

# WINCHESTER LOCAL PLAN EXAMINATION

## Stage 1 Hearing Statement

Personal Reference Number: ANON-  
AQTS-3B5A-4

Representor: Blenheim Strategic  
Site: Land at Fairthorne Grange

Matter: 1  
Legal and Procedural Requirements

Date: April 2025

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## 1.0 Introduction

- 1.1 This examination Hearing Statement has been prepared by tor&co on behalf of Blenheim Strategic (Personal Reference Number: ANON-AQTS-3B5A-4) in respect of **Matter 1 – Legal and Procedural Requirements (Land at Fairthorne Grange)**, of the Winchester Local Plan examination in public.
- 1.2 The comments made within this Statement respond directly to the questions set out in the Planning Inspectors Stage 1 Matters, Issues and Questions (ID13), and are presented in the context of the opportunity site at Land at Fairthorne Grange.
- 1.3 This Statement should be read in conjunction with the BSP Regulation 19 representations.

## 2.0 Response to the Inspectors Questions

**Issue: Whether all Statutory and Regulatory requirements have been met?**

### **Duty to Cooperate**

**Q1. Is there clear evidence that the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies in accordance with section 33A of the 2004 Act, in respect of strategic matters with cross-boundary impacts considered through the preparation of the Plan?**

- 2.1 The requirement is to *“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 and the bordering authorities comprise:
  - Basingstoke and Deane
  - Test Valley
  - East Hampshire
  - Eastleigh
  - Fareham
- 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 (WC) 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 the case 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 other bordering authorities. Instead the approach has been a re-purposing of the buffer, identified at Reg 18 stage, arising through site selection and associated capacity. Such repurposing bears no correlation to the geographical location of where the need arises, and there has been no revisiting of the strategy 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: In particular in relation to the unmet housing need in Partnership of South Hampshire area (PfSH) and individual adjoining Councils, especially Portsmouth and Havant and Basingstoke in relation to the establishment of a new community at the Popham Airfield and Micheldever Station?**

- 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 Partnership for South Hampshire (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' under objective iv).

- 2.8 As set out above, despite the PfSH SCG and SPS, it is clear that Winchester has not undertaken ongoing or constructive engagement with specific neighbouring authorities to consider how unmet needs can be accommodated, in accordance with the NPPF (e.g. paras 11 b), 26 & 61) and DtC. This is highlighted by the SsCG submitted, which highlight a lack of 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 councils, particularly as it is also unclear if an updated SCG 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 City Council has therefore formally approached Winchester District 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 Borough 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 Reg 18 stage, and failure to

properly review this response at Reg 19 stage, despite clear knowledge of the scale of the unmet need and potential additional options to remedy it.

- 2.14 These concerns are reflected through the Integrated Impact Assessment (IIA). Reasonable alternatives should be considered, in that the IIA failed to consider alternatives that would help to address unmet need, including with reference to geographical considerations (again noting that the PfSH area only covers the southern part of the district).
- 2.15 Inevitably, the pressure that the unmet need (whether planned for or not) will place on the southern part of the district will, in turn, place pressure on Winchester City to take the burden of 'local need'. In any event, land at Fairthorne Grange could make a significant contribution towards housing delivery if allocated. There is an opportunity to provide high-quality family and affordable homes of the highest environmental standards within a landscape-led masterplan. It has the potential to set the benchmark for future development in the district, with its emphasis on high quality materials, energy efficiency and environmental enhancement.
- 2.16 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: In particular, does the SA adequately assess whether the emerging Plan's objectives are fully compatible with and actively contribute towards each of the sustainability objectives set out in the Sustainability Framework? Are the conclusions robust and justified by the evidence?**

- 2.17 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.
- 2.18 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.

- 2.19 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: The SA tested five spatial strategy options: a development strategy based on the adopted Local Plan, focusing development on Winchester and the larger more sustainable settlements; a strategy based on a new strategic allocation/new settlement; a strategy based on dispersing development around the District largely in proportion to the size of existing settlements; and, a variation of option 1, known as option 1A, which provides for a higher total number of dwellings. It takes account of existing commitments, windfall allowance and has the effect of reducing development in the South Hampshire Urban Area and increasing it in Winchester and the Market Towns and Rural Areas. Given national policy<sup>1</sup> that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas should an option with a higher growth target have been considered?**

- 2.20 Yes, a higher option beyond option 1A should have been considered. The IIA outlines the 5 options that were tested. Four of these delivered 14,000 homes over the plan period with 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 Partnership for South Hampshire 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.

**Q4: In terms of assessing site selection, data relating to services and facilities was only available at the District level (i.e. for areas within the boundaries of Winchester District only) and this is noted as a limitation. In this regard, are the scoring and conclusions reached in the SA reasonable, sufficiently accurate and robust to inform the Plan?**

- 2.21 No comment.

**Q5: How has the SA informed the development of the Plan, including housing Q5 delivery and any mitigation measures? How has it informed the selection of strategic options, the development of policies and the selection of sites, all of which aim to identify sustainable development outcomes for the District?**

2.22 No comment.

**Q6: In overall terms does the Plan meet the legal requirements of Section 19(5) of the 2004 Act and accord with National Planning Policy Framework (NPPF) paragraph 32 and the Planning Practice Guidance (PPG) in this regard?**

2.23 Blenheim Strategic 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.

### **Other Matters**

**Q1: The Plan provides a great amount of background, detail of processes employed, and in places repetition between supporting text and policy. Policy in places repeats national policy. In this regard, would the Plan provide the necessary clarity to enable consistent implementation so as to accord with NPPF paragraph 16, when read as a whole? That states that policies should be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals and that Plans should serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area, including policies in the NPPF, where relevant.**

2.24 As currently drafted, some of the policies within the Plan do not fully meet NPPF Paragraph 16 due to unnecessary repetition, ambiguity, and inconsistencies with national policy. The policies of concern are set out below.

2.25 For clarity and transparency, without ambiguity, a change to **Policy SP1 (Vision and Objectives)** 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.

2.26 With regards to **Policy SP2 (Spatial Strategy and Development Principles)**, 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.