



Winchester Submission Draft Local Plan 2020-2040

Hearing Statement

Matter 8: Development Allocations in the Market Towns and Rural Areas (MTRAs)

April 2025

Prepared by Luken Beck

Respondent Reference:

LUKEN BECK

Management | Development | Planning

Contents

1.	Introduction	1
2.	Response to Matter 8 Development Allocations in the Market Towns and Rural Areas (MTRAs)	3

1. INTRODUCTION

1.1 This Matter 8 Hearing Statement has been prepared on behalf of Landacre Developments Limited. Our client has previously made representations on the Winchester District Submission Draft Local Plan 2020 – 2040 (Regulation 19) in October 2024. Our client has land interests at Land at Mill Chase, Winchester Road, Bishops Waltham (SHELAA Site BW11). This site is fully within our client's control and there are no legal issues to prevent this site coming forward in the next 5 years.

1.2 Notwithstanding our client's land interests this Statement has been prepared in recognition of the prevailing planning policy and guidance. This includes the National Planning Policy Framework (December 2023) (for which this Plan is being examined under transitional arrangements), and associated Planning Practice Guidance.

1.3 This statement provides a response to the Inspector's Matters, Issues and Questions raised under Matter 8 Development Allocations in the Market Towns and Rural Areas (MTRAs) and whether these policies of the Winchester District Submission Draft Local Plan 2020 – 2040 are positively prepared, justified, effective and consistent with national policy. This statement sets out responses to the following policies and Inspector's questions for this Matter:

- **Policy BW4 Land North of Rareridge Lane - Questions 1 and 2.**
- **Policy SW01 - Policy SW01 Land at the West Hill Road North - Questions 2 and 3.**
- **Policy SU01 Land at Brightlands - Questions 2, 4 and 8.**

1.4 This Statement highlights a need for amendments to Policies BW4, SW01 and SU01. I consider that the following proposed changes would improve the soundness of the Plan.

- **Policy BW4 Land at Rareridge Lane, Bishops Waltham** to be removed from the Plan or reduced in site capacity due to significant adverse impacts on the South Downs National Park.
- **Policy SU01 Land at Brightlands, Sutton Scotney** to be removed from the Plan or reduced in site capacity as the proposed allocation is inconsistent with the settlement hierarchy and deliverability is uncertain due to local constraints.

- **Policy SWO1 Land at West Hill Road North, South Wonston** to be removed from the Plan or reduced in site capacity as the proposed allocation is inconsistent with the settlement hierarchy and deliverability is uncertain due to local constraints.

2. RESPONSE TO MATTER 8 DEVELOPMENT ALLOCATIONS IN THE MARKET TOWNS AND RURAL AREAS (MTRAS)

Issue: Whether the proposed housing site allocations in MTRAs would be justified, effective and consistent with national policy?

Market Towns: Bishops Waltham

Policy BW4 Land North of Rareridge Lane

1. Would Policy BW4 accord with the NPPF paragraph 182, which requires great weight to be attached to conserving and enhancing landscape and scenic beauty in National Parks?

- 2.1 NPPF paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. Paragraph 182 also states that development in the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on designated areas. The proposed allocation does not accord with NPPF paragraph 182 and will result in harm to the South Downs National Park National Landscape.
- 2.2 Furthermore, in December 2024, the Government published ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’¹. Section 245 of the Levelling-up and Regeneration Act (LURA) and the corresponding update to the PPG² amends the duty on relevant authorities in respect of their functions which affect land within Protected Landscapes including National Parks.
- 2.3 This guidance sets out how the Protected Landscapes duty is intended to operate and provides broad principles to guide relevant authorities in complying with it. In addition to NPPF paragraph 182 there is now a higher test which states that relevant authorities must now ‘*seek to further*’ the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to ‘*have regard to*’ their statutory purposes. The strengthened duty is intended to

¹ <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes>

² Paragraph: 039 Reference ID: 8-039-20250129 Revision date: 29 01 2025

facilitate better outcomes for England's Protected Landscapes, which are in line with their statutory purposes.

