

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Examination – July 2016

Winchester City Council

Response to Inspector's Questions :

**Matter 1 Plan Background/Evidence base
and Sustainability**

Questions i) - iv)

Library Reference : WCC FS 01



Inspector's Questions:

- i) Is the Plan supported and justified by clear and robust evidence?
- ii) Will it satisfactorily and sustainably deliver the new development needed over the plan period to implement the objectives and requirements of Local Plan Part 1?
- iii) Are any policies or proposals inconsistent with national policies in the NPPF and, if so, is there a local justification supported by robust and credible evidence?
- iv) Has the plan been the subject of suitably comprehensive and satisfactory sustainability appraisal [SA] and strategic environmental assessment [SEA]?

Introduction and background :

1. The adoption of [Local Plan Part 1](#) in March 2013 (OD7), established the development strategy in both quantum and spatial distribution of growth for the Winchester District up until 2031. LPP1 was subject to a High Court challenge on three grounds, which was subsequently dismissed (EBT3).
2. The purpose of [Local Plan Part 2](#) (LPP2) ((SUB1) is to add the necessary detail through the allocation of sites for development in accordance with the strategy in LPP1 and to set out a series of development management policies to replace those saved from the Winchester District Local Plan Review 2006 (OD10).
3. Preparation of Local Plan Part 2 commenced with extensive community engagement, through active participation with parish councils to identify potential sites for development. In addition, numerous [technical assessments](#) were undertaken, together with sustainability appraisal assessments to determine the most appropriate and deliverable sites to allocate in LPP2. This process was continual from late 2012 until late 2014, when the Draft Local Plan was compiled and published for consultation under [Regulation 18](#) (OD4).
4. Over 1000 representations were received on the Draft Plan and considered by the Council's Cabinet Local Plan Committee (WCC1-4), prior to the final approval of a revised LPP2 for [publication](#) (WCC5) during November/December 2015. Some 360 representations were received at this stage, commenting on the 'soundness' and legal compliance of LPP2. LPP2 was formally [submitted](#) for examination on 23 March 2016.

Is the Plan supported and justified by clear and robust evidence?

5. Para 158 of NPPF refers to the need for local plans to be based on adequate, up-to-date and relevant evidence. The tests of 'soundness' set out in NPPF paragraph 182 require that plans are 'based on proportionate evidence'. Paras 1.6 – 1.9 of LPP2 (SUB1) summarises the proportionate evidence base that has been used to inform the preparation of LPP2 and acknowledges that LPP2 does not seek to review or update the housing requirements set by LPP1.
6. This matter is challenged by a number of representations and the Council has therefore prepared a [Background Paper 1 – Housing Requirements and Supply](#) (OD15) to cover this issue in detail, which concludes that LPP2 is consistent with LPP1, which took account of all housing needs including affordable housing, and that there is no need to review the 'objectively assessed needs' established in LPP1 at this time. OD15 acknowledges that housing delivery is slightly behind the projections included on the housing trajectory, but that it is anticipated that the housing requirement will be met and in fact exceeded within the Plan period.
7. Given that a key purpose of LPP2 is to allocate sites for development in accordance with the strategy established in LPP1, the Council was keen to work collaboratively with local communities to identify sites. Settlement specific evidence was compiled - '[Data profiles](#)'; '[assessments of windfall trends and potential](#)', together with [topic specific technical assessments](#) to provide for more detailed site assessments, based on the sites identified in the [SHLAA](#) (EBT8/8a). These also informed the need for various development types, for example open space (EBT11). Several representations relate to these settlement-specific evidence studies, which are dealt with in the Council's statements on individual settlements (Matters 6-15).
8. This data was shared with communities' representatives, who also undertook a range of events such as workshops and surveys, to establish a local outcome that reflected community views and aspirations (consultation statements OD2, OD5). A representation suggests that BME groups have been excluded from the LPP1 and LPP2 processes, particularly when assessing the options for Winchester Town. Preparation of LPP1 and the various consultations undertaken at that time were debated during the LPP1 examination in 2012, the Inspectors report concluded that the Plan was legally sound in this respect and para 7 of EBT2 specifically refers to this matter:

“Some criticisms were levelled at the form, nature and extent of the Council’s consultation processes during the plan’s preparation but the requirements of the Statement of Community Involvement (SCI) (January 2007) (CD 4) have been met in full. Moreover, the thoroughness and coverage of the various public consultation

exercises was entirely appropriate (and in one element –Blueprint – the recipient of a national planning award) and satisfactory.”

