

WINCHESTER LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor ID: ANON-AQTS-329Q-8

Representor: Bloor Homes Limited

Matter: 1

Procedural/ Legal Requirements

Date: April 2025

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Matter 1: Procedural/ Legal Requirements

Duty to Cooperate

Q1:

No, there is not clear evidence that the Council has met these requirements as set out in our question 2 below.

Q2:

Paragraph 9.15 of the 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 to address this.'*

The plan lacks clarity in its vision to *"address the needs of the area...and respond to the wider relationship with neighbouring areas"*. Rather than adopting a positive and adaptable approach to this aspect of the vision and meeting the requirements under the Duty to Cooperate (DtC), the plan takes a more restrained stance on housing provision and delivery. The 'objectives' make no mention of addressing unmet housing needs from neighbouring areas, instead focusing solely on meeting 'local needs' under objective iv).

Addressing cross-boundary matters is a core element of plan preparation and crucial to meeting the test of soundness. The scale of the unmet need in neighbouring areas is set out in the PfSH Spatial Position Statement (PSH01), December 2023 (now 2.5 years old). Table 1 shows a shortfall of just under 11,800 homes across the South Hampshire sub region. This is significant and will only increase in future on the basis of the current standard method.

Despite the PfSH Statement of Common Ground (SoCG), September 2023 (SD08h) and Spatial Position Statement (SPS), December 2023 (PSH01), the Council has failed to engage in ongoing or constructive dialogue with neighbouring authorities to explore how unmet housing need could be accommodated, as required by the NPPF paragraphs 11b, 26 and 61 and the DtC. This is evident in the SoCG previously agreed with adjoining authorities and the PfSH, which point to a lack of constructive and ongoing dialogue, with dialogue stopping in December 2023 with PfSH. This issue remains pertinent at the examination stage, with the Housing Topic Update Paper (January 2025; EiP Ref. ED02) reiterating Winchester's position, stating that *"attempting to allocate any unmet need sites in the Winchester Local Plan would involve a substantial delay."*

Whilst the PfSH SoCG 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. The SPS identifies that strategic growth locations will be progressed through local plans. However, the Council has not done this, despite the Regulation 19 plan being published many months later.

Specifically, the Council has not responded positively to direct requests from both Portsmouth (PCC) and Havant councils, which collectively identified a need to provide for 7,886 homes (4,377 from Portsmouth, minus 800 accounted for in the Fareham plan, and 4,309 from Havant).

PCC formally asked the Council to identify specific sites in its Plan to help meet its unmet housing need and other local authorities (page 10, SD08i). These sites should be geographically appropriate i.e. located close to the relevant local planning areas and within the relevant housing market area from which the need is generated. The Portsmouth-Winchester SoCG states *“Portsmouth City Council has formally approached Winchester District to request assistance in meeting the City’s unmet housing need of 219 dwellings per annum.”* (Paragraph 1, page 11, SD08i).

Regarding Havant, Paragraph 4, page 10, SD08e, (SoCG Between Winchester and Havant Borough Council) states *“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 subsequent allocation of a proportion of the additional housing proposed, over and above its required figure, to Havant, does not adequately address Havant’s unmet need or in indeed unmet need in the wider area.

There is a lack of evidence of constructive and ongoing discussions throughout the course of the preparation of the local plan which hinders an understanding of the Council’s approach to providing for unmet needs i.e. what strategy or options have been discussed to accommodate unmet need.

WCC has failed to adequately consider the scale of unmet housing need and the potential opportunities to address it, as outlined in NPPF paragraph 11b. Instead, they have proposed an ‘allowance’ that is not site-specific or ring-fenced and is based on the Regulation 18 ‘buffer’ approach (discussed at paras 4.46–4.53 of Housing Topic Paper, SD10g), rather than a detailed assessment of available opportunities and capacity. This 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. Consequently, the plan leaves uncertainty about how much and where unmet needs will be met within the district.

There are additional opportunities within the parameters of the spatial strategy that could help address the scale of unmet need. However, WCC has limited its options due to the previous buffer approach, without adequately reviewing or revising this response during the Regulation 19 stage.

These issues are reflected in the Integrated Impact Assessment (IIA), which fails to consider alternatives that would help to address the significant level of known unmet need, including with reference to geographical considerations (noting that the PfSH only covers the southern part of the district).

Unmet housing need, whether accounted for or not, will inevitably place pressure on the southern part of the district, creating further pressure on the Council to meet ‘local needs.’

The plan should proactively seek to address the unmet housing needs by establishing a higher housing requirement, which reflects the positive opportunities and capacity within the district. It should allocate all deliverable sites in sustainable locations, including additional development at Wickham, through the allocation of a larger site at Mill Lane.

