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## **Duty to Cooperate**

### **Q1:**

- 2.1 The requirement is *“to engage constructively, actively, and on an ongoing basis”*, with unmet housing need expressly identified as a matter to be considered in relation to bordering authorities. Part of Winchester is in the South Downs, while the bordering authorities comprise:
- Basingstoke and Deane
  - Test Valley
  - East Hampshire
  - Fareham
  - Eastleigh
- 2.2 All of these authorities, other than Basingstoke and Deane, are members of the Partnership for South Hampshire (PfSH). In addition the PfSH also includes Gosport, Havant, New Forest, Portsmouth and Southampton. Housing is a specific issue for the Partnership, who have an agreed a Statement of Common Ground (RP09 – SCG December 2022) and Spatial Position Statement (PSH01 – December 2023). It is noted that the PfSH SCG is now over 2.5 years old, and presumably an updated SCG is being entered into although it is unclear if this is the case. Winchester Council’s (WCC) position is that the PfSH *“provides strong evidence of joint working.”* (SD06 – para 5.16). However, whilst the SCG identifies a significant unmet need and agrees that the SPS will provide a distribution of that need between the LPAs, the SPS fails to do so. There is no constructive conclusion or positive outcome in this respect. Further the SPS identifies strategic growth locations to be progressed through the local plans. However, WCC has not done this, despite that the Reg 19 plan had not been published at that time and was not published until 10 months later, with WC openly admitting that they rushed it through to make use of the transitional arrangements.
- 2.3 In conclusion, it is clear that the active engagement with PfSH regarding unmet housing need was not ongoing, and stopped in December 2023 (at best) with no positive outcome for the wider PfSH area, either in accordance with the SPS or as an alternative approach justified, and deliverable, at a local level. This is a significant failure given the acknowledged, substantial, and subsequently increased, scale of unmet need.
- 2.4 With respect to the allowance of unmet need that both Portsmouth and Havant councils have now directly asked WCC to help with, it would appear that the ‘allowance’ made of 1,900 homes, and recent proposed apportionment of 30:70 respectively (i.e. 570 for Portsmouth and 1330 for Havant), is not the outcome of constructive and ongoing discussion. The complete absence of discussion between July 2024 Reg 18 and October 2024 Reg 19 stages, despite the DtC request made by Havant Council (SD06 & SD08e), and in any event lack of meeting notes presented, does not assist in understanding the approach taken i.e. exactly what level of unmet need, and what strategy or options had been discussed to accommodate that need. Instead, what is further apparent, is that the allowance emerged from a buffer resulting from increased capacity of sites identified to meet Winchester’s needs (see ED02 – Housing Topic Update para 4.17). It is clearly the result of an afterthought, further highlighted at ED02 para 4.27, whereby WCC leave it to Havant and Portsmouth to decide how much of

the 'allowance' to claim for themselves, only after submission of the Reg 19 Plan for examination.

- 2.5 It remains that WCC's position on the scale of the allowance, and apportionment to bordering authorities, is ambiguous and not a direct positive response to either the scale or geographical location of the need. It fails to distinguish between the needs of Winchester and bordering authorities. Instead the approach has been a re-purposing of the buffer, identified at Regulation 18, arising through site selection and associated capacity. Such repurposing bears no correlation to the geographical location of where the need arises, and the strategy has not been revisited to consider whether more could be done. Portsmouth and Havant are correct in their approach that specific provision in terms of scale and location must be made.

- 2.6 The DtC has not been met.