9. The consultation statements (OD2, OD5) set out in detail the nature of the various processes implemented for LPP2, with specific regard to Winchester Town, this included a leaflet in the Mid Hampshire Observer edition dated 29 October 2014. Given the unparished nature of the Town, consultation also involved some Parish Councils on the periphery and other organisations (para 2.5 OD5), events were duly publicised and, with the exception of a couple of initiation only events, were open to all. The results are set out in the [Winchester Town LPP2 Consultation Report](#). The Council maintains that during LPP2 an inclusive consultation process was initiated allowing those wishing to participate to do so.
10. Where specific matters have been raised through representations, the Council commissioned additional evidence to inform the site selection/policy formulation process, for example the ‘Specialist Housing for Older People’ study (EBT17). The [LPP2](#) pages on the Council’s website include the evidence specifically undertaken for preparation of this Local Plan. In addition, much of the [evidence](#) for LPP1 remains relevant as it supports the LPP1 strategy, which LPP2 seeks to implement, and it has not been necessary to commission more up-to-date reports to inform LPP2.

Will it satisfactorily and sustainably deliver the new development needed over the plan period to implement the objectives and requirements of Local Plan Part 1 ?

11. LPP1 (OD7), includes a spatial vision and series of planning objectives for the District, over the Plan period. These remain consistent with the Council’s [Community Strategy](#) (OD13) which was refreshed and adopted in January 2014.
12. Para 2.17 of LPP1 highlights the relationship between the individual policies and the planning objectives. The Council proposes that within the ‘Introduction and Background’ section of LPP2, the links between the spatial planning objectives and policies in LPP1 and LPP2 are set out, to provide a comprehensive overview of the relationship between all the Local Plan policies, this will be undertaken as part of the overall updating of LPP2.
13. A number of representations challenge the assessment of objectively assessed needs and suggest that LPP2 should have reviewed the housing requirement for the District, or that particular needs (e.g. affordable housing/older persons) are not addressed. These matters are covered in detail in Background Paper 1 – Housing Requirements and Supply (OD15), which confirms that the Council has approached LPP2 on the basis of identifying sites to meet the housing requirements set out in LPP1, not to review or re-write them.

This approach is consistent with the approach adopted by other local plan Inspectors locally and supported by case law.

14. OD15 acknowledges that housing delivery is slightly behind the LPP1 trajectory, but goes on to stress that the trajectory is a snapshot of expectations when LPP1 was adopted, which is monitored and updated annually in the Annual Monitoring Report. The LPP1 trajectory is an appendix to the Plan, not a policy requirement, and illustrates the overall 'shape' of future development that is expected through the implementation of the LPP1 development strategy. Monitoring shows this strategy is being delivered and that the housing requirement is expected to be exceeded by the end of the Plan period, but it is not a requirement that development matches exactly either the LPP1 trajectory, or the AMR's updates.
15. Since the publication of Background Paper 1 (OD15), the Partnership for Urban South Hampshire (PUSH) has published the 'PUSH Spatial Position Statement' (June 2016). The situation regarding PUSH housing requirements is discussed at paragraphs 4.10-4.16 of Background Paper 1, when it was expected that PUSH would produce a 'Spatial Strategy'. Uncertainty over potential future devolution options has now led PUSH to produce a 'Position Statement' and this has been added to the Examination Library (EBSH5).
16. The PUSH Position Statement demonstrates the work undertaken by the authorities under the Duty to Cooperate, but is non-statutory and its development targets carry little weight in planning terms. Publication of the Statement enables it, and the evidence studies informing it, to be used for future local plan reviews.
17. Paragraph 4.15 of OD15 refers to the 'OAN' for the Winchester part of PUSH identified in the PUSH SHMA 2014 (3,475 dwellings from 2011 to 2036). The updated PUSH SMHA reduces the OAN slightly to 3,375 dwellings 2011-36 and this is included in Table 1 of the Position Statement (1500 in the eastern part of Winchester + 1875 in the west). Taking account of the Duty to Cooperate, the Position Statement proposes a housing distribution for the PUSH part of Winchester of 9,110 dwellings (2011-2034), consisting of 3,740 dwellings in the eastern part of Winchester and 5,370 in the western part.
18. Paragraph 4.15 of OD15 notes that 7,750 dwellings are already required by LPP1 and LPP2 for the period 2011-2031, based on the strategic allocations at Waterlooville and Whiteley and the targets for the six MTRA2 settlements within PUSH. This excludes any future commitments or windfall development in these or other settlements within the PUSH part of the District – completions, commitments, allocations and SHLAA sites already amount to over 7,900 dwellings at April 2015. Therefore, the increase from the existing strategy to

