

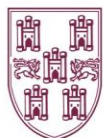
# YOUR PLACE YOUR PLAN.

Winchester District Local Plan

## Winchester City Council Local Plan Examination Hearing Statement Matter 14:

Biodiversity and the natural environment

April 2025



Winchester  
City Council

## **Matter 14: Biodiversity and the natural environment**

**Issue: Would the Plan's policy framework in relation to the protection and enhancement of biodiversity and the natural environment be effective and justified and would the individual policies be clear, justified and consistent with national policy, and would they be effective?**

Strategic policy NE1 Protecting and enhancing biodiversity and the natural environment .....	3
Policy NE2 Major commercial, educational and MOD establishments in the countryside.....	6
Policy NE3 Open space, sports and recreation.....	6
Policy NE4 Green and blue infrastructure .....	10
Policy NE5 Biodiversity .....	14
Policy NE6 Flooding, flood risk and the water environment .....	18
Policy NE7 Settlement gaps.....	21
Policy NE8 South Downs National Park.....	24
Policy NE9 Landscape character .....	25
Policy NE10 Protecting open areas.....	26
Policy NE11 Open space provision in new developments.....	28
Policy NE12 Equestrian development .....	29
Policy NE13 Leisure and recreation in the countryside .....	30
Policy NE14 Rural character .....	30
Policy NE15 Special trees, important hedgerows and ancient woodlands .....	32
Policy NE16 Nutrient neutrality water quality effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and RAMSAR Sites of the Solent and River Itchen.....	33
Policy NE17 Rivers, watercourses and their settings .....	36

# Strategic policy NE1 Protecting and enhancing biodiversity and the natural environment

## **1. Would strategic policy NE1, overall, accord with national policy?**

WCC response:

- 1.1 The city council considers that Strategic Policy NE1 and its supporting text are consistent with national policy, particularly chapter 15 of the NPPF. Policy NE1 refers to protecting and enhancing the natural environment, particular reference to irreplaceable habitats, designated sites of international, national and local importance, the Local Ecological network and the air and water environments.
- 1.2 Policy NE1 is supportive of development that conserves and enhances biodiversity (including the Ecological Network) and geodiversity and natural resources, which is consistent with paragraph 180 d) of the NPPF. Furthermore, the Council is content that the policy and Plan as a whole, provides evidence that it meets the duty placed on it by Section 40 of the Natural Environment and Rural Communities Act and supports the principles set out in the Environment Act 2021.

## **2. How would policy NE1 interact with policies NE2-NE17 and together would they provide a robust and logical approach to the protection and enhancement of biodiversity and the natural environment?**

WCC response:

- 1.3 Strategic Policy NE1 provides the overarching policy framework and the strategic approach for promoting protection and enhancement of biodiversity and the natural environment as set out in paragraph 7.23. Policies NE2 – NE17 provide the detail as to how this will be implemented in relation to various aspects of the natural environment set out in Policy NE1, such as ancient woodland which is explained further in Policy NE15. The Council considers that overall policies NE1 – NE17 provide a robust and logical approach to the protection and enhancement of biodiversity and the natural environment.

## **3. Would it appropriately protect and enhance valued landscapes in accordance with NPPF paragraph 180a?**

WCC response:

- 1.4 Whilst Paragraph 180 a) of the NPPF would allow for Valued Landscapes to be designated in the local plan there is no requirement for the LPA to do so. The term valued landscapes is not defined anywhere in the NPPF or accompanying Guidance. The Council considers that the landscape of the district will continue to enjoy a necessary degree of protection from speculative development

through the countryside policies NE9 'Landscape Character' and NE14 'Rural Character'. The city council has a proven track record of successfully defending appeals through similar policies in the adopted Local Plan (Policies CP20 and DM23).

- 1.5 If the council were to designate 'valued landscapes' in the local plan in accordance with the NPPF this could potentially offer them a degree of additional protection, however, the extent of that protection would be unclear and would have to be tested through the appeal process. A designation would also raise the question of the degree of protection offered to the remaining 'everyday' countryside and whether it would become more vulnerable to pressure from speculative development.

