

EXAMINATION OF THE WINCHESTER DISTRICT LOCAL PLAN

EXAMINATION STATEMENT ON BEHALF OF CROUDACE HOMES LIMITED

Matter 1 – Procedural/ Legal Compliance

Prepared by:

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March 2025

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1. Introduction

- 1.1 This Examination Statement provides a response on behalf of Croudace Homes Limited ("Croudace"), to those Questions raised by the Inspector (dated 24 February 2025), relating to the Stage 1 Hearings of the Winchester District Local Plan 2020-20240 (the Plan) and its supporting evidence base.
- 1.2 This Statement has been prepared by Neame Sutton on behalf of Croudace and specifically looks at the questions and issues raised by the Inspector in relation to Matter 1: Procedural/ legal requirements.

2 Matter 1 – Procedural/legal requirements

Duty to Cooperate

1. *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 No, there is insufficient evidence that the Council has had constructive and ongoing engagement with neighbouring authorities.
- 2.2 The Council provided at Regulation 19 stage a Duty to Cooperate Statement, dated September 2024. This statement has not been updated for the Examination of the Plan. The statement contains hyperlinks to Statements of Common Ground between Winchester City Council and:
- Portsmouth City Council

- Basingstoke and Deane Borough Council
- Eastleigh Borough Council
- East Hampshire District Council
- Fareham Borough Council
- Havant Borough Council
- South Downs National Park Authority
- Test Valley Borough Council
- Natural England (March 2025)

2.3 The main emphasis of the Statement of Common Ground (SoCG) is for Winchester City Council to evidence that it has attempted to contact other authorities for Gypsy and Traveller Pitches. It is Croudace's opinion that the SoCG had potential to demonstrate effective engagement for tackling unmet need in the Portsmouth Strategic Housing Market Area, which includes some of Winchester, however it failed to do so.

2.4 It can be noted that the Statement of Common Grounds for the following stakeholders are not currently available as part of the evidence base:

- Environment Agency
- NHS Integrated Care Board
- NHS Hospital Foundations Trust
- Historic England
- Hampshire County Council

2.5 The SoCGs between these stakeholders was to be an outcome and action of the Regulation 19 Consultation of the Winchester District Plan in the Duty to Cooperate Statement of Compliance (September 2024).

2.6 The majority of the Council's evidence base for the SoCGs with neighbouring authorities and statutory bodies are dated either August and/or October 2024. There is no evidence that the SoCGs have been prepared and maintained during the course of the Plan's production. This is in conflict with Paragraph 24 of the NPPF.

2.7 The August 2024 dated SoCGs are a retrospective action in recognition that the Plan would not be legally sound without such a document, however there is a disregard within the SoCGs and Duty to Cooperate Statement of Compliance (September 2024), that this collaborative working should have been undertaken since the Plan's review began in 2020, not in 2023, which appears to be the common date that WCC

commenced engagement with the required bodies and authorities. The Plan had already reached Regulation 18 stage by late 2022. There is little to no evidence that sustained pro-active engagement on strategic matters via Statement of Common Grounds was undertaken prior to August 2024. This has significant implications, particularly for housing delivery and accommodating the unmet need of neighbouring authorities.

1. 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?

- 2.8 Winchester City Council has not effectively engaged in addressing unmet housing need of neighbouring authorities in the Partnership for South Hampshire area, specifically Portsmouth and Havant. There is evidence of engagement, but Croudace is of the opinion that Winchester City Council could and should have done more to assist with unmet need and failed to respond to changes in its evidence base and engagement through the Duty to Cooperate within the South Hampshire Strategic Housing Market Area.

Partnership for South Hampshire (PfSH)

- 2.9 The current SoCG with the PfSH is dated December 2023. There has been no further engagement through the Duty to Cooperate or SOCG process with the PfSH. This Partnership includes authorities such as Portsmouth CC and Havant BC which are unable to meet their own housing needs, as detailed above. The unmet need in PfSH totals 11,771 dwellings between 2023-2036, as set out in Table 1 of the PfSH and Winchester SoCG (Dec 2023).
- 2.10 The December 2023 SoCG between Winchester CC and the Partnership for South Hampshire pre-dates further correspondence from Havant BC and Portsmouth CC in 2024 about being unable to meet their housing needs.
- 2.11 The increases in housing requirement in some of Winchester's neighbouring authorities as a result of the new NPPF (2024) are summarised in Table 1, below, for comparison.