2031 to the Position Statement distribution of 9,110 dwellings to 2034 is not significant and will be tested and accommodated as necessary within a future review of the Local Plan.

19. The Position Statement sets out a series of 'Key Principles' including the 'cities first' approach, promoting sustainable transport, retaining countryside gaps, and protecting the environment (Position Statement, paragraphs 5.2-5.15). Paragraph 5.18 of the Position Statement notes that Winchester is accommodating significant housing but also *'the rural relatively unconnected nature of parts of Winchester'*. The Position Statement will help to inform a future roll-forward of the Local Plan, which will test the PUSH evidence, take account of any devolution arrangements that may be agreed, consider new commitments and windfall, and plan accordingly for the (very modest) OAN and additional development needed to reflect the Duty to Cooperate. This is also the Position Statement's approach:

'Housing targets set out in Table H1 are intended to inform the review of local plans to meet longer-term development needs, particularly beyond 2026. They do not invalidate housing policies set out within up-to-date local plans which have been recently adopted, because a district's housing requirement must be established through a more detailed (localised) consideration of environmental constraints, infrastructure requirements and the need for complementary land uses (for example, relating to retail, leisure and community facilities).'

(PUSH Position Statement, paragraph 5.33)

20. The matter of a Local Plan review was discussed at the examination of LPP1, where the Inspector notes the intention to a review the Plan by 2020/2021 (para 60 EBT2). This remains a realistic timescale, which allows for devolution matters to be resolved and progress on the strategic allocations and LPP2 sites to be monitored.
21. With regard to gypsy and traveller provision, the Council has produced [Background Paper 2 – Gypsy and Traveller Accommodation](#) (OD16) which sets out how a separate traveller DPD is planned. Paragraph 5.1 of the Background Paper refers to the traveller site assessment study which is expected to be published shortly. It also refers to the need for a new accommodation needs assessment and this has now been commissioned by a consortium of 7 Hampshire authorities: Winchester City Council, Test Valley Borough Council, Fareham Borough Council, Gosport Borough Council, Havant Borough Council, New Forest District Council and New Forest National Park Authority.
22. Consultants 'Opinion Research Services' were appointed to carry out the needs assessment at the end of May 2016 and their report is expected in October. The results of this, along with the traveller site

assessment, will enable the Council to produce the traveller DPD as proposed at paragraphs 5.2 - 5.3 of Background Paper 2.