- 2.4 When considering the consistency of Policy BW4 against the LURA 2023 and the above Government guidance regard should also be had to recent case law. On 24th January 2025 the Secretary of State quashed an EIA Screening Opinion by the former Secretary of State that stated a proposed development within a Protected Landscape was not EIA development. In the Consent Order (see Appendix 1) that followed it is stated,

'Having considered the skeleton argument of the Claimant, together with the submissions on the Intervener, and the guidance on the statutory duty published by DERFA on 16th December 2024, the Secretary of State accepts that the failure to apply the statutory duty to seek further the purposes of the National Landscape when making the screening decision constitutes and error in law and the outcome might have then been different had it been applied.'

- 2.5 This successful legal challenge further reflects the Government's firm commitment to the Protected Landscapes whilst also delivering 1.5 million houses by 2023. These two objectives are very much part of the Government's strategy for achieving sustainable development.
- 2.6 The proposed allocation results in harm to the National Landscape and is inconsistent with the higher test of furthering the statutory purposes of Protected Landscapes, as reflected in the LURA 2023, PPG and recent case law.
- 2.7 The South Downs National Park Authority (SDNP) formally objected to Policy BW4 and the proposed allocation of 100 homes at the Regulation 18 stage stating it would be harmful to the National Park and its setting. This demonstrates that the proposed allocation is not in accordance with NPPF paragraph 182 or the Government Guidance on Protected Landscapes. The SDNP's have objected to the proposed allocation on the following grounds:

- a) Development would create an uncharacteristic, fragmentary, settlement extension, and development on this site has potential to be visually intrusive;
 - b) Development would adversely affect the tranquillity of the area; and
 - c) Development would adversely affect the recreational enjoyment of the PRoW to the north.
- It is, therefore, considered that development would be harmful to the setting of the SDNP

- 2.8 It is clear that through their Regulation 19 representations and latest Statement of Common Ground³ that the SDNPA's 'in principle' concerns remain. The Statement of Common Ground between Winchester City Council and the SDNPA which addresses Policy BW4 Rareridge Lane was signed in August 2024. The agreed position concludes that the SDNPA still has an 'in principle' concern about the allocation of the site in relation to the proposed development quantum and how this could be successfully achieved through a landscape led design.
- 2.9 The SDNPA has also stated that the site has an existing biodiversity value and that a smaller quantum of development is required. This should take into account a landscape led approach to development contours, topography, settlement pattern, surrounding built density, the delivery of green infrastructure, open space, biodiversity net gain and characteristic and meaningful landscape buffers with built development focused in the southern area of the site only.
- 2.10 Policy BW4 has not been amended in the Regulation 19 Local Plan to revise development quantum in accordance with the SDNP representations. Therefore, the proposed allocation of 100 homes will have a significant impact on the South Downs National Park National Landscape and is contrary to NPPF paragraph 182. The proposed site allocation also fails to satisfy the higher test which 'seeks to further' the statutory purpose of the Protected Landscape in accordance with the LURA and latest Government guidance.
- 2.11 An Integrated Impact Assessment Report incorporating SA has been undertaken for the Regulation 19 Local Plan including site assessments. The appraisal for site BW17 is not justified or legally compliant as it fails to identify the landscape impacts on the National Park. The appraisal of the site under objective IIA10: Landscape identifies only a 'minor-negative concern' and concludes that the site has 'medium or higher overall landscape sensitivity'.
- 2.12 Furthermore, the Council have not provided sufficient justification for the allocation of the site. The Council's Development Strategy and Site Selection Topic Paper⁴ concludes that the impact on the South Downs National Park can be mitigated through design and layout (including restricting development to the south of the site). However, this conclusion is contrary to the view of the SDNPA who maintain an 'in-principle' objection to the proposed allocation at the Regulation 19 stage.
- 2.13 Therefore, the proposed allocation is contrary to national policy and should be removed from the draft Local Plan or the capacity for development reduced to ensure landscape impacts on

³ SD08j SDNPA – Statement of Common Ground (August 2024)

⁴ Development Strategy and Site Selection (July 2024)

the setting of the National Park are appropriately addressed in accordance with the SDNPA representations.