**Q2:**

- 2.7 Paragraph 9.15 of the submitted Local Plan (EiP ref. SD01) notes that "*within southern Hampshire there are a number of authorities that appear unable to meet their Standard Method housing need in full and the PfSH has developed a Spatial Position Statement [SPS] to address this.*" Despite the SPS, the plan lacks clarity over its own vision which states an intent to "*address the needs of the area...and respond to the wider relationship with neighbouring areas.*" Instead of a positive and flexible response to this element of the vision, and requirements under the DtC (specifically related to joint working through PfSH), the plan represents a restrained approach to housing provision and delivery. Indeed the plan's 'objectives' make no reference to delivering homes to accommodate unmet needs of neighbouring areas, with a reference only to meeting 'local needs' ( objective iv)).
- 2.8 Despite the PfSH SCG and SPS, Winchester has not undertaken ongoing or constructive engagement with specific neighbouring authorities to consider accommodating the unmet needs, in accordance with the NPPF (e.g. paras 11 b), 26 & 61) and DtC. This is highlighted by the SoCG submitted, which lacks a positive and proactive dialogue. Indeed, ED02 reaffirms Winchester's position, in stating "*attempting to allocate any unmet need sites in the Winchester Local Plan would involve a substantial delay*". Specifically, WCC has failed to respond positively to the direct requests of both Portsmouth and Havant, particularly as it is also unclear if an updated SoCG has been entered into.
- 2.9 We would highlight that, "*PCC considers that WCC should identify specific sites in its Plan to help meet the unmet need of the City and other LPAs as necessary. Relevant sites should be located close to the boundaries of the relevant LPAs and within the relevant housing market area.*" The agreed position being, "*Portsmouth has therefore formally approached WCC to request help in meeting the City's unmet housing need of 219 dwelling per annum.*"
- 2.10 For Havant, "*Nonetheless, whilst WCC has responded to the March 2024 request, this did not contain an offer to accommodate the unmet need from Havant nor an offer to engage regarding the preparation of the Winchester Local Plan. No other offers were received from other local authorities. As such there is an unmet housing need of 4,309 remaining at the point of signature of this interim SoCG.*" The agreed position being, "*It is noted by both WCC and HBC that the 'unmet needs allowance' is not apportioned to any one local*

*authority with unmet need and that the level of unmet need in the sub-region exceeds the 'unmet needs allowance'."*

- 2.11 WCC has failed to discuss and positively consider a positive response/outcome to address the scale of need, and the opportunities that exist to accommodate it – in accordance with NPPF paragraph 11 b). Instead WCC has identified an 'allowance', which is not ring-fenced, nor site-specific, nor even geographically focussed, despite the PfSH area covering only the southern part of the district. The position taken by WCC that an approach of allocating specific sites for unmet need would make 'no difference' and/or would encounter 'political resistance' (ED02 para 4.31) is insupportable. Clearly it would make a difference to the spatial strategy and distribution of allocated sites, and the DtC does not make allowance for political resistance.
- 2.12 In conclusion, the plan lacks clarity and focus, and it remains uncertain as to how much and where unmet needs are being addressed within the district, and the consequences for the spatial strategy, including distribution of allocated sites to meet Winchester's own needs.
- 2.13 There are additional site opportunities available, even within the parameters of the existing spatial strategy, that could be added to the supply to make a fuller response to the scale of the unmet need, but WCC has constrained itself as a consequence of the buffer approach embedded at Regulation 18, and failure to properly review this response at Regulation 19, despite clear knowledge of the scale of the unmet need and potential additional options to remedy it.
- 2.14 The Integrated Impact Assessment (IIA) reflects these concerns, as it failed to consider reasonable alternatives that would help to address unmet need, including geographical considerations (noting that the PfSH area only covers the southern part of the district).
- 2.15 The unmet need will pressure the southern district and, in turn, Winchester City to accommodate local demand. As a sustainable location, Winchester City can help address affordability through affordable housing and increased housing supply.
- 2.16 In any event, Winchester City is a sustainable location, to address affordability issues, both through the provision of affordable housing but also by increasing housing land supply more generally.
- 2.17 As a consequence of the vague, unqualified and negative approach taken to these issues there is no clarity to the strategy, it is not positive, effective or justified. As such, the draft local plan does not meet the tests of soundness. Further, the DtC has not been demonstrated.