23. LPP1 reflects both employment and retail needs of the District, within the framework of the spatial strategy, with a focus of growth in Winchester Town and the South Hampshire Urban Areas, through strategic employment allocations (Policies WT3 and SH2 of LPP1), existing commitments (e.g. at Whiteley) and reference to retail provision at Silver Hill (Policy WT1, LPP1). Policy CP8 of LPP1 sets the objectively assessed need for employment provision at 20 hectares over the Plan period and proposes that this would be met by the strategic allocation at Bushfield Camp (20ha.), as well as the substantial existing commitments at Waterlooville (23ha. allocated by LPP1 policy SH2) and Whiteley (Solent Business Parks). Therefore it has not been necessary to allocate further employment land, but allocations are proposed in Winchester (policies WIN5-WIN7) and the larger market towns (policies BW5 and NA3), to meet the LPP1 development strategies for these areas (WT1 and MTRA1/MTRA2).
24. The PUSH Spatial Position Statement proposes the development of 55,000 sq.m. of additional B-Class floorspace in the Winchester part of PUSH from 2011 to 2034 (37,000 sq.m. offices and 18,000 sq.m. of mixed B-Classes). This is substantially less than existing commitments, which include: approximately 21 hectares/83,000 sq. m. available and consented for employment use at West of Waterlooville; land at Little Park Farm, Whiteley allocated for approximately 1.3 ha / 5,200 sq m of B-Class uses (LPP2 policy SHUA4); and policies SHUA2 and SHUA3 allocate the Solent Business Parks for employment use (approx. 10 ha / 40,000 sq m remaining). The target set in the PUSH Position Statement can, therefore, already be easily exceeded by existing provision.
25. A key site to deliver retail growth is Silver Hill in Winchester Town (Policy WIN4 LPP2), which has however, been delayed due to a variety of reasons. Background Paper 2 Silver Hill, Winchester (OD17) sets out the need to retain the site allocation for retail and other appropriate town centre uses. . This paper suggests that, given the land ownership and delivery issues, further guidance will be prepared in the form of SPD. The Council proposes to amend Policy WIN4 accordingly. .
26. Policy MTRA2 allows for proportionate growth in the named settlements to support the shopping, service, tourism and employment roles of the settlements. The site allocation policies include reference to open space and other infrastructure requirements to address local development needs. Both the larger settlements of Bishops Waltham and New Alresford include proposals for employment uses. These and other settlements have defined town centre boundaries where proposals for additional retail provision will be acceptable (Policies DM6 - DM8).

27. Local communities at the outset of preparation of LPP2 undertook extensive surveys to identify any shortfalls in specific activities and these have informed the formulation of the site allocation policies (see [Background work with parishes](#)).

28. The Council is, therefore, satisfied that LPP2 will deliver the development necessary to meet the requirements and objectives of LPP1.

Are any policies or proposals inconsistent with national policies in the NPPF and, if so, is there a local justification supported by robust and credible evidence?

29. The Council considers that LPP2 is fully compliant with the NPPF, despite some representations challenging this for various reasons. One respondent in particular suggests that LPP2 lacks detailed policies on carbon emissions contrary to NPPF paragraphs 30 and 37. The development strategy established in LPP1 (OD7) specifically focusses development on those settlements that have a level of services and facilities that provide opportunities to avoid vehicular use. The identification of site allocations in LPP2 has involved assessments of distances from key services and access to public transport. The Council maintains this approach is fully compliant with the requirements of the NPPF in delivering sustainable development.

30. LPP1 (OD7) includes a number of strategic policies which refer to climate change and provide guidance for renewable energy schemes (policies CP11 and CP12). The Government announced in March 2015 that planning authorities should not set conditions with requirements above the equivalent of Code for Sustainable Homes level 4. This prevents LPP1 policy CP11 being achieved in full and [the Council's web site](#) confirms that, while policy CP11 remains part of the Development Plan, it will not seek more than the equivalent of Code Level 4.

31. It is not necessary for these policies to be repeated in LPP2. Where relevant, the site allocation policies refer to matters such as flooding and biodiversity. Similarly, Policies DM15 - DM17 refer to the principles of energy efficient design, the need for appropriate site layouts to ensure a safe and secure environment, and the needs of pedestrians and cyclists, while policies DM18 – DM20 deal with environmental protection. Since the adoption of LPP1, the Council has also adopted SPD on High Quality Places (EBT24), this includes advice on sustainable urban design and how to design for passive and active solar gain. The Council is therefore committed to achieving the best that Government policy allows with regard to these matters.

32. Some respondents suggest that the Local Plan does not meet the requirements of NPPF paragraph 47, in relation to housing land supply, etc. The Council has produced [Background Paper 1 – Housing Requirements and Supply](#), which addresses the various requirements of NPPF paragraph 47 in detail and demonstrates how these are satisfied.

Policies in LPP2 are expressed to allow some flexibility to respond to specific site considerations and viability assessments have been undertaken to ensure that the sites, and scale of development, are deliverable in accordance with para 173 of NPPF.

