
Winchester Local Plan

Local Plan Examination

Hearings Statement relating to: Matter 1 –
Procedural & Legal Requirements

On behalf of: Bloor Homes Limited

Matter 1: Procedural and Legal Requirements

Duty to Cooperate

Questions 1 & 2

- 1.1. Bloor Homes Limited (referred to hereafter as 'Bloor') confirms that the below statement is a response to Q.1 and Q.2 to avoid repetition. All comments made are expansions upon Bloor's Manor Parks Regulation 19 (R.19) representations.
- 1.2. **No.** Bloor does not consider the Council has evidenced that it has engaged 'constructively' and 'actively' 'on an ongoing basis' with its neighbouring authorities in accordance with section 33A of the 2004 Act to maximise the effectiveness of this draft Local Plan in addressing strategic cross boundary issues.
- 1.3. To be clear, national policy as set out in the 2023/NPPF (paragraph 67) states:
- "Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period".*
- 1.4. The draft Local Plan (submission document SD01) (paragraph 2.22) states that *"The city council has worked positively and collaboratively with neighbouring local planning authorities and other bodies to identify and seek to address any strategic, cross-boundary matters"* [our emphasis added]. This statement directly conflicts with the now superseded Statement of Common Ground with Havant Borough Council¹ [dated August 2024] which stated *"Havant Borough Council notes that there has been no engagement between the Regulation 18 and Regulation 19 stages from Winchester City Council in order to address the matters raised in earlier representations or the letter of 5th March 2024. Havant Borough Council is mindful that the NPPF indicates that unmet need from neighbouring areas should be taken into account in establishing the amount of housing to be planned for."* [our emphasis added]. Similarly, the Council's engagement with Portsmouth City Council appears to be limited, with the Duty to Co-operate Statement (SD06) outlining the first meeting between the two Councils being in September 2023. It is reasonable to assume that no or limited engagement occurred with any other neighbouring LPAs over this 22-month period.

¹ https://www.localplan.winchester.gov.uk/LibraryAssets/inline/435/Statement-of-Common-Ground-HBC-August-2024-_Redacted.pdf

- 1.5. While the above statement has been removed from updated SD08e, assumed to be due to the Council allocating 70% of its 1,900 dwelling unmet need allowance to Havant Borough Council and 30% to Portsmouth City Council within its Schedule of Proposed Modifications (SD14a), it cannot be ignored as it demonstrates the Council has not engaged on an 'ongoing basis' as required by section 33A of the 2004 Act but instead has provided unmet need as an afterthought. Lack of evidence of 'constructive, active and ongoing' co-operation with neighbouring authorities between the Regulation 18 and Regulation 19 Local Plan stages, a key time in the preparation of the Plan, despite BCP receiving no objection from Dorset or New Forest Councils, was cited as a reason for the failure of the draft BCP Plan by the Inspectors in their post hearing letter (paragraph 24 bullet (ii))².
- 1.6. Bloor does not consider that the Council has grappled the scale of unmet need in the sub-region, namely the PfSH. The PfSH Spatial Position Statement (December 2023)³ identified a shortfall across the area of 11,771 dwellings (see Table 1).

Table 1: PfSH Housing Need and Supply 2023-36

LPA	SM (2023) Apportioned to PfSH (dpa)	Total Housing Need 2023-2036	Identified Supply 2023-2036	Shortfall/ Surplus
East Hampshire (part)	113	1,469	1,274	-194
Eastleigh	667	8,671	6,160	-2,511
Fareham	541	7,033	9,356	900
Gosport	353	4,589	2,518	-2,071
Havant	516	6,708	4,105	-2,603
New Forest	1,056	13,278	8,076	-5,652
Portsmouth	899	11,687	11,304	-383
Southampton	1,475	19,175	15,951	0*
Test Valley (part)	182	2,366	3,109	743
Winchester (part)	235	3,055	3,055	0
Total	6,037	78,481	64,909	-11,771

*Shortfall due to urban uplift – no requirement to accommodate elsewhere

Source: PfSH Spatial Position Statement 2023

- 1.7. Within our R.19 representations, we confirmed an unmet need in PfSH of 35,015 dwellings for the period of 2024 to 2036 based on the draft 2024/NPPF. Bloor has updated its calculations based on the published 2024/NPPF and confirm this unmet need increases to 38,994 dwellings for the same period (see Table 2 below).