### **Sustainability Appraisal**

#### **Q2:**

- 2.18 No. With regards to affordable housing, IIA Objective 6 'To provide housing of a decent standard to meet needs in the District' the plan isn't compatible. The IIA (EiP ref. SD02a) concludes an unmet need allowance of 1,900, although it isn't clear how Winchester have come to this figure. It is a fall-out from the removal of any flexibility buffer which would have helped Winchester in its meeting its own future needs given the increasingly acute affordability challenge that it was

facing and recognised (by anticipating an increase in its SM LHN). Certainly, noting the availability of sites across the district, as promoted and assessed through the July 2023 SHELAA (which identifies a capacity of 62,359 dwellings across the district), the evidence is that far more could and should be done in Winchester to meet the DtC and find the plan sound.

- 2.19 The constrained housing market exacerbates the affordability challenge within the district. Consequently, as noted in paragraph 2.10, *“where buying becomes unaffordable, many young people and other groups priced out of the traditional sales market turn to other markets for housing, such as the private rental market. Winchester District’s median monthly rental values as of September 2023 are higher across all types of housing when compared to all other geographies...this further points to affordability pressures in Winchester.”* More allocations would give greater reliability and certainty for housing delivery, especially for affordable homes (alongside wider public benefits), which may not be required or achievable on smaller windfall sites.
- 2.20 In short, the figure has not been properly tested and the strategy, and supporting IIA, is fundamentally flawed in this respect. It is a strategic issue cutting across a number of important matters; development strategy, housing requirement; site allocations; IIA; DtC. There is concern that, when WCC decided that the 1,900 figure was not a buffer, but an allowance for PfSH, it did not revisit the IIA, despite that fact that the IIA expressly acknowledged that there was no specific quantum of development or allocations proposed to address the unmet need (see IIA paragraph 4.117). In altering its approach/position on this matter the scale of growth and geographical scope for consideration inevitably changed (PfSH only affecting the southern part of the district). WCC failed to review its strategy as a result resulting in a fundamentally flawed approach.

**Q3:**

- 2.21 Yes, a higher option beyond option 1A should have been considered. The IIA tested 5 options, with four of these delivering 14,000 homes over the plan period and 1A delivering 15,620 homes. Paragraph 4.4 of the IIA notes that this additional option included consultation responses on the SIP and provides headroom for any uncertainties – such as changes to the standard method or progress with the PfSH Joint Strategy. As the Regulation 19 plan was being prepared it should have been evident through the Duty to Co-operate that the unmet needs in neighbouring authorities were going to be significant and that it would be necessary to test a potential strategy that would address the unmet needs of neighbouring areas in full. This was clearly a reasonable alternative given the evidence available at the time, and is clear failure of the IIA in seeking to ensure the plan is effective, having considered reasonable alternatives.

**Q6:**

- 2.22 Bargate Homes are principally concerned that WCC has not considered a higher housing requirement through the SA to address the unmet needs arising in neighbouring areas. This was clearly a reasonable alternative based on available evidence and should have been considered and assessed through the IIA.

