indicated that the housing requirement figure of 11,000 additional dwellings should be reduced to 9,000.

2 HTP App.1

3 BPH 4.28 & 5.12

4 Housing Allocation ISG ('Informal Scrutiny Group'), 2nd meeting, 2011 – OS29 23 Jan 2012, para 1.4 *et seq.* So far 197 households had moved into the District from outside and 32 households had been 'exported' – a net loss of 165 properties. Of these 50 were sheltered units; and 58 were located in the MDAs at West of Waterlooville and at Knowle. Agreed there is a need to scrutinise the extent of cross-boundary moves to ensure Winchester applicants were not disadvantaged.

Windfalls

In NPPF Annex 2: Glossary, 'windfall sites' are defined as sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

At paragraph 48 NPPF says local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

In the Plan Policy DS1 says:

“Development proposals will be expected to make efficient use of land within existing settlements and prioritise the use of previously developed land.....”

and at Para 5.9:

“.....In view of the length of the Plan Period it is appropriate to make an allowance for the emergency of small /unidentified sites in the second half of the Plan Period, based on previous and expected rates of development for this sort of site.”

Need for an allowance for windfall completions

PPS3 did not permit an allowance for windfall completions other than in very limited circumstances and, accordingly, no windfall allowance was included in previous versions of the Local Plan part 1⁵. However this position is fundamentally changed by paragraph 48 of NPPF which permits an allowance for windfall completions where there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to historic windfall delivery rates and expected future trends.

In the WCC Background Paper – 1, Housing, etc. ('BPH')⁶, it is stated that windfalls have made a very substantial contribution to housing provision over the last 10 years (55% of total completions) and have remained a very reliable source of supply, including since the financial crisis of 2008.

Allowance should be made for this substantial contribution of windfall completions and, as a consequence, this would reduce the inclination towards an overprovision of housing located on greenfield sites. In particular, a windfall allowance will reduce the need for strategic allocations, which will tend to be on greenfield sites.

⁵ Background Paper – 1, Housing, etc para 6.41

⁶ Paragraph 6.45

Evidence provided by CPRE, (*“Building in a small island: why we still need the brownfield first approach – Appendix 4”*), shows that in Winchester District more than 97 hectares of previously developed land was used for housing in the period 2002-2008, leaving apparently only 11 hectares in 2008. Yet the evidence shows that, over the same period, the rate of replenishment of previously developed land suitable for housing in 2008 was more than 95 hectares, very nearly as much as was available in 2002. This will have come mainly from windfalls. Accordingly, it is not to be expected that there will be a shortage previously developed land.

This is borne out by the BPH ⁷ where it is stated that the contribution to completions from windfall sites has increased over the last 10 years, not decreased. So, windfalls will continue to provide a reliable source of housing supply.

Accordingly, while NPPF does not mandate making a windfall allowance in all cases, to make such an allowance must be the most appropriate strategy in a District of the character of Winchester District where much of the countryside, including that near settlements, is unspoilt and locally distinctive and where development on greenfield sites should be avoided if possible.

Amount of windfall allowance

The BPH⁸ shows that in the period 2001-2011 there were 2656 completions which were not specifically identified in the current Local Plan or in the Urban Capacity Study / SHLAA, thereby falling within the definition of windfall sites within NPPF. The number per annum has increased over the last 5 years of that period, amounting to an average of 334 dwellings per annum.

Over the 20 year period of the Local Plan Part 1 this would amount to a total of 6680 dwellings. There is a question of whether there should be a reduction for the first 3 years of the Plan on account of duplication with consented sites. However we do not see a need for that, since the 334 windfall completions will continue year on year.

Gardens

NPPF paragraph 48 recommends against an allowance for windfall sites that includes residential gardens. The logic of this, as we understand it, is that garden land is not now within the definition of previously developed land within NPPF and so less garden land will be developed in future. However, garden land is still permitted to be developed where appropriate to the character of the neighbourhood and, according to officers of Winchester City Council, this test would have been passed by almost all the development which has taken place on garden land in recent years. Accordingly it is very likely that close to the established rate of windfall garden development will in fact continue.

The BPH ⁹ goes on to show that in the last five years of the period 2001-2011 there were 855 windfall completions after excluding those on garden land. The average was 171 dwellings per annum.

7 Paragraph 6.45

8 Table following Paragraph 6.44

9 Table following Paragraph 6.44

Accordingly, an average of 163 dwellings per annum was completed on garden land over the last 5 years. Over the 20 year period of the Local Plan Part 1 this would amount to a total of 3260 dwellings. The total housing 'requirement' in the Plan is 11,000 new dwellings. Appendix C of the BPH shows that Commitments and SHLAA sites (within settlement policy boundaries) amount to 2276, leaving a requirement for 8724 dwellings. The garden land 3260 dwellings are some 37% of such requirement.

For the reasons stated above in relation to a making a windfall allowance it cannot be an appropriate strategy in Winchester District to ignore completions which amount to such a large proportion of the housing requirement not already met by Commitments and SHLAA sites.

We therefore consider that the most appropriate strategy for Winchester District is (at a minimum) to take account, in a windfall allowance, of the total average windfall completions over the last 5 years, namely 334 dwellings per annum. This includes garden land, which has featured very strongly in both MTRA and WT. This figure of 334 p.a. would be 6,680 dwellings over the Plan period.

If, contrary to this view, garden land is to be excluded, then the appropriate strategy for Winchester District is (at a minimum) to take account, in a windfall allowance, of the total average windfall completions over the last 5 years, excluding garden land, namely 171 dwellings per annum. This would be 3,420 over the Plan period

Application to the Housing Trajectory (BPH Appendix C)

Appendix C to BPH¹⁰ makes provision for expected delivery of 1378 dwellings over the Plan Period for “Local Plan Part 2 / Windfall”. BPH¹¹ makes clear that this includes a very modest allowance for windfall sites, designed to show that the desired 11,000 completions will be achieved. As windfalls will continue unabated, the fact that no completions are allowed in the first five years indicates strongly that this allowance is based much more on dwellings expected to come forward through either Neighbourhood Plans or the Local Plan Part 2 than a true windfall allowance that reflects historic windfall completions (whether or not completions on garden land are excluded).

For the reasons stated this approach cannot be justified in Winchester District. At a minimum the “Local Plan Part 2 / Windfall” line in Appendix C should provide for delivery of 334 dwellings per annum, amounting to 6680 dwellings over the Plan Period or, alternatively, 171 dwellings per annum, amounting to 3420 dwellings over the Plan Period. This would be realistic having regard to historic windfall delivery rates and expected future trends.

The SHUA 5,500 new dwellings are all entirely catered for in the two new strategic sites to be built at West of Waterlooville and North of Whiteley. This leaves the remaining 5,500 to be located in MTRA and WT. This is where windfalls will contribute to the numbers.