² https://www.localplanservices.co.uk/_files/ugd/017f5b_ce5e9510709341c98706068e3ecf7018.pdf

³ <https://www.push.gov.uk/wp-content/uploads/2023/12/PfSH-Spatial-Position-Statement-6-December-2023.doc>

Winchester Local Plan Examination

Hearing Statement, Matter 1: Procedural & Legal Requirements

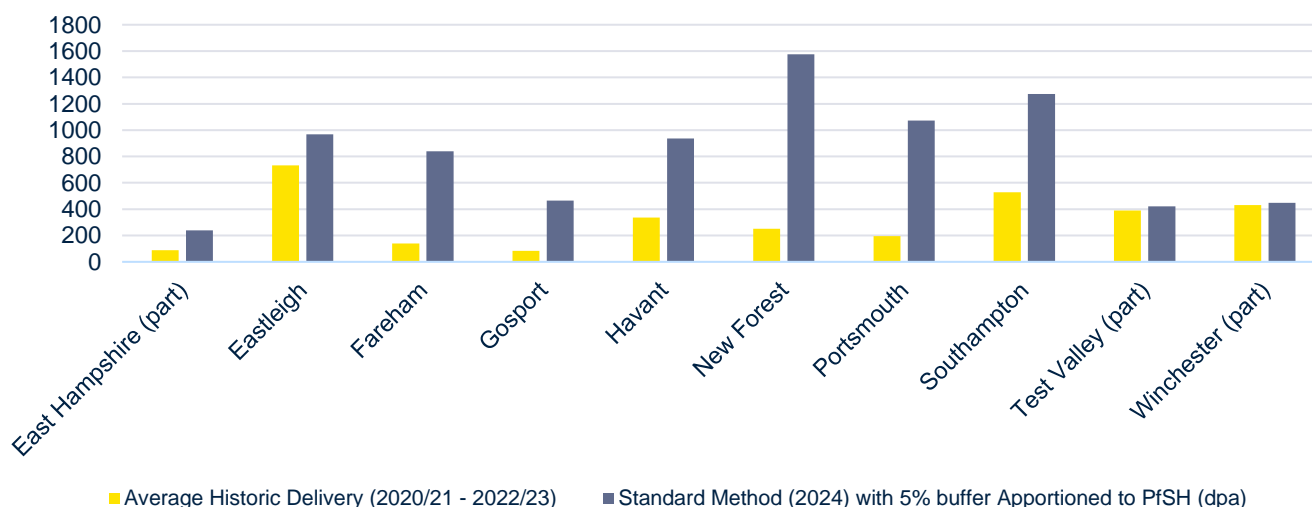


Table 2: PfSH Housing Need and Supply 2024 – 2036

LPA	SM (2024) Apportioned to PfSH (dpa)	With a 5% buffer	Total Housing Need 2024-2036	Identified Supply 2024-2026	Shortfall / Surplus
East Hampshire (part)	228	239	2,873	1,177	-1,696
Eastleigh	922	968	11,617	5,686	-5,931
Fareham	800	840	10,080	8,636	-1,444
Gosport	442	464	5,569	2,324	-3,245
Havant	892	937	11,239	3,789	-7,450
New Forest	1,501	1,576	18,913	7,455	-11,458
Portsmouth	1,021	1,072	12,865	10,434	-2,430
Southampton	1,214	1,275	15,296	14,724	-572
Test Valley (part)	402	422	5,065	2,870	-2,195
Winchester (part)	428	449	5,393	2,820	-2,573
Total	7,911	8,243	94,201	59,916	-38,994

- 1.8. Noting the above Bloor consider that based on the track record of authorities in the PfSH the actual unmet need will be 41,526 dwellings, 2,532 dwellings greater than that identified above (see Figure 1, Table 3 and Table 4). As such, while the Council is proceeding under the 2023/NPPF and unmet need requests have not been made by adjoining authorities such as Eastleigh, Southampton and Test Valley, this does not remove the fact that there is an acute housing crisis within in the region which the Council has a clear and unambiguous imperative obligation to adequately contribute to and address. The suitability of Winchester as a location to meet this unmet need is demonstrated at Figure 2, further the ability of the market to accommodate increased housing is demonstrated by recent delivery rates.