Table 1. The Proposed Revised Standard Method, NPPF (2024)

Authority	Current Housing Requirement (per annum)	Outcome of the Revised Standard Method (per annum) (NPPF 2024)	Plan Production Stage (as of October 2024)
Winchester	676	1157	Regulation 19
East Hampshire	575	1142	Regulation 19
Havant	508	892	Regulation 18
Fareham	498	800	Plan adopted April 2023. No new plan in production
Portsmouth	897	892	Submitted

- 2.12 Table 1 shows that there has been significant changes in the housing requirement for several authorities within the Housing Market Area. It is therefore clear that Winchester has failed to properly engage with these issues through the Duty to Cooperate and as a consequence has not provided for sufficient housing in this Plan.

Portsmouth City Council

- 2.13 The SoCG between Portsmouth City Council and Winchester City Council is dated October 2024. There is only evidence of one other SoCG agreed, 2 months prior in August 2024.
- 2.14 The SoCG states that Portsmouth CC is unable to plan for its housing need. In October 2024 it states that Portsmouth City Council has an unmet need of 4,277 dwellings. This calculation pre-dates any increases as result of the revised standard method as a result of the NPPF (2024). Portsmouth CC has sought to request neighbouring authorities to meet more of its unmet need in 2024, this postdates any agreement with PfSH.
- 2.15 WCC has not increased its unmet need housing contribution, nor has it tested at any stage a higher housing requirement in revised IIAs, despite continued requests from Portsmouth City Council to accommodate more of its unmet needs.

Havant Borough Council

- 2.16 The SoCG between Havant Borough Council and Winchester City Council is dated October 2024. There is only evidence of one other SoCG agreed, 2 months prior in August 2024.
- 2.17 Havant BC has an unmet need of 4,309 dwellings. This calculation pre-dates any increases as result of the revised standard method as a result of the NPPF (2024).
- 2.18 WCC have not increased its housing requirement despite consistent requests from Havant Borough Council to accommodate more of their unmet needs.

Summary

- 2.19 The SoCGs between Portsmouth City Council and Havant Borough Council and Winchester City Council do not indicate any proactive or constructive solutions to seek to address the matters of unmet housing need, and housing land supply.
- 2.20 The 1,900 units proposed by the Council to help contribute to meeting unmet need in neighbouring authorities, are not specific to the Southern Sub Area Housing Market Area of the Winchester District Local Plan, where the unmet need is greatest, rather the number is applied to the plan area as a whole. It is therefore questioned whether the units allocated provide for unmet need within the right housing market area to provide a meaningful contribution to supply in the area it is required. Housing delivery in the north of the plan area, for example, would fail to cater for the needs of authorities such as Portsmouth and Havant as Winchester City and North Sub Market areas, fall outside of the sub-regional SHMA.
- 2.21 Havant Borough Council in its SoCG with WCC also raise concern of the lack of actual numbers attributed to each authority to assist with progressing its own Plan. Both an actual number and broad location would be considered appropriate.
- 2.22 Croudace has previously raised concern, at Regulation 19 stage, about quantum of unmet need catered for in this Plan's housing requirements and this is explored and explained more fully in questions relating to Examination Matter 4: Meeting Housing Needs.
- 2.23 Croudace is of the opinion that WCC's approach to unmet need in the neighbouring authorities has been illogical and this demonstrated in the Plan's strategy and

evidence of engagement. It has postponed any consideration of unmet need, outside of the 1,900 dwellings in its Plan's housing requirement, until other plans, specifically Portsmouth and Havant have been examined. This is quite clearly the wrong approach and postpones necessary action for all authorities involved. With such pressing housing needs now evident following the NPPF (2024) revisions to the standard method calculation (see table 1) this can no longer continue. The Council will need to re-consider its strategy of assisting with unmet need in the wider SHMA through meaningful, evidenced, engagement with neighbouring authorities.