**4. For soundness should the policy require development to demonstrate impacts on ecosystem services through the submission of a full ecosystem services impact assessment?**

WCC response:

- 1.6 Ecosystem services are services provided by the natural environment that benefit people such as flood protection, regulation of the climate, and cultural benefits such as recreation and appreciation of nature as referenced in the plan glossary. The wider benefits the environment and landscape provide are considered in the supporting text with reference to ecosystem services in 7.22 which is consistent with paragraph 180 b) of the NPPF. Policy NE1 refers to all natural resources, and impacts on specific ecosystem services are assessed within all the individual policies for example NE3 'Open Space, Sport and Recreation', NE4 'Green and Blue Infrastructure', NE5 'Biodiversity' and NE6 'Flooding, Flood Risk and the Water Environment'. Therefore, the council does not consider the submission of a full ecosystem services impact assessment to be required for soundness.

**5. In the absence of a definition of 'ecological network' as referred to in strategic policy NE1iii, would the Plan provide necessary clarity? Would reference to the Local Nature Recovery Strategy be required?**

WCC response:

- 1.7 Establishing coherent ecological networks is consistent with paragraph 180 d) and 185 of the NPPF. PM201 proposes a definition of the Ecological Network in the Schedule of Proposed Modifications ([SD14a](#)) which provides the necessary clarity in relation to Policy NE1iii).
- 1.8 The LNRS is currently in its draft stage, however, PM21 and PM22 proposes additional wording in the Schedule of Proposed Modifications ([SD14a](#)) amending criterion ii). of Policy NE1 to acknowledge priorities in the LNRS.

**6. Would policy NE1i accord with NPPF paragraph 186, in relation to the role of compensation, as appropriate?**

WCC response:

- 1.9 The city council believes that Policy NE1i accords with paragraph 186 of the NPPF. NE1 v) relates to the mitigation hierarchy and the role of compensation, as a last resort, which is consistent with the NPPF. PM PM23 proposes additional wording in the Schedule of Proposed Modifications ([SD14a](#)) amending criterion v). to clarify the mechanisms for compensation.

**7. Would strategic policy NE1v, accord with the requirements of the Environment Act 2021, in relation to compensation by off-site habitat units or biodiversity credits?**

WCC response:

- 1.10 Policy NE1 sets out the overarching policy framework for the natural environment and biodiversity section of the Plan. Policy NE1 relates to the mitigation hierarchy with criterion i) requiring development to avoid or adequately mitigate significant harm to the natural environment, biodiversity and geodiversity. This is consistent with paragraph 186 a) of the NPPF that significant harm to biodiversity must be avoided, adequately mitigated or as a last resort compensated for. Criterion v). requires mitigation, compensation and enhancement to be delivered on-site, unless special circumstances dictate that off-site mitigation or compensation is more appropriate. This is in relation to all potential impacts to the natural environment and biodiversity including protected sites, habitats and species, and is not specific to habitat units in relation to Biodiversity Net Gain (BNG).

- 1.11 Policy NE5 requires development to deliver a minimum 10% measurable net gain in biodiversity. This policy does not specify that habitat units must be delivered on-site and therefore allows for delivery of BNG through off-site habitat units or biodiversity credits in accordance with the requirements of the Environment Act 2021.

**8. Would strategic policy NE1 appropriately require suitable alternative greenspace provision and strategic access management and monitoring mitigation?**

WCC response:

- 1.12 Policy NE1 is the overarching policy framework for the natural environment and biodiversity section of the plan. The Council believe that reference to appropriately requiring suitable alternative greenspace provision is better placed in Policy NE3. PM25 proposes additional wording in the Schedule of Proposed Modifications ([SD14a](#)) providing additional text to Policy NE3 to acknowledge the use of SANGS in providing strategic open space.

Strategic access management and monitoring focuses on mitigating the impact of recreational disturbance on designated habitats. The Council believe that the impacts of recreational disturbance are already appropriately mitigated through the inclusion of Policy NE5 and site specific criteria, such as Policy SH2 x).

**9. Would the Plan appropriately ensure an integrated approach to the management of the landscape and natural environment, including the interplay with historic features?**

WCC response:

- 1.13 PM20 proposes additional wording in the Schedule of Proposed Modifications ([SD14a](#)) amending criterion iv). of Policy NE1 to ensure an integrated approach to the management of landscape and the natural environment, acknowledging the interplay between the natural and historic environment.