2. Given the existing use of the site, along with other site constraints, including ecological constraints, what is the evidence to justify the indicative site capacity and generation of required Biodiversity Net Gain?

- 2.14 The proposed allocation at Rareridge Lane is not consistent with national policy and will be unable to deliver a 10% net gain in BNG. The proposed development would result in the loss of a portion of the grassland, woodland and scrub. A Feasibility Biodiversity Net Gain Assessment has been undertaken for Land at Mill Chase and Land North of Rareridge Lane as part of a comparative assessment set out in the Mill Chase New Neighbourhood Vision Statement. This assessment demonstrates that a development of 100 dwellings would not be able to deliver a 10% net gain in BNG. To achieve 10% BNG on the Rareridge Lane site the development potential would need to be reduced from 100 to approximately 50 dwellings.

Intermediate Rural Settlements

South Wonston

Policy SW01 Land at the West Hill Road North

2. Policy SW01 includes a phasing restriction. Would this be justified by the evidence?

- 2.15 It is appropriate that Policy SW01 includes a phasing restriction so that the necessary waste - water infrastructure improvements can be in place to accommodate the proposed development including in relation to waste water capacity and the ability to deliver nutrient neutrality.
- 2.16 South Wonston is affected by issues concerning water supply and wastewater infrastructure capacity. A Statement of Common Ground⁵ has been prepared between Winchester City Council and Southern Water. Southern Water identify that waste-water treatment infrastructure improvements are required at Saddlers Close, Gratton Close combined with the WWTW improvement at Harestock is required to accommodate growth identified in the Local Plan including proposed allocations at South Wonston and Sutton Scotney.

⁵ <https://www.localplan.winchester.gov.uk/assets/inline/997/SD08k-Southern-Water-Statement-of-Common-Ground-November-2024-.pdf>

2.17 Southern Water identify that planned improvements to Harestock are due to commence in the Financial Plan period 2025 – 2030, however, there is some uncertainty when works will be completed and if this will enable development to commence from 2030. Delays to WWTW improvements may also affect the ability to achieve nutrient neutrality in terms of nitrogen and phosphorus pollution of the River Itchen. Therefore, this may affect the ability to deliver development in line with the proposed policy phasing from 2030.

3. Would the policy make appropriate provisions for off-site infrastructure needs?

2.18 South Wonston is not a sustainable location to accommodate this level of growth and lacks an appropriate range of key facilities. The settlement lacks a regular public transport service, health facilities and employment opportunities as evidenced through the Council's Settlement Hierarchy Assessment⁶. The Local Plan and draft Policy SWO1 fail to ensure that improvements in off-site key facilities and infrastructure can be made to make the development sustainable.

2.19 At Regulation 18, Hampshire County Council (transport) has raised concerns in relation to transport impact and highways safety. HCC has raised concerns regarding the ability to achieve safe and suitable site access that will not worsen highways safety issues on Alresford Road. It is not clear whether these concerns have been resolved to conclude that the proposed allocation is deliverable in transport terms.

2.20 Policy SWO1 criteria X sets out a requirement for a connection the nearest point of adequate capacity in the sewage and water supply network and / or arrangements for appropriate water drainage / disposal in collaboration with the service provider. However, as set out in response to question 2, it is uncertain whether the necessary waste-water capacity improvements will be delivered by Southern Water in line with the proposed development phasing.

⁶ Settlement Hierarchy Background Paper, WCC, August 2024.

Sutton Scotney

Policy SU01 Land at Brightlands

2. A number of site constraints have been identified including flooding and drainage, sewerage capacity, archaeology, access and road safety, biodiversity, use of best and most versatile land, off site infrastructure requirements, and noise. Would any site constraints be a barrier to delivery of this site in the Plan period?