10 Appendix C BPH

11 Paragraph 6.48

Appendix C shows existing commitments & SHLAA sites (within settlement boundaries) as 2,276 dwellings. Add to this the windfalls, which will be at least 3,420 (or 6,680 if garden land is included). The total is therefore at least 5,690. These figures alone exceed by a considerable margin the alleged 'requirement' of 5,500 new dwellings allocated in the Plan to MTRA and WT together. There is clearly no need for major Strategic Allocations here. Existing commitments, SHLAA sites, and windfalls will be more than enough.

Accordingly there is no need to develop on Barton Farm.

Council Houses

We also fully support the Winchester City Residents' Association's (WCRA) comments on WCC's modifications. WCRA's point is that WCC could and should redevelop parts of its own estates to provide more council housing and specifically more affordable housing.

In addition, account must also be taken of the new WCC Council House building programme, since this will have an effect on the deliverable number of new dwellings.

These two factors must count towards the proposed housing numbers for Winchester Town and thereby reduce pressure for building on extra-boundary greenfield sites.

Rates of Development

We have looked at rates of development when considering the validity of the 11,000 figure. Paragraph 3.23 of the BPH says:

*“Whilst previous rates of development are partly dependent on the past planning strategy and allocations, there has been a fairly consistent level of housing completions for each 5-year period over the last 20 years, as illustrated by the graph (averaging 477 dwellings per annum over the last 20 years). Obviously there have been peaks and troughs, as illustrated by Table 8.1 of the Housing Technical Paper, but this shows that annual completion levels have only rarely risen above 600 dwellings per annum or below 400. **Therefore a ‘natural’ level of completions or market demand might be said to lie within the range of 400-600 dwellings.**”*

Taking this and using the mid figure of 500 per annum, then, over 20 years, market demand, (i.e. not need), might be said to lie at around 10,000. (500 x 20 = 10,000). This is another indication of the fragility of the figure of 11,000.

Neighbouring LPAs and duty to co-operate

In neighbouring Eastleigh Borough the Council had originally included the North and North East Hedge End SDA as a potential new settlement containing up to 6,000 homes. The search area fell within Eastleigh Borough and Winchester District.

On 22nd July, 2010, the Borough Council resolved that the SDA would not be taken forward in the Council's planning work. Such a large development would have contributed significantly to the postulated Winchester District requirement; its withdrawal must have had a commensurate contrary effect¹².

The NPPF duty to co-operate with neighbouring LPAs, particularly in relation to housing numbers¹³, seems not to have been fulfilled here.

Census

Since the ONS population figures, from which WCC's new dwellings numbers are derived, the 2011 Census has shown that the actual District population was slightly less than projected in the Plan for that year; 116,600 instead of 117,000. This means the population growth is flatter than the figures used in the Plan.

Projecting forward throughout the Plan period indicates that, for this reason alone, there would almost certainly be a distinctly reduced population requiring new houses by the end of the Plan period.

Household size

The number of persons per dwelling is also relevant here as outlined in paragraph 3.33 of the BPH:

“Some of those arguing that the requirement was too high also suggested that an unrealistically low household occupancy rate of 1.5 persons per dwelling had been applied, resulting in a very high housing requirement. Committee report CAB2231(LDF) pointed out that this comment resulted from the respondents mistakenly calculating household occupancy by dividing the increased population by the increase in housing. This assumes that the new housing is occupied only by the projected increase in population, whereas it is the occupancy of the whole housing stock by the total population that should have been measured. If respondents had done this they would find that the occupancy rate is realistic and comparable with other areas (2.37 persons per household in 2011 falling to 2.22 in 2031).”

SBFG accepts that the use of 1.5 persons per households was a mistake but has since pointed out to WCC members that only a minor adjustment (say 5% or 10%) in the predictions of 2.37 and 2.22 persons per household can result in a lower figure for additional housing requirement. When combined with the fragility of the calculation of 11,000 additional dwellings, a prediction of a much lower number of dwellings results.

12 Eastleigh Borough Council, 22nd July, 2010

13 NPPF 178-181

To summarise in relation to the projected figure of 11,000, we refer to paragraph 4.9 of the BPH:

“As the Local Plan is intended to be adopted in 2013 and contains no phasing or other restrictions on its strategic allocation sites coming forward (or other development in accordance with its policies), the Plan makes appropriate provision for the level of housing required by the SE Plan. “

In the light of the fragility of the 11,000 as evidenced above and the sensitivity of the calculations for the 20 year period, would it not be prudent for WCC to build flexibility in to its plan by phasing strategic development, in particular Barton Farm. SBFG can see no reason why, if it is deemed “compelling” to consider Barton Farm its “reserve” status cannot be maintained.

In this period of uncertainty, this would provide an element of flexibility within the Local Plan for such a time as predicted figures can be replaced by those which are and can be seen to be more realistic.

B) District Housing projection.

The District figure of 11,000 is doubtful at best, in light of the extent of the economic downturn which has become more apparent with the passage of time. PUSH spotted the likely effect of this economic factor and very early downgraded its housing requirement numbers by 7% or 8%. Other LPAs have also revised their housing targets down (Bedfordshire, West Sussex, Kent). The state of the economy has deteriorated since then and is generally acknowledged to be unlikely to recover soon or sharply.

WCC came to the conclusion in 2011 that 11,000 dwellings was a reasonable basis for planning new housing provision. The evidence for this conclusion is not entirely clear, and was, in any event, outdated by the time the HTP was written; hence the request from WCC for DTZ to review the figures. DTZ then explained in their Review paper (DTZ 8/11)¹⁴ comprehensively and in detail how the economic downturn was reducing housing requirements and that the 11,000 was now too high.

Nevertheless, and curiously, in their penultimate paragraph DTZ, notwithstanding their previously expressed caveats on household formation and without mentioning any further or countervailing evidence, said “On balance, DTZ support the Council's conclusion ...”. It must be noted that it was stated to be the Council's conclusion, not DTZ's. DTZ merely agreed, though they did not say why. Since then WCC has repeatedly referred to the DTZ paper as justification for adhering to the original figure of 11,000 when it is in fact nothing of the sort.

DTZ had considered the 11,000 and, in the light of the effects of the economic downturn, had actually discouraged the use of this figure as a target¹⁵. WCC now say¹⁶ that they expect that the 11,000 requirement may well be exceeded. This seems to be merely an opinion, totally unsupported by any evidence. It may have arisen through confusing 'requirement' with 'supply' but that is speculation. Again it should be noted that DTZ did not predict that the 11,000 may 'well be exceeded'. We repeat that DTZ specifically advised that the figure of 11,000 should not be used as a target. SBFG believe that this is because DTZ was not able to determine a figure with any degree of accuracy. The figure of 11,000 additional households can therefore be seen to be far from robust.

14 Review of Employment Prospects, Employment Land and Demographic Projections. DTZ: August 2011, paras. 4.6.1 & 4.6.2

15 DTZ 8/11 final paragraph

16 BPH 6.4

When WCC say, as they now do¹⁷, that they expect the “11,000 requirement may well be exceeded” they also add “especially if there are reasonably strong market conditions”. However, WCC produce no evidence or even indications that these conditions are likely to occur, nor that the 11,000 figure is likely to be exceeded. Speculation and hope are tolerable in some circumstances but should not be substitutes for objectively assessed, adequate, relevant, robust and credible evidence, particularly bearing in mind the application of NPPF to present circumstances.