**Climate Change**

**Q1:**

- 2.23 Section 19(1A) of the Planning and Compulsory Purchase Act 2004, requires local plans to include policies that contribute to the mitigation of and adaptation to climate change.
- 2.24 Overall, the Plan includes a range of policies that contribute to climate change mitigation and adaptation, aligning with Section 19(1A) of the 2004 Act, however there are areas of refinement required to Policy CN3 (Energy Efficiency Standards to Reduce Carbon Emissions) as per Bargate's previous representations.
- 2.25 Bargate Homes have concerns regarding the available technology to achieve these aims and why the Local Plan policy needs to be in excess of building regulations which manage how the industry evolves and adapts. Whilst Bargate Homes are committed to delivering sustainable homes which include air source heat pumps, PV panels, car charging points and other fabric benefits, we have concerns that trying to achieve a self-sufficient development will result in grid-like designs of houses to maximise solar gain (required for energy generation) which shall conflict with the Council's and Government's urban design and build back beautiful agendas.
- 2.26 In practical terms, where is the off-site storage of summer energy going to be collected? Who puts in the provision for the wider grid to store energy from this development, and if energy is being received back from the grid, how can it be qualified as 100% renewable when we are not certain of its source?
- 2.27 As noted at paragraph 4.22 of the consultation document, the Future Homes standard is to be introduced nationally from 2025, including an uplift in standards in Building Regulations, to ensure that new homes built from this time achieve 75-80% less carbon emissions than homes delivered under the old regulations. Given that the earliest that the Local Plan will be adopted is October 2025 a phased approach which includes standards applicable from 2025 (in line with the Future Homes standard) should be considered. This is to ensure that the policy is deliverable over the plan period. Furthermore, these standards are in line with meeting the 2050 net zero target.
- 2.28 If the local plan is to go beyond existing and forthcoming standards, it must ensure that policy requirements are consistent with national policy and the December 2023 Ministerial Statement. Furthermore, it must take account of the High Court Judgement of 2nd July 2024 ([2024] EWHC 1693 Admin) which confirms that the WMS is lawful and measures for energy efficiency standards and energy requirements are those set out in the WMS and FHS i.e. Target Emission Rates (TER), it is not open to local authorities to choose other measures. It is noted, at paragraphs 5.8 to 5.10 of the Carbon Neutrality and Embodied Carbon Topic Paper, WCC advises it wrote to the Secretary of State expressing concern that the WMS restricted the ability to set energy performance standards other than through TER, measured through the Standard Assessment Procedure (SAP). The response received confirms that whilst local plan makers are not precluded from setting standards that go further than Building Regulations, this must be "*in a way that is coherent and easily understandable for housebuilders*".
- 2.29 As such, a target of onsite renewables to provide 100% of the energy consumption required by residential buildings where practical, for example

through the installation of photovoltaic solar panels or other suitable forms of renewable energy generating schemes, “that are appropriate for the location or the setting” should be added to the policy wording.

### **Other Matters**

#### **Q1:**

- 2.30 As drafted, some of the policies within the Plan do not fully meet NPPF Paragraph 16 due to unnecessary repetition, ambiguity, and inconsistencies. The policies of concern are discussed below.
- 2.31 For clarity and transparency, without ambiguity, a change to **Policy SP1** is required to make an explicit reference to addressing affordability, meeting local needs and helping to meet the unmet needs of the sub-region under the DtC. Further, the policy should be modified to make it clear that the plan is flexible and responsive to changing needs according to the NPPF paragraph 11.
- 2.32 With regards to **Policy SP2**, in stipulating a target for new homes in each spatial location it is highlighted that any such target must not be considered as a maximum, but a minimum. Whilst it is noted that the policy wording as currently drafted states ‘*for about*’ to suggest these are not fixed targets, it is considered that the policy wording should be clearer, i.e., that these are minimum targets.
- 2.33 **Policy D5** should provide clarity in the policy that a management plan is not required at outline stage or will be conditioned. Or remove this requirement entirely.
- 2.34 We would like to reiterate that to ensure consistency with the NPPG, the use of the standard terms of Transport Assessment and Transport Statement should be used rather than ‘Travel Assessment’ with regards to **Strategic Policy T1**. This will provide clarification on the differentiation of a transport assessment and statement, and when these are required for certain types and scales of development.
- 2.35 Bargate Homes consider that the policy wording for **Policy T4** should be amended so that access is designed to be appropriate for the type, scale and location of the development, providing more clarity to the reader.
- 2.36 For **Policy NE14**, Bargate Homes consider that clarification is needed to allow for appropriate highways alterations that facilitate sustainable rural development without harming the overall rural character. As drafted, the wording can be interpreted such that any alteration to a rural highway is unacceptable, which is clearly unreasonable.