Figure 1: PfSH Historic Delivery (2020/21 – 2022/23) vs. 2024/NPPF Standard Method Need



*The average historic delivery for authorities partially located within PfSH has been calculated assuming delivery rates are even across the district.

Winchester Local Plan Examination

Hearing Statement, Matter 1: Procedural & Legal Requirements



Table 3: PfSH Historic Delivery (2020/21 – 2022/23) vs. 2024/NPPF Standard Method Need

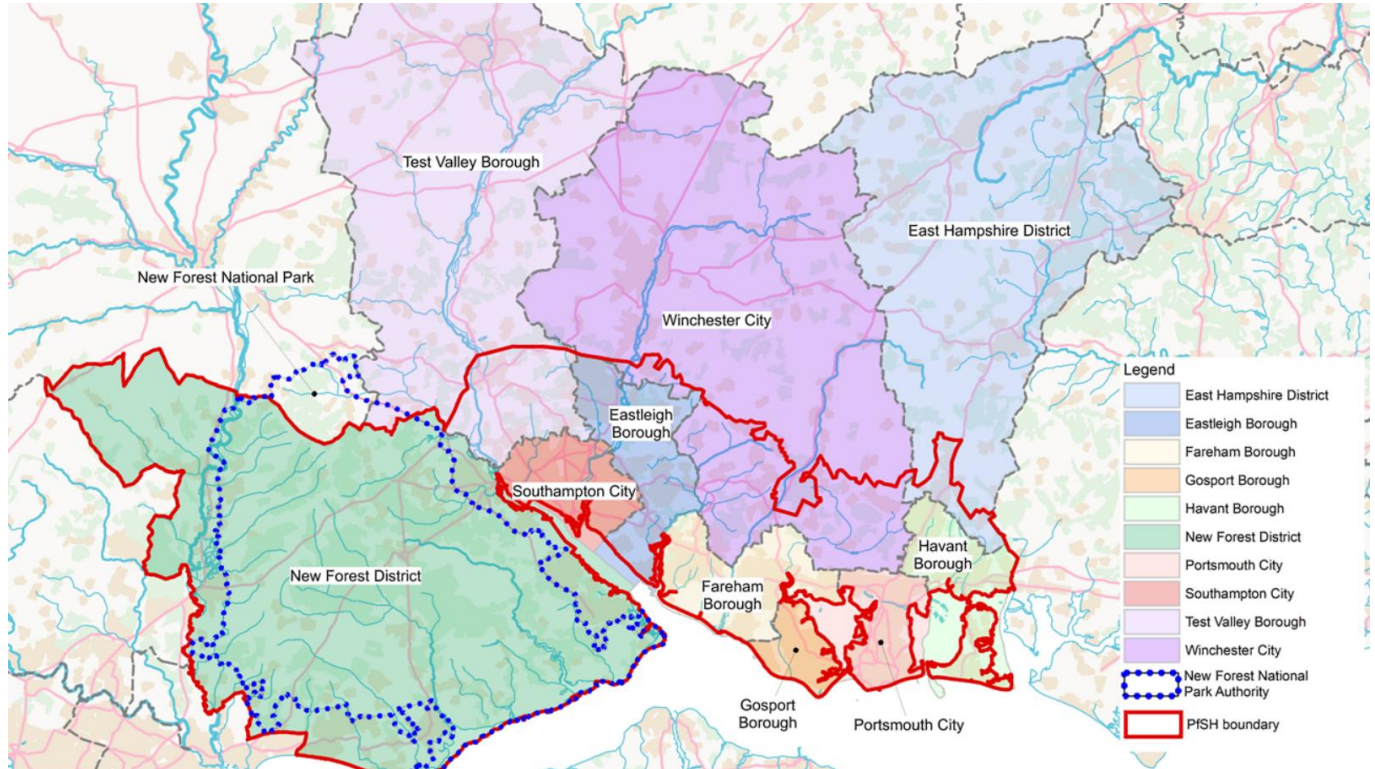
LPA	Historic Delivery (2020/21 – 2022/23) Apportioned to PfSH	Standard Method (2024) with 5% buffer Apportioned to PfSH	Difference
East Hampshire (part)	88	239	-217
Eastleigh	733	968	-235
Fareham	140	840	-700
Gosport	83	464	-381
Havant	337	937	-600
New Forest	252	1,567	-1,315
Portsmouth	195	1,072	-877
Southampton	528	1,275	-747
Test Valley (part)	390	422	-32
Winchester (part)	432	449	-17
Total	3,178	8,242	-5,064