C Sub-District allocations

Winchester Town

WCC now say in BPH at 5.26:

“Some representations refer to the statement in the Housing Technical Paper that ‘producing sub-District targets should not, therefore, be simply a matter of dividing the District housing total in proportion to the existing population or geographical size of a particular sub-area’ (Housing Technical Paper, paragraph 9.2). This paragraph was making the point that the different spatial areas have been devised for particular reasons and have different objectives which are reflected in the individual spatial visions set out in Local Plan Part 1. The Winchester Town sub-area recognises Winchester’s role as the District’s key and most sustainable settlement and the Plan’s vision for the town is to retain this role by meeting the needs of the local community and economy, whilst respecting the town’s heritage and setting (Local Plan Part 1, paragraph 3.6). Therefore, choosing a housing requirement which is in proportion to the town’s existing role and character is not ‘simply a matter of dividing the District housing total in proportion to the existing population’, it is choosing a development strategy and level which will meet the spatial planning vision for the town.”

The figure of 11,000 for the District is obtained from the ONS (a Government body) and the WCC Housing Technical Paper demonstrates how the 4,000 for WT is calculated. It has been arrived at solely by means of an arithmetical process. The last sentence of BPH 5.26 is therefore incorrect.

The figure of 4,000 is not based on a *spatial planning vision for the town* but the reverse. It is merely a percentage of the 11,000. The *spatial vision for the town* is being dictated by the calculation that 37% of 11,000, a figure which, as illustrated above, is far from robust, results in a requirement for approximately 4,000 additional dwellings over the next 20 years.

We reiterate that there is no robust evidence base for the WT figure of '4,000'. The only attempt to justify it is the much criticised “37%” reference¹⁸. This is, in NPPF terms, not relevant evidence. It may, on occasions, be an arithmetically correct observation but it is not relevant evidence of a causative relationship between WT houses and District houses (or *vice versa*), nor is it *per se* capable of being a determining factor of either.

17 BPH 6.4

18 HTP para 9.5

No other evidence-based method has been put forward by WCC for arriving at WT's housing requirement. Despite this, WCC has complained that no other methods were offered by others¹⁹. In fact our representation on the Pre-Submission Plan suggested one. We proposed that WT's capacity was a useful guide to a WT figure, bearing in mind that in-migration would be the main element of population and housing growth. WCC's unilateral stipulation that WT is to have 4,000 appears not to satisfy the requirements of NPPF²⁰.

Local citizens of Winchester should be allowed to determine the needs of the local community in development terms and also the level of inward migration, dictated by market forces, which they and the City can accommodate and consider appropriate. Paragraph 5.27 of BPH suggests this approach by referring to both needs and capacity. For ease of reference and to amplify the point, we have reproduced paras 5.27 and 5.28 of the BPH here:

*5.27 “ In effect, the Council’s approach is that there is every reason, in terms of its needs and sustain-ability credentials, for Winchester to at least meet its own needs in development terms, for the reasons suggested by those that promote higher levels of development. But this should be subject to it being shown that the town can satisfactorily accommodate this level of development, for the reasons put forward by those opposing development. **In other words, Winchester should have a level of development that enables it to meet its needs and maintain its position as the District’s dominant and most sustainable settlement, provided it has the capacity to do this.**”*

The last sentence of this paragraph is quite clear. The overriding factor is that Winchester must have the capacity for sustainable development and in particular, for Barton Farm. It does not.

*5.28. “In terms of the capacity of the town to accommodate development, many argue that a development target that requires Barton Farm to be allocated must be unacceptable. **However, land north of Winchester has been consistently selected as the most suitable and sustainable means of providing for major housing development in Winchester, if and when such development is needed.** The breakdown of housing needs shows that a large scale of development is needed and there is no planning reason why Barton Farm should not be allocated.”*

This last paragraph (5.28) is misleading. A number of applications to develop on Barton Farm have been submitted by the Developer, Cala Homes over recent years and all have been rejected as unsuitable. This land, outside the City boundary, has been identified as a reserve site, only to be allocated if there is a compelling justification. That compelling justification has not been established to date and it is by the inclusion of the site in this submitted Local Plan that WCC is attempting to remove the ‘reserve status’. We believe it is because, the inclusion of the land for development in the Local Plan, will mean that WCC and the developer will not need to provide a compelling justification for its release, something they are unable to do.

The fragile and unsupported figure of 11,000 is insufficient evidence to constitute a compelling justification to change the allocation of Barton Farm from a reserve MDA to a strategic allocation.

19 CAB2231(LDF) 3.35

20 In particular NPPF para 158

SBFG notes that in BPH 6.4 above, rather than using the term 'housing need' WCC has introduced the words 'reasonably strong market conditions'. This begs the question as to whether Barton Farm is being proposed as a strategic development to meet market conditions or to meet housing need in Winchester.

To further illustrate the point, Paragraph 6.5 of the BPH reads:

*“The 2011 Annual Monitoring Report included a District-wide housing trajectory for the Local Plan Part 1 period, covering the period April 2011 to March 2031. Since the AMR was published in December 2011, the National Planning Policy Framework has been finalised and allows for the inclusion of windfalls in the calculation of housing land supply. **In light of the NPPF guidance and the uncertainty in the future market conditions**, an updated housing trajectory is now included in the Local Plan Part 1 (Appendix F), reflecting the completions which are projected to meet the 11,000 District-wide dwelling requirement.”*

Here WCC categorically recognises the uncertainty of future market conditions.

WT's needs and capacity are addressed further under 'WT Alternatives' below.

WT alternatives

WT can, according to WCC²¹, accommodate over the Plan period between 1,500 and 2,500 new homes more or less within its existing boundary, depending on densities and without requiring very large extra-boundary settlements. The Pitt Manor development (of 200houses) is an example of one such contribution. In addition an allowance for WT windfall sites should now be included, in accordance with NPPF 48 (see 'Windfalls' above).

Other alternative sites have been suggested and discussed but not much considered, it seems, by WCC. Indeed discussion of one apparently viable alternative strategy for WT (the SNUG project) was referred to in a paper to a Cabinet sub-committee²² but was not, for some reason, seriously considered by WCC to be worth pursuing, nor meriting discussion by Council²³. In our previous representation we discussed this project thoroughly, contrary to WCC's assertions in BPH. We commend alternatives such as the 'SNUG' project as worthy of further and positive consideration.

The WCC position is that, in order to meet the District '11,000', WT **must** be allocated the 4,000 (for which there is no robust evidence -- see above) and WCC propose that consequently WT must accept a major development outside its present boundary. This consequence does not seem to follow from an analysis of the facts presented, even though it may be much desired for other reasons or by other interests.

We understand the need for Mod 46, where it raises the question of what WCC would do in the event that there was a delivery failure at Barton Farm. It says little more than that WCC would re-assess the District housing provision (a fairly obvious suggestion) and that it might be that other sources of supply could maintain adequate housing provision. If such sources might exist, they should be being explored now in this Plan and tested as reasonable alternatives. Not to do so would be, in our view, a breach of the terms of the NPPF²⁴.