- 2.24 As a result of the Council's strategy to wait for examination stage, the Winchester District Local Plan has not considered or tested any reasonable alternatives which would go to meeting the unmet needs of PfSH through the IIA/ Sustainability Appraisal. The spatial strategy of the Plan, as a result is not effective and is not borne out of evidenced, collaborative and constructive working with stakeholders and other authorities.
- 2.25 The Council has failed to re-consider and provide sufficient evidence that 1,900 dwellings is a reasonable and proportionate amount of units. Furthermore, it has failed to demonstrate that this figure complies with the legal framework to plan making and is in the spirit and alignment of National Policy, which seeks to significantly boost housing supply and for authorities to work together to provide for unmet need.
- 2.26 As stated above, the Council has failed to collaborate consistently and meaningfully with other authorities, and also with prescribed bodies. The engagement with adjacent and sub-regional authorities, specifically, has been too late in the plan production process to have any impact on the outcome of the IIA, plan objectives, plan strategy or policy wording.

Question 2- Conclusion

- 2.27 Winchester City Council has failed to react to the changing positions of the councils it has engaged with. The engagement shown through the SoCGs has also been too late in the plan making process. Evidence within the SoCG should have shown early engagement, rather than imminently prior to the submission of the Plan. The Plan strategy has never altered or been adapted, despite a changing evidence base as set out in the SOCGs. It is Croudace's opinion that whilst engagement under the Duty to Cooperate has been undertaken, the lack of constructive working has left a clear deficiency in housing numbers. Croudace's view on increasing the Plan's housing requirement is set out in the representations to Matter 4.

Sustainability Appraisal

- 2. The Council has carried out an Integrated Impact Assessment (IIA). That comprises a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA), and Equalities Impact Assessment (EqIA).**

2.28 This statement is agreed.

- 3. 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?**

2.29 Sustainable Development is a broad term that describes development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Our Common Future, Brundtland Report, 1987). It's based on three pillars: economic, environmental, and social, and policies in these areas need to work together to achieve it. The NPPF (2024) sets out in Paragraph 8, how the planning system should contribute to achieving sustainable development. A key element of the economic and social arms is the delivery of homes in the right places at the right time for the needs of the present and future generations.

2.30 Croudace cannot agree that the IIA objective 6: Housing to a decent standard, encompassing 6.1 and 6.2 has been assessed correctly and that the Plan would result in sustainable development in relation to housing supply and housing delivery during the plan period.

2.31 Croudace has no further comment in regard to the other Plan objectives and the conclusions of the SA.

- 4. 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 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?

- 2.32 In short yes. The SA should have tested a higher growth target and in this respect it is deficient.
- 2.33 We have set out in our Matter 4 Statement under the heading of 'Meeting the Housing Requirement' the reasons why a higher minimum housing requirement is necessary in Winchester and have provided details on what that higher housing requirement figure should be.
- 2.34 The Council has failed to properly consider the alternative of a higher growth target and in this respect the Plan as submitted is not positively prepared or consistent with National policy, most notably the core Government objective to significantly boost the supply of housing nationally.
- 2.35 The failure is even more stark when the current National policy position set out in the Framework 2024 and the accompanying updated Standard Method calculation of LHN are taken into account. The Council knows that it will be required to undertake an immediate review of the Plan to meet with the requirements of the transitional provisions in the Framework 2024. The reason for the immediate review is that the level of housing need in the District is now significantly higher than this Plan seeks to achieve.
- 2.36 Further detailed evidence is set out in our Matter 4 Statement and not therefore repeated here.

6. 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?

- 2.37 The SA falls short of properly informing the Plan due to the deficiency in not considering a higher growth scenario. As a consequence the Council is not in a position to say whether more growth than is proposed could be delivered and therefore whether more of the unmet need arising from neighbours, as well as its own increase from the higher standard method figures, could be addressed.

7. 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?

- 2.38 In short, no. The Plan has not met the necessary requirements for the reasons given above. This situation is similar to that of Horsham District (albeit in the case of Horsham the Council was actively seeking to deliver a figure lower than its LHN). In the Horsham case the Council failed to properly consider a higher growth scenario and consequently did not test it through the SA. That Plan was found to be legally deficient. A similar situation is present here.
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