*The average historic delivery for authorities partially located within PfSH has been calculated assuming delivery rates are even across the district.

Table 4: PfSH Housing Land Supply Position & Anticipated 12-Year Supply vs Identified Need

LPA	Housing Land Supply LPA Position	Average Historic Delivery (2020/21 - 2022/23)	Standard Method (2024) with 5% buffer Apportioned to PfSH	Anticipated Yearly Shortfall / Surplus	Total Housing Need 2024-2036 Apportioned to PfSH	12-Year Average Supply	Anticipated Shortfall / Surplus 2024-2036
East Hampshire	2.7	440	239	201	2,873	5,280	2,407
Eastleigh	Not up-to-date	733	968	-235	11,617	8,796	-2,821
Fareham	Not up-to-date	140	840	-700	10,080	1,680	-8,400
Gosport	2.12	83	464	-381	5,569	996	-4,573
Havant	1.8	337	937	-600	11,239	4,044	-7,195
New Forest	2.39	252	1,576	-1324	18,913	3,024	-15,889
Portsmouth	3.31	195	1,072	-877	12,865	2,340	-10,525
Southampton	5.9	528	1,275	-747	15,296	6,336	-8,960
Test Valley	2.76	906	422	484	5,065	10,872	5,807
Winchester	5.7	1,168	449	719	5,393	14,016	8,623
Total			8,243	-3460	94,201		-41,526

Figure 2: Map of the South Hampshire Urban Area



[Source: PFSH Spatial Position Statement December 2024]

- 1.9. In contrast to fulfilling its civic duty in meeting this acute regional housing crisis, the Council has instead moved forward with its proposed spatial strategy using the buffer from R.18 stage as a means to address some of the unmet needs in the sub region but not revisiting its strategy to see if it could do more. The HBF highlight this failing within its R.19 representations [representator number: ANON-AQTS-32GG-C] at paragraph 9, where HBF notes:

“The lack of direct consideration of the unmet housing needs in other areas can also be seen in the Integrated Impact Assessment (IAA) and the reasonable alternatives considered. The decision not to consider unmet needs of other areas at the start of the plan making process is noted in paragraph 2.33 of the IAA which states that “At the time of preparing the Strategic Issues and Priorities document and Regulation 18 Local Plan, the options considered related to meeting the needs of Winchester District, not the unmet needs of neighbouring authorities.” While the Council then went on to consider options that were higher than what was needed it is not clear that these were in a direct response to the unmet needs in other areas or just an outcome of the spatial strategies being proposed and that they in turn resulted in a “buffer” between needs and supply. What has not been tested in the IAA was an alternative that considered a greater response than to the significant unmet needs elsewhere”.