## Policy NE2 Major commercial, educational and MOD establishments in the countryside

**1. Would policy NE2 serve a clear purpose, be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?**

WCC response:

- 1.14 The Council considers that Policy NE2 sets out the mechanisms by which local plans should support economic growth in rural areas. The wording of this policy has been based on Policy MTRA 5 in Part 1 the adopted Local Plan Part 1 – Joint Core Strategy and it is considered to be an important policy as the district is fortunate to have a number of key employers that make a valuable contribution to both the local and regional economies. The policy demonstrates the Council's commitment to retaining these key employers (which are historically by their nature located in the countryside) but also recognises that their needs may change over the plan period. In this respect, the Council considers that Policy NE2 serves a clear purpose and is clearly written and unambiguous and it is evident how a decision maker should react to a proposal as it has been successfully applied over a number of years.

## Policy NE3 Open space, sports and recreation

**1. Is the methodology used in the Open Space Assessment that underpins policy NE3 and NE10 robust and has it been consistently applied? Are the outcomes logical and evidence based?**

WCC response:

- 1.15 The approach in Policy NE3 is based on a robust and up-to-date assessment. Paragraph 7.29 of the supporting text references the Council's 2022 Open Space Assessment (RL01). The importance of open space, sports and recreational buildings and land is recognised in the Council's Open Space Assessment. The Assessment recognises that quantity and quality assessments on site were carried out. The Open Space Assessment makes clear that the existing open spaces should be protected and enhanced where possible.
- 1.16 The Open Space Assessment methodology is based on a robust and sound methodology that meets the requirements of paragraph 103 of the NPPF. The Assessment lists, maps and quantifies important open areas in and around the towns and villages of the district in collaboration with local communities and then assesses whether there is a deficit or a surplus in each category, when compared to the council's open space standard. This information allows the council to logically determine what open space is needed, where, and in what categories, which then informs planning policy, particularly for allocated sites and development management decisions.
- 1.17 The Council believes that the methodology in the Open Space Assessment which has followed the requirements in the NPPF is robust and sound. It has been consistently applied and the outcomes are logical, and evidence based.
- 1.18 PM20 proposes additional wording in the Schedule of Proposed Modifications ([SD14a](#)) amending criterion iv). of Policy NE1 to ensure an integrated approach to the management of landscape and the natural environment, acknowledging the interplay between the natural and historic environment.

## **2. What is the robust evidence to justify the open space and built facilities standards included in table 1 and 2 of the policy?**

WCC response:

- 1.19 The open space standard used by the council was that previously recommended by the National Playing Fields Association. The minimum standard for outdoor playing space at that time was 2.4 hectares or 6 acres for 1000 people. This 'Six Acre Standard' had been in use by local authorities across the UK for many years. However, in 2005 the government required local authorities to adopt locally derived open space standards instead, as part of its PPG17 'Planning for Open Space, Sport and Recreation'.
- 1.20 A joint study was thus undertaken with East Hampshire District Council in 2008<sup>1</sup> and this recommended and justified new local standards which embraced quantity (an increase to 4 ha per 1000), quality, and accessibility. These

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<sup>1</sup> [East Hampshire District Council and Winchester City Council 2008 Open Space Study](#)

standards were taken forward into the Winchester District Local Plan Part 1 in 2013 and were subsequently reviewed as part of the preparation of the Open Space Assessment in 2022 which informed Policy NE3 in the Regulation 18 Local Plan.

- 1.21 This review examined how open space provision had been keeping-up with development since 2013 and looked at whether the council's standards were being achieved, or how effective the standards had been. In particular, it looked at which categories of open space were not being met and made recommendations as to what open space was needed in each parish and ward – which the local plan would then seek to accommodate. The city council's open space standard was also compared to those in use by neighbouring authorities and was found to be set about right at 4.0 ha per thousand population, with East Hants using 3.76 and Test Valley using 3.0 ha.
- 1.22 Despite the standard being higher than neighbouring authorities, the council's analysis revealed that most housing developments were slightly overproviding open space on site, so that the provision of open space was generally keeping up with development. However, the larger typologies such as parks, recreation grounds and sports facilities were not keeping up and were only capable of being provided as part of major developments.
- 1.23 PM199 in the Schedule of Proposed Modifications ([SD14a](#)) amends Table 2 of the built facilities standards in relation to sports halls to provide further clarification.