21 'Plans for Places ... after *Blueprint*' 5.15 & 5.16; and CAB22243(LDF) 6.3

22 CAB2243(LDF) 4.9–4.11 & 6.5

23 The 'SNUG' project was known about but was apparently not formally considered by all Councillors before or after they had voted on the Pre-Submission Plan Part 1 on Dec. 8th, 2011.

24 NPPF 182

The SA/SEA accompanying the JCS purports to comply with Regulation 12(2)(b) of Directive 2001/42/EC²⁵, insofar as it is required “to identify, describe and evaluate the likely significant” environmental effects of implementing the plan, and of “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”.

It cites two recent High Court Judgments^{26,27} in para 11.10 in support of an assertion that it had correctly carried out an appropriate alternatives assessment in the summer of 2011, and had re-evaluated in May 2012 its selection and rejection of alternatives in the context of the Housing Technical Paper’s four Scenarios.

Emphatically endorsed is its selection of Scenario 1, and rejection of the other three Scenarios. However, this is one area where one might have expected major modifications to have been undertaken to the JCS, following the public consultation period between January and March 2012.

It is apparently not sought to modify either the conclusions of the SA/SEA that Scenario 1 is acceptable²⁸, or the Development Strategy Housing Requirement in the JCS²⁹, in the light of the representations made by Save Barton Farm Group (SBFG), where serious doubt is cast on the accuracy of the figures underlying Scenario 1. Support is derived for SBFG’s representations following publication of the 2011 Census which provides a population figure of 116,600 for Winchester District, rather than the projected figure of 117,050 upon which Scenario 1 is based.

A range of reasonable alternatives in terms of a combination of growth areas, or alternatives which doesn’t include Barton Farm as a development site, is simply not assessed by the SA/SEA³⁰. It seems that the Council always intended, despite its persistent objections to the various planning applications by Cala Homes, that Barton Farm would provide a large proportion of the District’s housing requirements. Indeed, Barton Farm was included in both Options 1 and 2 for the ‘potential broad strategic allocations for Winchester Town’ in the Issues and Options document published in April 2008³¹.

Despite reasonable alternatives being put forward by various bodies during public consultations on the emerging CS (on behalf of Winchester City Residents Association (WCRA) and SBFG, for instance), Barton Farm has remained as a development site which can provide 2,000 dwellings, with no alternative solution being put forward by the Council or its professional advisers.

Moreover, even after the public consultation period between January and March 2012, there is no attempt to modify the JCS conclusion that ‘the most sustainable way to provide a large greenfield requirement (which is necessary to satisfy the 11,000 housing target), is by large-scale ‘strategic allocations’ on the edge of existing urban areas’³². This necessarily includes Barton Farm.

25 *Environmental Assessment of Plans & Programmes Regulations 2004 SI no. 1633*

26 *Save Historic Newmarket Ltd v Forest Heath District Council [2011] EWCA 606*

27 *Heard v Broadland District Council, South Norfolk District Council, Norwich City Council [2012] EWCA 344*

28 *SA/SEA Table 11.2 Summary Reasons for Selection/Rejection*

29 *JCS paras 2.34 and 3.1*

30 *Heard (supra) para 58*

31 *Sustainability Appraisal of Core Strategy Issues and Options (Final Draft April 2008)*

32 *SHLAA Update Nov 2011*

The publication of the NPPF in March 2012 provided compelling reasons for the assessment of reasonable alternatives to the selection of Barton Farm, a large greenfield site proximate both to the River Itchen SSSI/SAC and the South Downs National Park, as a strategic allocation³³.

Moreover, the NPPF emphasis on the protection of green belt/greenfield sites, etc., begs the question as to why the similar arguments to those for protecting the area at Bushfield Camp are not being applied to Barton Farm. In fact Bushfield is arguably less proximate than Barton Farm to the River Itchen.

Other potential alternatives have been canvassed; for example, a firm of architects in Winchester (SNUG Projects) identified three potential sites within the City boundaries which could provide up to 2000 dwellings: the cattle market car park/Andover Road, Winnall between Erasmus Park and the flood plain and the playing fields in Bar End. Presentations to Councillors and Council officers in advance of the adoption of the draft JCS in December 2011 came to naught.

To cite from the Judgment in the recent High Court decision in *Heard*³⁴:

“...an outline of reasons for the selection of alternatives for examination is required, and alternatives have to be assessed, whether or not to the same degree as the preferred option, all for the purpose of carrying out, with public participation, a reasoned evaluative process of the environmental impact of plans or proposals. A teleological interpretation of the directive, to my mind, requires an outline of the reasons for the selection of a preferred option, if any, even where a number of alternatives are also still being considered.”

An equal examination of the alternatives should be conducted, and if no equal appraisal has been accorded to any alternatives (because only one option has been selected) it rather highlights the need for the selection of alternatives. This would seem to be a very reasonable course of action.

MTRA

MTRA held excellent consultations about future needs³⁵. Great attention was given to the need to protect the setting of the individual settlements, to make good use of within-boundary sites for new homes and to minimise the extension into out-of-boundary sites. From these consultation results WCC derived and allocated new housing numbers to the various settlements.

These were published, showing new homes over the Plan period of between 1,700 and 2,500. If just a token allowance of, say, 400 is added for the smaller villages³⁶, which it seems were not included in the figures, the MTRA new homes figure to be allocated over the Plan period is realistically between 2,100 and 2,900.

However, WCC disregarded all these consultation-based figures presumably because, if added to SHUA's 5,500 and WCC's preferred '4,000' for WT (see above), they would have exceeded the figure of 11,000 (see above). Instead WCC allocated in the Plan just 1,500 new homes to MTRA; that is the remainder “..required to achieve the District target of 11,000.”³⁷

33 Eg NPPF paras 109 et seq

34 *Heard (supra)*, Judgment of Ouseley J at paras 69-71

35 CAB2177(LDF) and see 'Plans for Places ...after *Blueprint*' and particularly Appendix 1.

36 e.g. average of one house each for, say, 40 villages every other year.

37 HTP 9.9

In fact WCC does expect MTRA to contribute more than 1,500 to the District total³⁸; it just does not want to include any more than the 1,500 residue in the allocation because this would jeopardise the arithmetic of dividing up the high figure of 11,000 whilst preserving the over allocation of 4,000 additional dwellings to WT.

D) Flooding and Water Environment

Ever more important considerations that in the past have been over-looked are the issues of flooding and water environment. Our comments on the Mods in this respect are as follows.

Biodiversity p97 bullet point 4

“...new development will be required to avoid adverse impacts”...

The biodiversity of the River Itchen would inevitably be adversely affected both by the scouring and re-configuring of gravel beds and by other damage to wildlife habitats that will be the consequence of replacing the arable soil that at present gives a measure of protection to the chalk aquifers that regulate the flow of water upstream of Winchester and by the increased abstraction of the water needed to supply 2000 new dwellings.

Flooding and the Water Environment p97 para 7.30

Precisely. This is why we have consistently objected to the proposal to damage a key element in this aqua system.

