

# **Examination of the Winchester District Local Plan 2020 - 2040**

## **Matter 1 Hearing Statement: Procedural/legal requirements**

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

On behalf of Foreman Homes Limited and VIVID



# MASTER

LAND & PLANNING

## **Duty to Cooperate**

### **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?**

1. The Partnership for South Hampshire (PfSH) published a Spatial Position Statement (SPS) in December 2023 (document ref: PHS001) which was produced collaboratively and agreed by all partner authorities.
2. Paragraph 1.3 of the SPS confirms work had been underway between the authorities since 2019 with the production of the Statement of Common Ground, subsequently revised in each year following, and that the SoCG set the methodology and framework for the SPS which involved a two-stage approach to addressing needs with stage 1 relating to current and emerging local plans and stage 2 relating to the identification of broad areas of search for growth. Evidence was therefore compiled based on this approach and resulted in the publication of 'PfSH Broad Areas of Search for Growth Assessment' dated December 2023 which underpinned the SPS. The assessment used a constraints mapping approach to assess the potentially most sustainable broad locations, at the sub-regional scale which concluded in the identification of just five areas of Search for Growth confirmed by Policy SP8 of the SPS. These areas were identified due to the combination of a relative absence of strategic constraints, relative proximity to opportunities and services, and their scope in principle for good public and active travel connectivity. In order for the SPS to have been written and agreed by the partner authorities, this document must have been made available to them well in advance of December 2023.
3. It is noted that this important document is not listed within the Council's evidence base library for the Examination.
4. Paragraph 6.42 of the SPS confirms '*The broad areas of search will be considered alongside other options for growth put forward in the preparation of individual local plans. While they will potentially make a significant contribution to accommodating housing needs, further sites will still be required across South Hampshire. Given the lead in times for larger sites, it is likely that the Broad Areas of Search for Growth, or other strategic options for growth taken forward in local plans, will continue to deliver new development well beyond 2036 and provide a longer-term strategic direction for new development.*'
5. The Draft Winchester Local Plan was not finalised to a draft Regulation 19 Plan until after the publication of the SPS and the formal identification of the area of search for growth East of Botley. The Council had every opportunity to reconsider the spatial strategy and delivery of the unmet needs prior to finalising the draft plan, however failed to do so despite agreeing to the above statement within the SPS.

6. Deferring the issue to a subsequent plan does not represent positive planning to address the agreed statements within the PfSH SPS and to meet the unmet needs which exist now. The strategy produced and set out in the Local Plan is not therefore based on effective cooperation as it does not reflect what has been agreed with other authorities.
7. These failures have resulted in the Local Plan:
  - Not using the Sustainability Appraisal to consider alternatives enabling the delivery of sustainable growth to meet wider unmet needs in the PfSH area within Winchester District;
  - Not containing a strategic policy for the PfSH area within Winchester District that makes sufficient provision for homes;
  - Not defining an area of search on the Proposals Map and within a Strategic Policy for the for the 'Land East of Botley'; and / or
  - Not using this plan-making process to examine the area of search and define allocations at the 'Land East of Botley' area.

### **Sustainability Appraisal**

**Q3: The SA tested five spatial strategy options: a development strategy based on the adopted Local Plan, focussing 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 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?**

8. Yes. PPG (018 Reference ID: 11-018-20140306) is clear that sustainability appraisals '*need to consider and compare all reasonable alternatives*'. The SA did not consider the 6<sup>th</sup> spatial option defined within SPS8 of the PfSH SPS which defines East of Botley as a broad area of search, and which paragraph 6.42 confirms should be considered alongside other options for growth as part of individual local plans.
9. The failure of the SA and IIA to consider options that deliver the greatest amount of housing possible to meet the wider unmet need, undermines the spatial strategy of the plan which cannot be demonstrated to have been positively prepared.

**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?**

10. The failure of the site assessment to not consider cross-boundary relationships means the assessment does not accurately portray the true sustainability of settlements on the boundary of the District, whereby future residents would benefit from the daily services and facilities of the nearest settlement. The daily movement of people does not abide by the district boundaries. This is particularly important in relation to the south Hampshire Urban Area and the PfSH area of search to the east of Botley, which is identified as a location for growth to meet wider strategic needs. As prepared, the SA and site selection strategy cannot be justified or sound.
11. Our client has previously submitted detailed representations to the Regulation 19 consultation (reference: ANON-AQTS-3291-8) which set out a detailed shadow assessment of SHELAA site reference CU08 'Land at Botley Road, Station Hill' which we will not restate in full here. The use of an adjusted methodology which reflect the realistic and true sustainability of the site, as a result of its location in close proximity to Botley demonstrates its favourable performance against the IIA objectives.

**Q5: How has the SA informed the development of the Plan, including housing 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?**

12. In full knowledge of the PfSH statement that was agreed between all authorities, the Council did not act upon the policies set out and instead have chosen to defer the issue to a later review of the Local Plan. The SA did not consider the 6<sup>th</sup> spatial option defined within SPS8 of the PfSH SPS which defines East of Botley as a broad area of search which paragraph 6.42 confirms should be considered alongside other options for growth as part of individual local plans.
13. The PfSH area of search east of Botley is not reflected in the evidence-base (including the SA) and therefore it is no surprise that only a passing reference is made within the Local Plan at paragraph 9.17. The Framework is clear in Chapter 3 that plans should be underpinned by relevant and up to date evidence and the alternative options considered. This has not occurred in this case with no positively prepared strategic policy for the PfSH area and an appropriate level of growth planned for.