### **3. Would policy NE3 accord with national policy set out in NPPF paragraph 103?**

WCC response:

- 1.24 The Council considers that Policy NE3 is consistent with Paragraph 103 of the NPPF. Bullet point i) of the policy text accords with criteria b) of paragraph 103 of the NPPF in stating that alternative facilities will be at least equivalent in size and quality. Bullet points ii. and iii. of the policy accords with criteria a) of the NPPF by demonstrating that the facility is no longer required for its purpose or an alternative facility and clearly outweighs the loss of the current facility.
- 1.25 The city council therefore considers that Policy NE3 is based on a robust and up to date assessment of the need for open space, i.e., the Open Space Assessment, which informs planning policy, which overall the council considers accords with paragraph 103 of the NPPF.

### **4. How would policy NE3 interact with policy NE10?**

WCC response:

- 1.26 Policy NE3 (currently CP7 in LPP1) sets out the principles that, in order for open space provision to keep up with development, there is both a presumption



against the loss of open space and a requirement for new development to provide it on site. These principles are more fully explained in NE10 and NE11 (currently DM5 and DM6 in LPP2).

**5. Would policy requirements in relation to the provision of codesigned 'intergenerational areas' be reasonable so as to ensure it would not stymy planned growth? Would the provisions provide the appropriate clarity to ensure effectiveness?**

WCC response:

1.27 The Council considers that the policy requirements in relation to codesigned 'intergenerational areas' are reasonable. Section 2 of the NPPF specifically refers to sustainable development and the contribution of the planning system towards achieving this goal. Paragraph 8b) of the NPPF relates to social objectives and specifically refers to open spaces that reflect current and future needs. Policy NE3 seeks to accord with the NPPF by ensuring that open spaces are designed to meet all needs of the district with reference to Table 1 (open space standards) and Table 2 (built facilities standards). Intergenerational areas are reflected in the open space standards for example through the requirements for fitness gyms and sports hall which provide facilities for all ages. Furthermore, NE11 and the commentary at paragraph 7.85 explains that open space should be provided on site with reference to the context of the development (on a case-by-case basis). The plan should be read as a whole. The Council believes that the policy requirements of NE3 are reasonable, does not stymy planned growth and provides the appropriate clarity to ensure effectiveness.

**6. Would policy NE3 need to include details of how the benefits of development and harms caused by the loss of a facility should be measured/quantified? In their absence would the policy be effective?**

WCC response:

1.28 Paragraph 7.29 of the supporting text to Policy NE3 refers to the Open Space Assessment which identifies deficiencies and surpluses of open space in the district. Hampshire County Council and the Hampshire Isle of Wight Wildlife Trust provided further comments on the Proposed Submission Local Plan (Regulation 19) ([SD01](#)) on the measurement of open spaces in the district. As a result, the Council propose additional wording in PM24 and PM25 in the Schedule of Proposed Modifications ([SD14a](#)) amending the supporting text of Policy NE3 to strengthen the wording in relation to the measurement of the loss of open space facilities. The city council considers that with the amendments, Policy NE3 is effective.

**7. Would policy NE3 provide appropriate clarity on its aim to enhance and improve the quality of existing open spaces and work with the PfSH to provide**

**additional strategic open space? Would amendment in this regard be required for the purposes of soundness?**

WCC response:

- 1.29 Policy NE3 seeks to improve and enhance the open space network through new and improved provision of open space and built facilities from new housing development. The policy sets out the mechanisms for securing new provision on and off site with reference to the Open Space Standards as set out in Tables 1 and 2 on page 140 of the Proposed Submission Local Plan (Regulation 19). Furthermore, the policy seeks to improve access to existing open space and facilities through the wider network. The requirements of Policy NE3 align with the work that was undertaken by PfSH to provide additional strategic open space ([BNE37](#)).
- 1.30 In addition, clarity on what the council seeks in terms of improving the quality of existing open space is expressed further under NE4, NE11 and the supporting text of NE11 between paragraphs 7.85 and 7.89. The Plan should be read as a whole.
- 1.31 Policy NE4 and Map 9 (Illustrative Green Links and Blue Corridors) sets out the council's strategy for maintaining, protecting and enhancing the function and integrity of the existing green infrastructure network. The city council believe that Policy NE3 provides appropriate clarity on its aim to enhance and improve the quality of existing open spaces and work with the Partnership for South Hampshire to provide additional strategic open space.