Flooding and the Water Environment p98 para 7.32

Ground water resources in the district would be put at risk by substituting a housing estate that would generate effluent, and roads and hard standing that would produce traffic-contaminated run-offs for rainfall that is at present filtered through topsoil before passing to the aquifer.

Flooding and the Water Environment p98 para 7.33 2nd bullet

“...protect the quality and quantity of drinking water”.

The household water used in Winchester comes from the chalk aquifers that lie beneath the surrounding countryside. Until now that water has been filtered by the overlying farm land. If that land is converted into a built-up area there would be less available soil to do that filtering, a greater risk of effluent overflow and more uncontrolled run-off reaching the river.

We believe that insufficient attention has been paid to the question of household water supply to the proposed development. The drought in the early part of this year demonstrated that even areas that have hitherto had a sufficient supply can, within a matter of months, no longer reliably meet the needs of their customers. There is no national water grid and even if the water companies could agree to constructing one the cost would be immense and the time needed for its construction lengthy. In short, for the present we must use our drinking water sources wisely.

38 CAB2231(LDF) s.3 generally and para. 3.42

Flooding and the Water Environment p98 para 7.33 4th bullet

SBFG would urge that this point be continually born in mind. Historical records seem to indicate that, before the post-war development of Winchester's suburbs, there were few noteworthy floods in the centre of the city. Since then there have been floods. This would seem to suggest that building substantial settlements on the edge of Winchester has an adverse effect on the centre.

Flooding and the Water Environment p98 para 7.34

The abstraction areas that supply Winchester District are already "seriously water stressed". In the absence of a national grid (see above) it is little short of folly to propose adding the demands of an additional 2000 households to our already fragile water supplies.

Flooding and the Water Environment p99 para 7.36

Since it appears that Hampshire County Council has not yet developed a Local Flood Risk Management Strategy for Hampshire, no decisions should be made regarding large developments.

Flooding and the Water Environment p99 para 7.39

Once again it must be stated that the flooding concerns that SBFG expresses relate to the centre of Winchester, an irreplaceable historic construct. Building on Barton Farm would substantially increase the likelihood of flooding Winchester.

E) Consultation

We agree with the amendment in Mod 33. The description of an 'extensive community engagement' in WT in the Pre-Submission text was at variance with fact and it is correct to have deleted it. Virtually no effective public consultation occurred and, as already stated, there was none on housing numbers. The Town Forum is indeed updating its paper 'The Vision for Winchester Town'. That too does not deal with housing numbers. We await its final version. We note that The Town Forum prefers to preserve the City's footprint and its setting.

The responses to "Plans for Places ... after Blueprint" were reported by WCC officers³⁹. There were 201 respondents, including residents of the District, Statutory Consultees, Development interests and others.

Question 1 had been 'Do you agree with the 11,000 new homes for the District **and** the distribution of that figure to the three sub-District areas?' There were 100 replies; 60 opposed. Of these, more said it was too high; fewer said it was too low. Most comments in support were from Statutory Consultees, who were described by WCC as "perhaps [having] a broader overview"⁴⁰. It is not clear whether WCC really meant to imply that comments from others were to be taken less seriously. Opponents were from development interests (or their agents) – who would want more – and residents.

39 CAB 2231(LDF) 28/9/11

40 *id.* para 3.43

Question 4 assumed that the 4,000 for WT was a 'given' and then asked two questions: (a) If the Secretary of State grants planning permission for 2,000 on Barton Farm, do you agree with where the rest of the 4,000 is proposed to go ? (b) If he does not, where would you like the 4,000 to go ? In Appendices 4a and 4b to CAB 2231(LDF) the majority of citizen respondents, faced with a 'begged' question, made it clear that for them 4,000 was not acceptable, nor was 2,000 on Barton Farm. Those who were in favour of either or both were mostly distant parish councils or developer interests.

It is difficult to know how local 'localism' should be but a greater prior involvement of WT citizens would have resulted in bringing convincing influence on WCC before they decided to promote the 11,000 and the 4,000.

Mention must be made of the public discussion in the Theatre Royal. Unfortunately none of the Councillors on the platform answered the direct question "what is the evidence for the 4,000 ?" There were many present who really did want to know the answer before making up their minds about the justification for WCC's position. That was a consultative opportunity missed and mismanaged.

Overall, we believe the consultation process was flawed.

F) Future papers.

It is suggested in Mod 44 that future LPP2 and other 'Background' papers will be used to allocate sites for specific uses in WT. We appreciate that PINS may favour this method but are concerned that it may be used to pre-empt or prevent approving in-town sites for housing or mixed-use development, by WCC allocating them for other uses. We should be glad if the 'in-town' -v- 'out-of-town' debate could be satisfactorily concluded and the possibility of using viable 'in-town' sites for homes is not prematurely eliminated. The influence of effective public consultation on the issue of 'in-town' housing should not be smothered.

The danger of this happening is further illustrated by how WCC react, as in paragraph 5.37 of the BPH:

*"In conclusion, therefore, the housing requirement for Winchester is aimed at delivering the planning vision for this spatial area, is proportional to the role and importance of the town and can be accommodated on sites and locations which are acceptable and realistic. **No properly worked-up or justified alternative to the housing provisions for Winchester has been put forward and the suggestions that have been made for alternative levels of development are not properly justified or evidence-based.**"*

We are of the opinion that:

- a) Few individuals, if any, outside WCC, have the expertise and/or resources to be able to draw up alternative suggestions which can be properly justified to the satisfaction of WCC. SBF understands that SNUG were requested not to pursue their strongly evidence-based alternative proposals until after the draft Local Plan was passed by WCC full Council on 8th December 2011.

- b) SBFG does not believe that WCC has considered the positive sides of the SNUG proposals but is promoting arguments to reinforce the easy option of allocating Barton Farm.

G) Conclusion

It cannot be doubted that the Joint Core Strategy (JCS) has had a convoluted passage to reach the submission stage to the Secretary of State. The fact that so many modifications have been proposed, following the JCS's submission, is testament to the fact that the JCS may be inherently unsound, and is not legally compliant.

It is submitted that the proposed modifications illustrate how ill-considered was the Council's precipitate action in forcing a vote, by means of 3-line whip in the controlling Conservative Group, on 8th December 2011 (apparently in contravention of its own Planning Protocol⁴¹) to adopt an unsound, and legally flawed JCS.

In addition to the overall shabbiness surrounding the production of the JCS, inherent in its composition are contradictions and unsound suppositions that undermine any credibility the JCS purported to have and leads to the only conclusion that the current JCS needs to be set aside and a fresh JCS composed that takes account all of the issues mentioned above and that also truly reflects the needs of Winchester District in general and Winchester Town specifically..

Just one example is where WCC purports to be taking the view that it is important to consider:

“...what is right and consistent for the settlement, its community and the Local Plan.”