- 1.10. The PfSH intends to address the identified shortfall via delivery of seven 'Broad Areas of Search' (Spatial Position Statement Policy S8). Policy S8 considers that: *"The following locations are identified as broad areas of search for sustainable strategic scale development to potentially deliver a combined total of approximately 9,700 homes"*. Whilst the Broad Areas of Search identified do not fall within areas subject to significant development constraints, no work at all has been undertaken to identify whether they are available, deliverable or developable, nor has capacity calculations or delivery forecasting been undertaken. Given the lack of progress regarding the Broad Areas of Search, delivery cannot be relied on; in the unlikely event that the identified sites deliver in line with SPS8, a shortfall of circa 30,000 dwellings would still exist. Bloor considers reliance on the 'Broad Areas of Search' in its current status to be wholly inappropriate, as it results in the draft Local Plan providing an inadequate unmet need allowance, and is contrary to section 33A of the 2004 Act, as it is not meeting the current need within the next cycle of Local Plans (i.e., the Plan being examined), despite the noted need being for the period up to 2036 and these plans running until circa 2040.
- 1.11. Bloor do not consider that the draft Local Plan should be allowed to progress until the unmet needs to the PfSH have been adequately addressed. Precedent it provided by Inspector K Ward at the Warwick District Council EiP in 2015. Within his letter to the Council following the initial hearings (EXAM document 23⁴) he noted that while it is not the case that the Local Plan should necessarily accommodate all of the residual unmet need from the rest of the HMA (namely 12,500 dwellings in Coventry), the Council has submitted a plan in the absence of a clear strategy to meet the objectively assessed need for the HMA in full. Inspector K Ward concluded that resultant of the above, the plan was not positively prepared, justified, effective or consistent with national policy and therefore is unsound. Furthermore, he noted that adopting a plan with a commitment to a review mechanism would not resolve the key strategic matter of housing provision or housing supply.
- 1.12. In addition to the above, Bloor note that as the plan has been submitted for Examination, the issue of the Duty to Co-operate cannot now be rectified as per section 33A of the 2004 Act. Therefore, the emerging Local Plan must be deemed to not be sound or legally compliant.

⁴https://www.warwickdc.gov.uk/downloads/file/2869/exam_23_-_inspectors_letter_to_council_following_initial_hearings

Sustainability Appraisal

Questions 1-6

- 1.11. Bloor confirms that the below statement is a response to Q.1 to Q.6 to avoid repetition.
- 1.12. **No.** Bloor does not consider the Council's Sustainability Appraisal (Integrated Impact Assessment) ('IIA') (SD02a-d) meets the legal requirements of section 19(5) of the 2004 Act, accords with NPPF paragraph 32 or with the PPG.
- 1.13. With regard to Q.2, as per Bloor's Manor Parks R.19 representations, we do not consider that the SA/IIA is consistent with the emerging Local Plan's objectives or spatial strategy. One example of this is provided by paragraph 9.6 of the draft Local Plan which states *"The Local Plan sets out a development strategy based on a sustainable settlement hierarchy (informed by the Settlement Hierarchy Review). Sites have been selected for allocation based on whether they would help deliver the Local Plan strategy, an assessment of their benefits and impacts (including Sustainability Appraisal and viability assessment) and whether they can provide the types of housing needed in various locations"*.
- 1.14. Bloor considers that the spatial strategy fails to sufficiently prioritise Winchester Town as the most sustainable location for growth. The proposed distribution of development commits disproportionate growth to areas with limited active travel and public transport infrastructure. This will result in an over-reliance on private car use that will inevitably lead to increased congestion, emissions, and community severance, negatively impacting resident health and well-being. This approach contradicts the Plan's own IIA criteria and conflicts with both current and emerging national planning policy.
- 1.15. With regard to Q.3, as expressed under Issue 1 'Duty to Cooperate' as highlighted by the Inspector Bloor are concerned that the IIA has not considered and compared all reasonable alternatives, namely with regard to meeting sub-regional unmet need. This is evidenced by paragraph 2.33 of the IIA which sets out *"At the time of preparing the Strategic Issues and Priorities document and Regulation 18 Local Plan, the options considered related to meeting the needs of Winchester District, not the unmet needs of neighbouring authorities."* While the IIA does consider options with higher levels of housing (delivery of up to 15,620 dwellings), it is not clear whether this incorporates unmet need or rather different spatial strategies. No specific test was undertaken to incorporate a higher level of unmet need which is vitally needed due to the 38,994 dwelling shortfall in PfSH for the period of 2024 to 2036 based on the 2025/NPPF. Meeting this unmet need was clearly a reasonable alternative given the evidence available to Council at the time of Regulation 19 consultation and is clear failure of the IIA in seeking to ensure the plan is an effective one that has considered reasonable alternatives.