Due to the vague, unqualified and negative approach taken, the strategy lacks clarity and fails to be positive, effective or justified. As a result, the draft local plan does not meet the tests of soundness. As such, the DtC has not been met.

Sustainability Appraisal

Q3:

Yes, a higher option beyond option 1A should have been considered.

The Integrated Impact Assessment Regulation 19 (IIA) tested five options, with four delivering 14,000 homes over the plan period with 1A delivering 15,620 homes. Paragraph 4.4 of the IIA explains that 1A responded to consultation responses received on the Strategic Issues and Priorities document as well as findings of the IIA 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 DtC 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 these to the fullest extent possible. This was clearly a reasonable alternative given the evidence available to Council at the time and is a clear failure of the IIA in seeking to ensure the plan is an effective one that has considered reasonable alternatives.

As outlined in our DtC responses, the plan should allocate all deliverable sites in sustainable locations, in accordance with the settlement hierarchy and opportunities to access services, facilities and sustainable travel options, including expanding Land at Mill Lane, Wickham (Policy WK5) to include site WI06.

This expansion is justified, considering the district's capacity to address the (growing) unmet needs within the PfSH area as part of its DtC, while also allowing greater flexibility in the event of any non-delivery on existing allocated sites.

Q5:

The SA has not adequately informed the site selection process. This is evident in the fact that the land at the junction of Mill Lane, Wickham (WI06), which forms part of the wider Land at Mill Lane site (Policy WK5), scores higher or similarly in sustainability terms (SD02c, Appendix F, pages 1033-1035) compared to a number of proposed allocations mentioned. These include:

- Sir John Moore Barracks (Policy W2)
- Central Winchester Regeneration (Policy W7)
- Station Approach Regeneration Area (Policy W8)
- Tollgate Sawmill (Policy BW3)
- Clayfield Park (Policy CC1)

Moreover, WI02 and WI06 benefit from being under single ownership, enhancing their deliverability compared to the aforementioned brownfield sites and can support up to 40% affordable housing.

Given this, Bloors is seeking the expansion of the draft allocation for Land at Mill Lane, Wickham (Policy WK5) to incorporate WI06.

Q6:

The Council has not considered a higher housing requirement in the Sustainability Appraisal (SA) to address the significant unmet housing needs in neighbouring areas, despite available evidence suggesting this was a reasonable alternative that should have been thoroughly considered in the Integrated Impact Assessment (IIA).

As outlined in our response to question 5 above, the local plan has not fully considered the findings of the SA, meaning it does not fully align with paragraph 32 of the NPPF. Some of the proposed allocations are not fully supported by the evidence underpinning the local plan.

Climate Change

Q1:

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 as follows.

Strategic Policy SP1 requires amendments to criteria set out within 'Tackling the climate emergency and creating a greener district objective'. Proposed amendments are in Bloor's Regulation 19 submission.

Strategic Policy CN1 needs proportionate application and needs to take into account site-specific considerations, recognising that it may not be possible for all of the criteria to be met on each site. Examples of these are provided in Bloor's Regulation 19 submission.

Policy CN2 should balance aspirations with practicalities of implementation and financial viability. More detail on what interventions should be considered at each stage of the hierarchy is needed in the policy, supporting text and evidence base.

Policy CN3 is too ambitious in practice for the construction industry to adapt to. A phased approach is preferred to ensure that change is deliverable. The policy needs to strike a better balance in terms of ambitions versus affordability and feasibility.

There are also practical issues around whether a local approach will be onerous to assess and apply in practice due to the technical complexities. Generally, an approach that links to national standards and regulations e.g. building regulations is preferred, providing consistency in the market.

As noted at paragraph 4.22 of the plan, the Future Homes Standard is to be introduced nationally from 2025, including an uplift in Building Regulations standards, 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 Q3 2025, a phased approach which includes standards applicable from 2025 should be considered, ensuring that the policy is deliverable over the plan period. Furthermore, these standards are in line with meeting the 2050 net zero target.

If the local plan is to go beyond existing and forthcoming standards, it must be consistent with national policy and the December 2023 Minister of State for Housing Written Ministerial Statement (WMS). 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 that measures for energy efficiency standards and energy requirements are those set out in the WMS and FHS i.e. Target Emission Rates (TER) and that it was not open to local authorities to choose measures other than this. The High Court Judgement's intention is to prevent the application of inconsistent standards. It is noted that the Council, the Council wrote to the Secretary of State (paragraphs 5.8-5.10, Carbon Neutrality and Embodied Carbon Topic Paper) 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"*.

Bloor does not consider the impact of the additional requirements set out in Policy CN3 on the viability and deliverability of development to have been fully considered, with the true cost of this policy underestimated.