## Policy NE4 Green and blue infrastructure

- 1. Policy NE4 includes map 9 depicting illustrative green links and blue corridors. What would be the status of this map for the purpose of policy implementation? Policy NE4 refers to map 9. For the purposes of soundness, should the policy refer to the policies map to ensure effectiveness?**

WCC response:

- 1.32 Map 9 provides an illustrative overview of all the green infrastructure and links in the district and blue corridors relating to Policy NE4 and its use in considering speculative development. The Council's interactive policies map includes all of the green links and blue corridors, including for example the Special Area's of Conservation (SAC). PM197 in the Schedule of Proposed Modifications ([SD14a](#)) proposes additional text to the preamble of Policy NE4 to help improve the clarity in and strengthen the wording in relation to the application of Policy NE4 to ensure effectiveness.
- 2. Would policy NE4 include appropriate detail regarding off site contributions for green and blue corridors, particularly in relation to the types of green**

**infrastructure and how it would be linked to the proposed development for the purposes of clarity and thereby effectiveness?**

WCC response:

- 1.33 Policy NE4 sets out that where on site provision is not possible off-site provision for green infrastructure and blue corridors can be made through financial contributions on a site-by-site basis, which is consistent with paragraph 34 of the NPPF.
- 1.34 Paragraph 7.30 of the supporting text highlights the wide range of types of green infrastructure in the district. The approach to secure on or off site open space on a case by case basis recognises the size and nature of schemes.
- 1.35 Paragraph 8 of the PPG (Reference ID: 8-008-20190721) states that depending on individual circumstances, planning conditions, obligations, or the Community Infrastructure Levy may all be potential mechanisms for securing and funding green infrastructure policy. The Council believes that Policy NE4 provides sufficient flexibility by referring to financial contributions which can be attributed to mechanisms such as S106 agreements or CIL. The Council collects financial contributions for GI through conditions, S106 and CIL currently. For example, the Glebe, Wickham provided a financial contribution towards improvements at Wickham recreation ground. The S106 set out where the new green infrastructure is to be provided and the amount of the financial contribution to be paid.
- 1.36 The city council believe that Policy NE4 includes the appropriate detail in relation to offsite contributions for green and blue infrastructure for the purposes of clarity and effectiveness.

**3. Given the heritage policies in the Plan, would policy NE4 appropriately reference the suite of heritage green infrastructure, in particular scheduled ancient monuments and policy requirements in respect of heritage assets?**

WCC response:

- 1.37 Paragraph 7.32 of the supporting text to Policy NE4 references historic parks in relation to key green infrastructure assets. Historic England provided further comments in their consultation response to the Proposed Submission Local Plan (Regulation 19) ([SD01](#)) on the role of scheduled monuments and registered battlefields in the context of green infrastructure. As a result, the Council propose additional wording in PM26 and PM27 in the Schedule of Proposed Modifications ([SD14a](#)) amending the supporting text of Policy NE3 in relation to heritage green infrastructure for completeness. The city council consider that as a whole Policy NE4 appropriately references the suite of heritage green infrastructure in the district.

#### **4. Would the policy supporting text accurately refer to protections in relation to the River Itchen?**

WCC response:

1.38 The Council have proactively engaged with Natural England in relation to any potential harmful impacts of allocated sites on Designated Habitats Sites including the River Itchen SAC. Natural England raised a number of matters which were not considered to be soundness issues but would ensure completeness and clarity in their consultation response to the Proposed Submission Local Plan (Regulation 19) ([SD01](#)). This included a reference in paragraph 7.35 to the status of the River Itchen SAC. PM28 in the Schedule of Proposed Modifications ([SD14a](#)) includes the addition of a reference to international as well as national in respect of the designation of the River Itchen SAC. It is also important to read the Local Plan as a whole as there are a number of other Local Plan policies (e.g. Policy NE1) that refer to the status of the River Itchen SAC.