For ease of reference we reproduce paragraph 5.46 of the BPH below:

*“It is not proposed to respond to individual representations that object to the settlement classification or settlement housing targets in the Plan. Indeed, most of these relate to objectors promoting sites and therefore seeking a settlement to be in a higher order category or have a larger housing target. However, it is important in considering such objections to examine the justification and evidence (if any) behind the representations and to bear in mind the implications for the consistency of the Plan of moving one settlement to a different policy category, or of changing the settlement housing targets. In order to avoid inconsistency and possible future challenges, there would need to be very clear and sound reasons for making such changes. The many requests from developers / landowners for various settlement targets to be increased also need to be assessed in terms of **what is right and consistent for the settlement, its community and the Local Plan**, not just what is right for the objector.”*

In relation to Barton Farm we believe that WCC is ignoring this statement and has been placed under pressure by Cala Homes to remove Barton Farm's reserve status and allocate it as a strategic development site.

41 Protocol on Planning, para 4.7

This is further illustrated in paragraph 5.40 of the BPH:

“In conclusion, the housing target for the MTRA area as a whole (and for the MTRA2 settlements within it) is appropriate to meet the vision for this spatial area. This gives priority to each settlement determining and providing for a level of development appropriate to its needs, rather than having development imposed upon it.”

This is a courtesy given to the MTRA which has not been extended to Winchester Town.

WCC explain the thinking behind their strategy at paragraph 3.12 of the BPH:

“The Council wanted to follow the principles of localism in developing its housing target, rather than simply appearing to replace one ‘top-down’ target with another. It was also conscious that there had been considerable front-loading and consultation on the Core Strategy (albeit on everything apart from housing targets) and was concerned about the risk of ‘consultation fatigue’. It therefore wanted to involve local people and communities so that any target would be genuinely ‘locally-derived’ whilst guarding against the danger of the process being dominated by particular interests (whether pro- or anti-development).”

The last sentence is an admirable principle but unfortunately SBFG believes that the strategic allocation of Barton Farm is being driven not by the interests of local inhabitants but by a particular commercial interest, (Cala Homes). It is not locally driven. This pressure is further evidenced by Cala Homes’ actions leading to several planning applications, two Public Enquiries and recently, three applications for judicial review. In doing so, WCC is ignoring the true local housing need, (N.B. “need” and not market demand encouraging inward migration), and the capacity of Winchester Town to cope with massive additional population and is ignoring the deleterious effect on the special characteristics so freely acknowledged by it and that it purports to value.

Ultimately, as citizens of the United Kingdom, we have a duty to protect those aspects of British life that are at the core of our history, culture and values – Winchester is just such a place. Winchester is a City but it commonly referred to as a small town or a market town. Many British towns and cities are rightly cherished and protected because of their importance as evidence of our pre-history and history. But nowhere else shows the continuity of our story – the “sweep of history” – as Winchester does. For example, the river crossing at the mill was being used by Neolithic farmers 6,000 years ago, and quite probably by their Mesolithic hunter-gatherer predecessors for two or three millennia before that. The Broadway and the High Street follow the route of an equally ancient trackway. Bronze Age barrows on Compton Down (and the discovery in 2007 of a Bronze Age ring in Headbourne Worthy) and the Celtic Iron Age hill fort on St Catherine’s Hill again point to the continuity of Winchester’s importance as a river-crossing settlement between 4,500 and 2,000 years ago. It became an important Roman settlement, and the Normans made Winchester their capital after the Conquest, replacing the Saxon Old Minster with the Cathedral which is still, 900 years later, one of the main reasons that people visit Winchester.

By the 16th century, Winchester’s importance was becoming less administrative and religious, and more commercial and economic, as an important wool town. Henry VIII’s gift of the 13th century Round Table also hangs in the Great Hall. Oliver Cromwell destroyed Winchester Castle, of which the Great Hall was part. Remains of the Castle have been preserved and are displayed in the courtyard outside the Great Hall and Law Courts, and Wolvesey Palace, the residence of the formerly powerful bishops of Winchester. The late 17th century bishop’s palace built next to the ruin of Wolvesey is still in active use.

Georgian and Regency Winchester includes the army barracks from which British troops left to fight Napoleon and the rebel forces of the United States. Winchester remained a proud and important centre through the Victorian age, symbolised by the Guildhall and Sir Hamo Thorneycroft's statue of King Alfred dominating the Broadway. And Queen Victoria herself presides over the Great Hall in the form of the monumental statue by Alfred Gilbert commemorating her Golden Jubilee in 1887. The city centre reached its current scale in the nineteenth century.

The Planning Inspector's Report from a 1997 Planning Inquiry into Barton Farm recognised the distinctive contribution of countryside which extends to the City boundaries, as follows:

“Winchester is characterised by long wedges and fingers of countryside running into the City. These create the green setting of Winchester for which the City is famous. The Objection site forms one such wedge of countryside. Its openness and rolling character...makes a substantial contribution to the setting and character of Winchester, particularly when approached from the north along Andover Road. The impact of housing development on the Objection site would, in my opinion, be substantial in that it would be intrusive in the landscape and would affect the views into and over the Objection site. It would bring the urban edge of Winchester out into the countryside in what I consider to be an unacceptable manner thereby seriously affecting the setting and character of Winchester and the visual amenities of the area.” (Page 229, para.11.79)

To permit the development of Greenfield sites outside the City's boundaries, in an attempt to satisfy an unrealistic housing target, would not only be unnecessary, but would irrevocably damage the infrastructure of a precious heritage asset and destroy the environment in which it sits.

Yours sincerely

Gavin Blackman
Chair, Save Barton Farm Group (SBFG)

Appendix - Modifications of Note

Below is a review undertaken by SBFSG of a selection of the numerous Modifications made by WCC to the JCS. That so many modifications have been proposed, following the JCS's submission, is testament to the fact that the JCS may be inherently unsound and not legally compliant. We have outlined what we understand the amendments to be for each of the Modifications we have selected and have made some brief notes against them, just to highlight the particular issue in point.

Mod	Page	Para	Amendment	SBFG Notes
10	8	1.8	New para about 'soundness' and legal conformity	If this is indeed the case, why are there so many modifications required?
15	14	1.39	Again, talk of legal and procedural requirements and then ref to both being 'legally compliant' is crossed out	WCC seem very keen to emphasise the legality and one reason could be they are mindful that the JCS is weak here, as emphasized by the sheer number of modifications.
16	14	1.40	Legal compliance referred to again in relation to preparation of docs	Ditto
19	17	2.6	Despite growth in district wide employment 2003-09, WCC concede in this para that there is considerable uncertainty over future employment growth and the anticipated growth figure of 13% to 2031 across the district is crossed out. Reason given that there is not now a target for job growth/numbers.	This contradicts one of WCC's reasons for the need to build Barton Farm ie to encourage job growth in Winchester by giving the workers somewhere to live rather than the need for commuting. If there is no job growth there is a reduced need for housing numbers and therefore no need to develop Barton Farm.
23	20-23	2.11-2.30	Distributed around JCS (pgs 30-64) apparently for avoidance of repetition and to provide detail with relevant development strategy..... Para 2.14 is kept here with reference to broad %ages and in and out commuting but is repeated elsewhere as are all these moved paras.	Whole WT/SHUA/MTRA section has been replaced by several longer paras which begin with 2.14 <i>'WT as the largest settlement is home to 36% of the WD's pop and 50% of WD's employment provision.'</i> As evidenced previously, these figures are questionable.