- 2.21 In relation to significant constraints affecting the site, it is considered that there is significant uncertainty regarding the ability of the site to be delivered in a policy compliant fashion during the Plan period. Therefore, the proposed Policy allocation SU01 is not justified or effective and should be removed from the draft Local Plan.
- 2.22 Sutton Scotney has significant constraints in the capacity of the local waste-water network which has resulted in daily tankering to dispose of wastewater. In response to the Regulation 19 consultation the Parish Council and Ward Members have expressed their strong concern regarding an allocation in Sutton Scotney due to sewerage capacity issues in particular.
- 2.23 It is understood that a Southern Water scheme is underway to provide more waste resilient wastewater network in Sutton Scotney by March 2025. Southern Water has also stated that a further scheme on the wastewater network in Harestock is planned to commence between 2025 – 2030. Southern Water have stated that planned upgrades will ultimately provide sufficient capacity for proposed Local Plan allocations and connections from existing properties. However, in their Regulation 19 representations, Southern Water has also stated that foul sewer networks can be vulnerable to blockages or to be overwhelmed during storm periods, and so it is not possible to state that all drainage issues can be resolved through the delivery of capital schemes. It is also uncertain whether planned upgrades will be complete by 2030 in accordance with the proposed phasing of development in the draft policy.
- 2.24 The Regulation 19 SA identifies that the site is within an area of high archaeological potential, and it is likely that archaeological remains will be encountered. Records also show that a Roman building of some status was reported at or near this location. Therefore, the site may not be deliverable in relation to archaeological sensitivity.

2.25 In relation to noise the majority of the site is within an area where noise levels at night from roads and railways are above 50 dB or the noise levels as recorded for the 16-hour period between 0700 – 2300 are above 55 dB. Therefore, it is uncertain whether a development of 50 – 60 dwellings is deliverable when appropriate noise buffers are applied.

2.26 Therefore, in relation to site constraints regarding wastewater infrastructure, noise and archaeology there is a lack of clear evidence that the site is deliverable, and it should be removed from the draft Local Plan, or its capacity reduced to mitigate impacts. It is considered that there are less constrained reasonable alternative sites in market towns further up the settlement hierarchy such as Bishops Waltham that could sustainably provide for this level of housing.

4. Given identified site constraints, what is the evidence that the site allocation would be viable based on the indicative capacity?

2.27 The Regulation 19 representations submitted on behalf of Wates Developments Ltd and associated Vision document are based on a proposal of C120 dwellings potentially capable of being policy compliant. Policy SU01 proposes an allocation for about 50- 60 dwellings and there is currently no published viability evidence to demonstrate that a scheme of this development quantum is viable in view of the significant constraints affecting the site. The Regulation 19 representations submitted on behalf of Wates Developments imply viability issues in relation to the ability of schemes of below 100 dwellings to be policy compliant in relation to affordable housing and the wider viability of the scheme at paragraphs 9.2 and 9.11 of their representations.

8. Would the supporting text and policy SU01, in phasing development to align with and drain to the new sewerage infrastructure, be effective in ensuring adequate waste water and drainage?

2.28 If the proposed Policy SU01 is allocated in the Local Plan the development will need to be phased to align with the delivery of new sewerage infrastructure. The draft policy wording is currently not effective and will need to state that development will not be permitted in advance of the delivery of infrastructure improvements including delivery of infrastructure upgrades at Sutton Scotney, South Wonston and at Harestock. This is necessary to provide sufficient waste -water capacity to accommodate the proposed development and in view of the cumulative impact of planned development on WWTW capacity in the area.

2.29 A Statement of Common Ground has been prepared between Winchester City Council and Southern Water (November 2024)⁷. In this SOCG Southern Water sets out that the improvements to Harestock WWTW are projected to start as a priority in the next Financial Period 2025 – 2030. However, if works commence during this period, they may not be complete to enable development to come forward until post 2030. In order for Policy SUO1 to be justified and effective an appropriate mechanism needs to be in place to guarantee delivery of waste-water infrastructure upgrades by 2030 in line with proposed allocation phasing.

⁷ <https://www.localplan.winchester.gov.uk/assets/inline/997/SD08k-Southern-Water-Statement-of-Common-Ground-November-2024-.pdf>

LUKEN  BECK

Management | Development | Planning

W: [lukenbeck.com](https://www.lukenbeck.com)

T: 01962 672 560

59 Tower Street
Winchester
SO23 8TA