#### **5. Should the policy refer to open spaces such as pocket parks and verges?**

WCC response:

1.39 Paragraph 7.30 in the Proposed Submission Plan (Regulation 19) ([SD01](#)) defines green and blue infrastructure and refers to five key elements which includes features such as parks and green links, which would include pocket parks and verges amongst other green infrastructure types. The city council considers pocket parks and verges to be covered by policy NE4.

#### **6. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular the use of terms such as 'green network/grid', '...accessibility in terms of primary areas...'? Would it include necessary flexibility?**

WCC response:

1.40 The green network/grid refers to the green links as illustrated on Map 9, which is referenced in criterion iii) of Policy NE4. The use of the term 'green network/grid' was previously applied for speculative applications through Policy CP15 of the Local Plan Part 1: Joint Core Strategy, and has been effectively applied over a number of years to planning applications in the district.

1.41 PM202 in the Schedule of Proposed Modifications ([SD14a](#)) proposes a minor addition to Policy NE4 to remove 'with high levels of accessibility in primary areas' to help improve the clarity and effectiveness of Policy NE4. The city council considers that with the amendments to the wording, the policy is clear, unambiguous and provides the necessary flexibility.

**7. In requiring development to maintain, ‘... protect and enhance the function or the integrity of the existing green infrastructure network...’ would the policy be justified and effective?**

WCC response:

1.42 Yes, the Council consider that the policy is justified and effective. The phrase ‘protect and enhance the function or the integrity of the existing green infrastructure network’ was included in Policy CP15 of the LPP1, which was previously found to be justified and effective. For example, the developer for the North Whiteley major development area (Policy SH3 in the LPP1) was required to protect and enhance – both the function and integrity of the green infrastructure network in the outline planning application. The green infrastructure network at North Whiteley is a substantial and an integral part of the proposals that structures and characterises the new development. It draws on a substantial existing resource of SINC’s and Ancient Woodland, as well as proposing new green and blue spaces, including habitats created to mitigate impacts of the development, buffer sensitive habitats and new wetland areas created as part of the proposed SUDS system. Blue spaces encompass SUDS and other new or retained wetland features.

1.43 The policy criterion has successfully been applied to the development since the adoption of the Local Plan Part 1. The city council therefore believe that Policy NE4 in requiring development to maintain, ‘...protect and enhance the function or the integrity of the existing green network’ is justified and effective.

**8. Is there robust evidence for the Plan to require an urban greening factor as appropriate, in addition to BNG?**

WCC response:

1.44 The city council have included reference to the ‘Urban Greening Factor’ (UGF) in paragraph 7.37 of the Policy NE4. The UGF is part of a suite of nationally described standards promoted by Natural England<sup>2</sup>. Paragraph 7.37 clarifies that the UGF is a voluntary standard which can help applicants to quantify the amount of green infrastructure required. The UGF works alongside BNG, BNG has an emphasis on nature and the UGF has an emphasis on providing wider functions of green infrastructure. Green infrastructure provided on sites to meet the Urban Greening Factors standard, can also contribute to a site’s ‘post-development’ biodiversity value for the purposes of BNG. Furthermore, referencing the UGF provides developers with the opportunity to apply the standards so development can incorporate green infrastructure on sites that are not subject to BNG requirements.

1.45 Therefore, the city council consider that the context in which the urban green factor is mentioned in the policy is appropriate, in addition to BNG.

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<sup>2</sup> [GI Standards](#)

## Policy NE5 Biodiversity

### **1. Would the policy serve a clear purpose, avoiding unnecessary repetition of national policy, in accordance with NPPF paragraph 16f?**

WCC response:

1.46 The city council considers that Policy NE5 serves a distinct purpose within the Plan, as it addresses biodiversity matters specific to Winchester district, particularly the impacts of recreational pressure, which is not explicitly covered by national policy.