25	25	2.34	<i>“Whilst respecting its setting with the South Downs National Park...”</i> is added. The reason given is clarification and consistency.	Barton Farm is just as close to the South Downs National Park as any other greenfield site around Winchester and this should be taken into consideration. Not to do so is another inconsistency within the Modifications.
26	27	3.1	The words: ‘...objectively assessed development needs...’ are inserted, before ‘of the District’, including 11,000. This has been done to comply with the NPPF. Talks about a key diagram, presume Map 3	As explained in the main body of this Paper, how are they objective? Where is the proof of this objectivity when other councils are ‘objectively’ reducing their housing figures in response to changing economic circumstances?.
29	28	DS1	‘...measures to mitigate impact’ has been added to the end of the 7 th bullet point	It is unclear which new development WCC mean but they would now seem to anticipate an impact that needs mitigating where before there wasn’t. This is not very clear.
30	28	New	A new para is inserted after the bullet points‘this policy will be delivered...and refers to App E where infrastructure requirements are summarised.	This covers infrastructure delivery like Public Transport (major developers will be expected to contribute) and Flooding - it says ‘Avoid inappropriate development in areas of flood risk...’. This is precisely the point made in our comments in the main Paper regarding Flooding which is an ever more important area of consideration that is consistently over-looked.
32 & 33	30	New	2.12 & 2.13 reinserted here and then a whole chunk of 3.4 crossed out about community engagement but prefaced with ‘The Town Forum is in the process of updating its vision.....	2.12 & 2.13 reinserted here for clarification to avoid repetition Reason given is updating to reflect progress on revised vision. In the Town Forum’s revised Vision Document, a number of references were made to “working with the developer at Barton Farm” and “once Barton Farm is developed” and so on. We made representations to the Town Forum on this point ie they are pre-judging the decision on Barton Farm and therefore undermining the democratic process.

				We understand the Town Forum is amending its Vision appropriately.
35	31	3.7	<p>2.14 %ages used in mod 23 reiterated, this time added to bullet point 1 ‘provide 4,000 new homes...’ 2.15 about the decline in jobs but offset by growth in other sectors is replaced here, tacked onto bullet point 2.</p> <p>2nd half of 2.14 tacked onto bullet point 4</p> <p>Other bullet points have been expanded with other info eg 5th bullet point is added info taken from 3.16 ‘the town experiences large daily commuting flows with about 18000 in and 10000 out, 6th bullet point is added ‘there is a shortfall of recreation land available for the size of the population...’”</p>	<p>These broader %ages seem to be being used to endorse need for 4000 new homes – and we have gone into plenty of detail in the main body of this Paper to demonstrate the weaknesses in the 4,000 figure. Reason for these amendments is apparently to avoid repetition yet they are all repeated! The real reason is more likely to serve to try and justify the 4,000 figure.</p>
36	32	3.10	‘through a future DPD or Neighbourhood Plan’ inserted as is word ‘specifically’ for WT	Apparently to clarify that provision for housing will be mainly through a DPD
37	33	3.16	Copy crossed out here and inserted in 3.7 (see mod 35 above). A ref to the redevelopment of the area around the station is made in an addition to this para under employment rather than housing	An indication that WCC recognize that there are alternatives within the settlement boundary for development before any greenfield sites need to be considered.
41	35	3.26	The word ‘large’ has been crossed out before shortfall and the detail of the shortfall also crossed out. This has been crossed out elsewhere in the mods eg pg37 WT1	We do not understand why this modification has been made.
44	37	New	‘This policy (WT1) will be delivered through the implementation of the following policies, WT2 and WT3, in addition	This is just one example of the theme running throughout the JCS and some of the proposed Modifications ie that Barton Farm

			to other proposals coming forward.....”	will be developed come what may and despite overwhelming evidence to the contrary.
45	38-39	WT2	BF is mentioned throughout appendix E as if already decided. Bullet point 9 on pg 39 is expanded to include the line “...apply a flood risk sequential approach to development across the site and ensure adequate separation from the Harestock Waste Water Treatment Works.”	Why hasn't this been considered before? Just one example of the various flooding issues being overlooked.
46	39	New	New paras are inserted here which talk about planning permission being sought and a decision awaited. It mentions a housing trajectory set out in App F with expected delivery times. It then goes on to say that if at some point in the future it becomes clear that the site is failing to deliver the level of housing proposed the implications for the Council's ability to ensure adequate housing land supply across the District will be assessed. It may be that other sources of supply can maintain adequate housing provision.	This caveat is a recurring theme and is repeated in new para inserted after SH3. This is supposed to clarify how these sites will be delivered but instead throws up the prospect that they may not. If there are other sources of supply that can maintain adequate housing provision in the event of this failure why aren't they being explored now or instead? This goes to our comments regarding WCC not adequately considering alternative sites in the JCS.
48	43	New	A new para has been added to WT3 much of which could apply to why Barton Farm should be treated like Bushfield	If the same criteria are applied to Barton Farm as they are to Bushfield Camp than this supports the argument that any proposed development should not take place at Barton Farm.
49	46	3.46	The para has been extended with: 'Here the large scale development strategy focuses on large scale development concentrated to form new urban extensions, rather than dispersing similar numbers amongst the smaller settlements which also lie within the PUSH area.'	The spatial vision for this area apparently reflects the matters in points 3.41-45 but not seemingly Eastleigh's decision not to proceed. Further why is such large scale development favoured over small scale urban development in the smaller settlements – especially as those MTRA settlements welcome development?

56	49	New	New paras are inserted after SH2. Refers to build rates and Appendix F but in 2 nd para: ‘Due to the economic situation the build rate has been slower than originally anticipated; however the dwellings now being built are in demand and the rate of development on the site is expected to increase.’	There is no evidence given for this assertion and we doubt its veracity.
----	65	5.2	Bullet point 4 suggests WCC still intends to meet the SE Plan targets despite its pre-dating the recession when other PUSH LPAs eg Eastleigh will not (see right)	On 22 July 2010, Eastleigh Borough Council formally resolved that the SDA would not be taken forward in the Council’s planning work. This followed the Coalition Government’s stated intention to revoke the South East Plan and all other regional spatial strategies. Another example of the weakness of WCC’s numbers in the JCS.
94	71	5.26	Reference to 11,000 homes is crossed through to reflect conclusions of strategic housing market assessment 2011	Why is this reference to 11,000 homes crossed through?
95	71	5.28	Significant additional affordable housing added	We do not understand how is this can be considered a clarification?
97	71	5.30	Acknowledge at the end of this para with an addendum that regard will be given to the suitability and availability of other sites in the MTRA	Just another example of the inconsistencies within the JCS. Why is there not consideration of other alternative sites where Barton Farm is concerned?
100	72	5.33	Removal of a repeated para	A simple illustration of the shabbiness in the composition of the JCS and underlines the fact it was a rushed job.