33. The preparation of LPP2 complies with the requirements of para 155 NPPF, referring to early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses. The Council maintains that the policies expressed in LPP2 offer the right level of direction for a 'part 2' local plan and are therefore in compliance with both LPP1 and the NPPF.

Has the plan been the subject of suitably comprehensive and satisfactory sustainability appraisal [SA] and strategic environmental assessment [SEA]?

34. Para 1.10 -1.11 of LPP2, summarise that the Plan has been appraised on an iterative basis by independent consultants against the sustainability objectives. In line with Para 165 of the NPPF, the SA (incorporating SEA) has been an integral part of the plan-making process being undertaken at each stage of Local Plan preparation. An '[Initial SA of Potential Allocations](#)' was also undertaken at an early stage, for each of the settlements with a housing requirement under LPP1, to inform the site allocation process. The SA is discussed in more detail at Appendix 1.
35. The quantity and location of development in LPP2 reflects that of the development strategy in LPP1. There are suitable policy and legal mechanisms in place to allow the Council to secure developer contributions towards any measures necessary to protect, avoid or mitigate harm to areas designated for their international importance (LPP1, supporting text of Policy CP21). Natural England made representations on the HRA for LPP1 and LPP2 and have confirmed that they have no outstanding issues.

Response to Further Statements

36. The Further Statements submitted by participants generally reiterate matters raised in their original representations. These are addressed above and, in relation to housing land supply, in the Council's Further Statements on Matter 2 and individual settlements.

Conclusion

37. The Plan is supported by an extensive evidence base which justifies the strategy and site allocations proposed. It will deliver the development requirements of Local Plan Part 1 and there is no justification for re-visiting LPP1's objectively assessed needs. The Plan is consistent with the NPPF and has been subject to appropriate Sustainability Appraisal, Strategic Environmental Assessment, and Habitats Regulations Assessment.

Appendix 1 – Response to SA / SEA /HRA Matters

One of the grounds of the legal challenge to LPP1 (EBT3), referred to the SA/SEA process in that it was suggested that the SA had not complied with the SEA Directive 2001/42/EC. The Judge concluded that this was not the case and dismissed the challenge. Whilst the sustainability objectives have been updated and the SA framework refined, the assessment process used for LPP2 is the same as that for LPP1.

The method and approach for the SA incorporating SEA is set out in the SA/SEA report (SUB4), summarised at paras 1.1 -1.4, and para 1.16 clarifies the compliance of the SA with the SEA Directive/Regulations. Section 2 covers the appraisal methodology in detail and also clarifies that the SA findings do not form the sole basis for decision-making, which is also informed by other studies, feasibility and feedback from consultation.

Each ‘reasonable’ (realistic and deliverable within the scope, timescales and objectives of the Plan) site option was considered against the full SA Framework (Appendix VI, SUB4). Given the number of potential sites (based on the SHLAA), these were grouped into clusters to allow for a comparative appraisal of site options, which also avoided the need for excessive matrices, and limited reporting to the significant effects found, as required by the SEA Directive/Regulations. Therefore, each site was tested in its own right against the SA framework, albeit then grouped into clusters for ease of reporting. This is demonstrated in the various schedules throughout the SA which specifically refer to SHLAA reference numbers to allow for the identification of individual sites. Initial SA of sites was undertaken early on in the LPP2 preparation and was made available to local communities for use in assessing sites and opportunities (section 4). The symbols provided in the detailed appraisal matrices relate to the cumulative effects of the site options within that cluster.

Some respondents allege that the SA/SEA has failed to assess all ‘reasonable alternatives’. The consideration of alternatives through plan-making and the SA is covered in some detail within Section 4 of the SA report (SUB4). The SA has considered an extensive number of site options with a detailed comparative appraisal by settlement presented in Appendix VI and summary findings provided in Section 4 of the SA Report (SUB4). Any significant effects for individual site options are clearly identified and cumulative effects considered. SHLAA references have been used to allow for site options to be considered either independently or in combination as part of the site allocation process. Site allocations could potentially be combined (as whole/part sites) in any number of combinations and would be far too numerous to consider and would be completely disproportionate, making it impossible to devise and assess every potential detailed alternative.