- 1.16. In regard to Q4, as highlighted by other representors during the R.19 consultation, Bloor raises concern with the inconsistency of the application of a 'policy-off' vs 'policy-on' approach in the IIA methodology. In this respect, sites proposed for allocation are evaluated based on potential mitigation measures (i.e., 'policy-on'), improving their scoring. This is explained in paragraphs 5.282 to 5.288 of the Main IIA Report. However, the potential for mitigation is discounted where omission sites are considered. This is apparent from the assessments undertaken in Appendix F of the IIA and the explanation commencing at paragraph 4.269 of the Main IIA Report. Paragraph 4.269 confirms that the evaluation of omission sites was *"undertaken based on the principle of development for the specified use within a defined site boundary and without taking into account opportunities to mitigate potential negative effects by, for example, providing new social infrastructure, by development design that seeks to minimise effects, or by site layouts that avoid sensitive environmental receptors within the site boundary"* i.e., details provided by developers/site promoters throughout the draft Local Plan consultation (such as technical reports and Vision Documents) were not considered.
- 1.17. To combat the shortcomings of this inconsistent approach, at Table 10 of our submitted Manor Parks representations (extracted below at Table 5), the sites' IIA rankings were updated by the technical team to reflect design approach and proposed mitigation. These updated rankings demonstrate the Manor Park site far outperforms the Sir John Moore Barracks (SJMB) draft allocation in relation to the IIA criteria. Based on this, like-for-like comparisons have not been undertaken which raises concern that the proposed allocations may not represent the most sustainable available options.

Table 5: Integrated Impact Assessment (IIA) Ranking of South Winchester Golf Course (Manor Parks) and Updated Assessment including Proposed Mitigation vs. SJMB

IIA Criteria	Manor Parks IIA Report Ranking (Policy Off)	Manor Parks IIA Ranking with Proposed Mitigation	SJMB IIA Report Ranking (Policy On)
IIA 1: To minimise the district's contribution to climate change through a reduction of greenhouse gas emissions from all sources and facilitate the aim of carbon neutrality by 2030	Positive	Significant Positive	Negative
IIA 2: To reduce the need to travel by private vehicle in the district and improve air quality	Positive	Significant Positive	Negative
IIA 4: To improve public health and wellbeing and reduce health inequalities in the district	Positive	Significant Positive	Neutral
IIA 7: To ensure essential services and facilities and jobs in the district are accessible	Positive	Significant Positive	Negative
IIA 8: To support the sustainable growth of the district's economy	Neutral?	Positive	Neutral?
IIA 9: To support the district's biodiversity and geodiversity	Double Negative	Positive	Double Negative

Winchester Local Plan Examination

Hearing Statement, Matter 1: Procedural & Legal Requirements



IIA Criteria	Manor Parks IIA Report Ranking (Policy Off)	Manor Parks IIA Ranking with Proposed Mitigation	SJMB IIA Report Ranking (Policy On)
IIA 10: To conserve and enhance the character and distinctiveness of the district's landscapes	Neutral?	Positive	Neutral?
IIA 11: To conserve and enhance the district's historic environment including its setting	Negative	Neutral	Neutral?
IIA 12: To support the efficient use of the district's resources, including land and minerals	Double Negative	Double Negative	Double Negative
IIA 13: To protect the quality and quantity of the district's water resource	Neutral	Neutral	Neutral
IIA 14: To manage and reduce flood risk from all sources	Neutral	Positive	Neutral

1.18. As such, the IIA has three significant flaws:

- (a) firstly, the emerging Plan's objectives are not consistent with each of the sustainability objectives set out in the Sustainability Framework;
- (b) secondly, it has not assessed delivering a higher level of housing to meet a greater proportion of unmet need;
- (c) thirdly, there has been an inconsistency of site evaluation.

1.19. These three factors mean that the SA/IIA does not meet the legal requirements of section 19(5) of the 2004 Act, or accord with NPPF paragraph 32 and the PPG.