----	81	6.4	Last line states global recession had yet to be felt in relation to a 2007 report	It has now - this should be acknowledged surely rather than continued reliance on out of date reports? Another example of the reliance on outdated material.
----	96	7.26	Last sentence cannot stand up to scrutiny using the current numbers	Another example of the fragility of the numbers in the JCS.
130	99	7.36	Reference to a Local Flood Risk Management Strategy for Hampshire.	This is in respect of an emerging key strategy document under the recent Flood and Water Management Act – another reason why the flooding implications in relation to Barton Farm should be carefully considered and not overlooked.
----	99	7.38	Ref to proposals demonstrating that there are no suitable alternatives	As we have demonstrated, this has not been proven in respect of Barton Farm.
132	99	Footnote	‘or in an area with drainage problems identified through a SFRA’	Barton Farm is such an area and therefore should be considered as such.
133	99	7.39	More reference to vulnerable development being located in areas of lowest flood risk	This has been updated to comply with NPPF – has a significant bearing on the proposed development at Barton Farm

Appendix 2 - Natural environment and landscape setting representation

The WCC LPP1-JCS does not adopt appropriate strategies for Winchester Town and its landscape setting, to meet the requirements of the national planning policies set out in the NPPF (March 2012)

The National Planning Policy Framework (NPPF) requirements:

NPPF replaced Planning Policy Statements ,including PPS3 Housing, necessitating the replacement of those policy references in SBFG's earlier representations, using NPPF policies when applicable. LPP1-JCS preceded the publication of NPPF and the submission of SBFG's evidence in response to the consultation.

NPPF requires Local Authorities to adhere to and be consistent with policies relating to the following aspects cited below. SBFG regard the WCC's Proposed Modifications relating to Policy WT2 as unsound because they do not meet the requirements if NPPF:

NPPF requires Local Authorities to prepare Local Plans which:

- 1 -reflect the needs & priorities of their communities.
- 7 -promote sustainable development: economic, social & environmental.
- 7 -Protecting and enhancing the natural, built and historic environment.

SBFG's specific concerns relate to the failure of the LPP1-JCS to the Proposed Modifications to meet the following NPPF criteria:

- 1 -to reflect by the consultation process 'the needs & priorities of their communities'
- 7 -to protect Winchester's 'natural, built & historic environment',
- 80 – to 'preserve the setting & special character of historic towns' by proposing development which does not respect Winchester's landscapes and setting;
- 17; 111 -to 'prioritise previously developed land and development ' within Winchester's settlement boundaries;
- 17 -to 'recognise the intrinsic character and beauty of the countryside' at Barton Farm;
- 111-'allocate land by re-using land that has previously been developed' within Winchester's boundaries';
- 112 -'take account of economic ... benefits of best & most versatile agricultural land': Barton Farm is part of a large tract of highest quality farmland.

In all the above respects the allocation of Barton Farm violates the principles, protection and hierarchy of conditions set out in NPPF for development.

By selecting a vast green wedge of best quality agricultural land, when previously developed land is available and feasible alternative sites have been identified with the curtilage of the City, the Council have failed to adapt their proposals to meet the requirements of the NPPF.

SBFG have previously drawn attention, in accordance with NPPF prioritisation of brownfield land (17), to under-used and run-down areas of the City with development potential. These were identified for potential regeneration by the SNUG Project in a public presentation in November, 2012.

Vacant Council land was also identified as available for development within Winchester Town boundaries, sufficient to meet the first 10 years of the plan period. These sites would enable Council housing and mixed use development. Enabling people to live in the City, walk or cycle to work and reduce traffic and pollution, while retaining access to a vibrant countryside for recreation and walking, protecting the distinctiveness of the nearby villages.

Barton Farm is distinctive for its contribution to the setting, not only of the historic City but also for its extensive views across to the South Downs National Park and the famous River Itchen Valley. It is proximate to a SAC designation and numerous SSSIs, sited just below the farmland and the Local Gap, rich in biodiversity and part of the green corridor from the Roman Road, Andover Road, across to the SDNP at Nun's Walk, by the River Itchen.

Modification No. 32, pg. 30, referring to Winchester Town states:

‘It is a compact, vibrant, distinctive City in a remarkable setting’.

The delivery trajectory does not reflect the increasingly serious economic downturn, likely to impact on the development

The housing numbers need to reflect the deepening recession, which renders the LDF programme predicting retail growth & in-migration unrealistic.

Reduction in the retail sector would also generate a fall in demand in the housing market.

WT2

Mod.32 pg. 30 is welcomed in that it recognises Winchester as:

‘a compact, vibrant, distinctive City in a remarkable setting.’

Which ‘enjoys a direct link to beautiful countryside,’... ‘and the nearby hills of the South Downs.’

Historically retaining development within the City boundary has ensured the distinctive green wedges protect the landscape setting of the historic City at the entrances from north and south.

The current proposals, in proposing to release land at Barton Farm violate this principle, damaging the landscape setting and the visual impact of the extensive views approaching the City, from the Andover Road across the farmland to the SDNP.

The significance of the setting in this area was emphasised in depth by the Report 'Winchester City and its Setting' 1998.

5.5.13 ' Andover Road ...is of Roman origin and is the most major route with views to the adjoining rolling downland' . Views from the ridgeline reach into the heart of the City'.

Mod.115, pg89 cites CP12as providing protection for areas designated for their local or national importance such as gaps and the SDNP, ...and heritage assets, including their setting;'

Barton Farm was originally a Strategic Gap and is now a Local Gap to retain the distinctiveness of the settlements of Kingsworthy and Headbourne Worthy.

It also comprises a significant part of the setting of the historic City and as such needs to remain as a protected landscape.

For this reason it was designated as a reserve MDA only to be used in the event of compelling justification in the shortfall in the housing requirement of this magnitude.

The same protection needs to be retained and SBFG recommend this prominent part of the setting of the heritage City and the SDNP should be retained in perpetuity.

WT2

Mod. 46 pg. 39 Identifies Barton Farm as a potential development site, specifying how it will be delivered.

The wording states 'Planning permission has been sought ...and a decision is awaited.'

In his letter earlier decision the Secretary of State

The wording in the LPP1-JCS assumes planning permission will be granted. It has identified Barton Farm as a strategic development site, before the decision has been made.

The situation is very different now the NPPF requirement has changed, as the SBFG representation BF has demonstrated.

The Secretary of State, in his letter of Sept. 28th 2011, refused Cala Homes Planning Application .

He concluded that 'the development of this attractive greenfield site would undermine the character of the landscape and the key characteristics of the relevant Landscape Character Area. The development would also alter a valued part of the setting of the historic City of Winchester'.

He also identified conflicts with PPS7, given the loss of agricultural land.

NPPF now strengthens the case for again refusing planning permission on both these counts:

109 ‘The planning system should contribute to and enhance the local environment by
-protecting and enhancing valued landscapes’.

112 ‘Local authorities should take into account the economic and other benefits of the best and most versatile agricultural land.’

Defra confirmed the calibre of the land at Barton Farm as in this highest category of 1-3a.