The SA methodology, however, enables plan makers to identify the potential effects of individual sites as well as different combinations of sites against the SA Framework. In *Ashdown Forest Economic Development LLP v Wealden DC*, Sales¹ J, held the choice of alternatives for environmental assessment is

¹ [2014] EWHC 406 (Admin)

a matter of planning judgment and that the planning authority has a substantial area of discretion as to the extent of the inquiries which need to be carried out to identify the reasonable alternatives which should then be examined in greater detail.

In addition, a number of alternative site options were proposed by respondents during the consultation on the Draft Local Plan in 2014. These 'omission sites' were also considered through the SA process, using the same methodology and consequently reported to the Council (WCC 3-WCC4).

Appendix II of the SA sets out the consultation responses specifically to the SA, including scoping and draft SA (Sept 2014), and provides a commentary as to how these have been taken into account. These stages of the SA illustrate the iterative nature of the process allowing refinement and updating as required.

The SA has informed both the site selection process as well as policy expression. Indeed, consideration of representations to the Draft Plan provided the opportunity to incorporate the recommendations of the SA and the reports to the Council's Local Plan Committee (WCC3-WCC4) specifically include a section on SA/SEA recommendations and how these should be taken into account in amendments to LPP2.

Many of the representations that refer to the SA disagree with the findings and query the detail of the assessments. The SA was carried out by independent consultants and undertaken using professional judgement, supported by the baseline information and wider Local Plan evidence base. Where minor errors have been highlighted these have been corrected and it is important to note that these did not significantly affect the overall findings of the SA.

However, the nature of the SA will inevitably result in those representing sites that have not been allocated or those objecting to sites within LPP2 disagreeing with the details of the assessments. But, as stressed in the SA report which allows for comparisons between sites, these results alone do not form the site selection process and it is a combination of factors that have resulted in the identification of the preferred site allocations. Indeed, when comparing sites many have similar attributes and the SA informs the site identification process, rather than dictating it, and provides a valuable check on detailed policy expression to ensure these cover the necessary environmental, social and economic requirements. It is also important to remember that the NPPF and NPPG uphold the principles of proportionality and this is a strategic level assessment of a plan, not a project level Environmental Impact Assessment.

In addition to the SE/SEA, an assessment under the Habitats Regulations (SUB5) was also undertaken on LPP2. A representation refers to a concern that the HRA process has not taken appropriate account of the evidence available in relation to recreational impacts on the New forest SPA. This point

was also made during the preparation of LPP1. The overall level and distribution of growth within the Winchester District was specifically considered through the HRA process for LPP1 and the HRA report (2012) concluded that there would not be any adverse effects on the integrity of any European sites. It included an assessment of the potential impacts of increased recreational disturbance as a result of development proposed through the plan on the New Forest SPA. The assessment acknowledged the relevant evidence², which suggests that development closest to the SPA will have the greatest impacts on visitor pressure, with a high proportion of the increase being generated by development within 7km of the New Forest National Park boundary, and relatively little impact beyond 20km. In particular, the study suggests that it is development to the west within Bournemouth, Poole, Boscombe, Winton, Kinson, Ferndown, Wimbourne or Verwood, to the north in Romsey, or to the east in Totton, Hythe, Southampton, Rownhams, Eastleigh or Hedge End that may give greatest cause for concern³.

The Council modified Policy CP21 LPP1 (Para 10.2 of LPP1) to reflect a recommendation in the HRA and no further changes are required to LPP2. The Council's position remains the same, as the quantity and location of development in LPP2 reflects that of the development strategy in LPP1. If new evidence were to arise suggesting that development within the Plan area is having in combination effects on the New Forest SPA, or a mitigation strategy published, then there are suitable policy and legal mechanisms in place to allow the Council to secure developer contributions towards any measures necessary to protect, avoid or mitigate harm to areas designated for their international importance (LPP1, supporting text of Policy CP21). It is also important to note that Natural England were consulted and responded to the HRA for LPP1 and did not have any objections. Natural England (50085) made representations on the HRA for LPP2 in relation to the Solent SPA and have since confirmed that LPP2 addresses the matter and that they have no outstanding issues.

² Sharp, J., Lowen, J. & Liley, D. (2008) Changing Patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA.

³ Ibid.