On-site renewable energy generation requirements appear overly rigid and there is a lack of recognition that there is often a mismatch between renewable electricity generation and consumption, particularly during winter months, limiting the ability to balance demand with generation.

Bloor objects to requiring energy modelling and calculations at the outline application stage, as such details are often unavailable at this point. This requirement should only apply at the detailed design stage. Additionally, the policy should acknowledge Government commitments to decarbonizing electricity by 2035 and banning gas boilers by the same year.

Proposed amendments are in Bloor's Regulation 19 submission.

Policy CN4

The proposed water standard of 100 litres per person per day (l/p/d) is inconsistent with the Environment Agency's guidelines on Water Efficiency and Planning, 18/08/2023, within the evidence base which advises that LPAs in the Solent and South Downs should ensure that new residential developments achieve an average water consumption of at least 110 l/p/d. While Southern Water may be promoting a lower benchmark, there is insufficient justification or evidence for deviating from the Environment Agency's recommendations. Therefore, the draft policy is not justified.

Policy CN8

Whilst it is laudable to seek buildings to be designed in a way that are flexible and adaptable as stated in paragraph 4.52, it is not possible to know how buildings might be used in 15-20 years' time, and this should be acknowledged.

Policy CN8 is unclear as to what should be included in the assessment. This should be clarified as the evidence base informing this policy refers to two different assessments, upfront embodied carbon and lifecycle embodied carbon.

Further, the level of detail required to undertake an embodied carbon assessment will not be known at outline application stage and it is not reasonable to expect such calculations to be carried out at this stage. This should be made clear in the policy.

Other Matters

Q1:

Some policies do not fully meet NPPF Paragraph 16 due to unnecessary repetition, ambiguity, and inconsistencies with national policy. Key concerns and suggested amendments include:

- **Strategic Policy D4** duplicates elements of **Strategic Policy D1**. The need for a separate policy for the Market Towns and Rural Villages is unclear, and this policy is not justified.
- **Criteria i of Strategic Policy NE1** fails to account for provision within paragraph 186 of the NPPF to, as a last resort, compensate for significant harm to biodiversity arising from development. This should be incorporated into criteria i of the draft policy. As currently drafted the policy is not consistent with the NPPF. Draft Policy NE1 is not consistent with the NPPF in that sites must be protected and enhanced “*in a manner commensurate with their statutory status or identified quality*”. Policy requirements related to non-designated ecological assets should therefore be proportionate to the value of that asset.
- **Criteria i of Policy NE5** should be amended to reflect the requirement of paragraph 180 of the NPPF that sites are protected “in a manner commensurate with their statutory status or identified quality in the development plan”. Criteria iv) should acknowledge the role of compensation (as a last resort), in order to be compliant with paragraph 186 of the NPPF. It is unclear if criteria vi) is intended to reflect Paragraph 186 b) of the NPPF. The wording of this criteria needs to more closely reflect this paragraph.
- **Criteria i) of Policy NE6** seeks to require the Sequential Test in all cases, and the Exceptions Test if required. The NPPF is clear that the Sequential Test is not required to be undertaken on allocated sites where this test has already been carried out. Government guidance outline further examples where the sequential test is not required. The draft policy and supporting text should make reference to the Strategic Flood Risk Assessment, Strategic Flood Risk Assessment Level 2 and Flood Risk Sequential and Exception Test Statement to confirm the council’s approach to flood risk and the allocation of sites for development. In addition, further detail should be included in Policy NE6 regarding sustainable drainage principles that are expected to be considered.
- **Policy NE8** does not comply with the NPPF and needs to reflect the wording at Paragraph 182 of NPPF. Criteria i) of is inconsistent with the NPPF, with regard to the reference to exceptional circumstances. This should be removed.
- **Policy HE4** repeats NPPF requirements and should be removed.
- **Policy HE5** should align with the NPPF tests. The circumstances in which the LPA will permit loss of whole or part of a building should not be because

it is lost per se, but because the tests for substantial/less than substantial harm etc are met. The recording element of HE5 is also considered to be excessive, as not all cases where significance is harmed by proposals will merit recording.

- **Policy HE7** should remove repetitive text.
- **Paragraph 8.34** in the supporting text to **Policy HE11** refers to 'exceptional circumstances' which is overly restrictive and does not relate to the circumstances in which the loss of unlisted buildings in conservation areas would actually be permitted. The more relevant consideration is whether the loss will result in harm to the character and appearance of the conservation area through a positively contributing building (per NPPF, para. 213). The demonstration that a building is beyond repair and incapable of beneficial use is a consideration, not the only determinant.

Further details on these proposed amendments are included in Bloor's Regulation 19 submission.