1.47 Policy NE5 is consistent with section 15 of the NPPF which refers to conserving and enhancing the natural environment, and there are specific references to minimising impacts on biodiversity and providing net gains for biodiversity. Paragraph 174(d) of the NPPF states that 'planning policies and decisions should minimise impacts on and provide net gains for biodiversity' by including a policy on biodiversity the plan follows this approach. The Council considers there are additional benefits to including a locally specific policy in terms of totality of coverage and interactions with other policies within the Plan. Policy NE5 has been developed through discussions with key stakeholders and updated to reflect the recommendations of the IIA. PM31 in the Schedule of Proposed Modifications ([SD14a](#)) proposes additional supporting text to reflect the district level licensing scheme for great crested newts.

1.48 Policy NE5 specifically refers to protecting sites of international, national and local importance and with references to appropriate mitigation measures, which is also not included in national policy. The policy ensures that speculative development mitigates the impacts of recreational pressure on designated habitats sites in line with locally appropriate guidance such as the Bird Aware Strategy.

1.49 The Council consider that the policy serves a clear purpose, contributes to the plan's effectiveness and avoids necessary repetition of national policy in accordance with NPPF paragraph 16f.

### **2. Would there be robust local evidence to justify a requirement above 10% BNG?**

WCC response:

1.50 The Council consider that the policy requirement for a minimum of 10% measurable net gain in biodiversity is justified as it is based on proportionate evidence mainly that the requirement for 10% biodiversity net gain became mandatory through the Environment Act 2021 in February and April 2024. The policy is consistent as it sets out a mandatory minimum as set out through the Environment Act 2021. There is no evidence that suggests that the requirement for biodiversity net gain should be increased to 20%, and that this would be

viable or deliverable. However, the policy does not preclude BNG in excess of 10% being provided by applicants.

1.51 Therefore, the Council considers that there is no robust local evidence to justify a requirement above 10% BNG which has been factored into the Local Plan Viability Assessment.

**3. Would the policy supporting text be up to date and accurate in reflecting on the 'current and new Local Plan'? Would it unnecessarily repeat national policy in relation to the application of the Habitats Regulations?**

WCC response:

1.52 Yes, the city council consider that the supporting text is up-to-date and accurate in reflecting new national requirements for BNG and the Environment Act and the Council's proactive approach to enhancing and restoring biodiversity as explained in paragraph 7.38.

1.53 For example, Policy NE5 and the supporting text (paragraph 7.49) references the need for development to provide 10% Biodiversity Net Gain for a minimum of 30 years in line with the Environment Act 2021. Both the policy and paragraph 7.42 in the supporting text also refer to the Council's current Biodiversity Action Plan which aims to enhance and restore several priority habitats in the district.

1.54 Paragraphs 7.45 and 7.48 reference the current strategic mitigation strategies that are in place to avoid and mitigate impacts of development on designated sites. These mitigation strategies are also included within Policy NE5. This demonstrates that the supporting text is up to date and accurate in reflecting the current and new Local Plan.

1.55 The Council also considers that Policy NE5 and its supporting text does not unnecessarily repeat national policy in relation to the application of the Habitat Regulations. It provides clarity and certainty to developers and the local community as to how the Council will apply the Habitat Regulations to assess and determine development. It also is an example of how the Council is meeting its biodiversity duty as set out in the Natural Environment and Rural Communities Act 2006. Furthermore, PM29 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to paragraph 7.44 of the supporting text to reflect comments from Natural England to include the air quality assessment that was undertaken for the plan.

**4. For the purposes of soundness, would the policy need to provide further clarification on compensatory habitats, recreational disturbance and the requirements for functionally linked land in relation to designated sites?**

WCC response:



- 1.56 PM30, PM32 and PM196 in the Schedule of Proposed Modifications ([SD14a](#)) proposes amendments to criterion iv) and the supporting text of Policy NE5 to address the requirement to provide further clarification on compensatory habitats, recreational disturbance and the requirement for functionally linked land in relation to designated sites.

## **5. How has viability been reflected in the policy requirements?**

WCC response:

- 1.57 The Local Plan Viability Study report (LPV01), paragraph 3.25 (page 13) and Appendix 1 to the July 2024 and August 2024 reports (LPV02 / LPV05) set out the assumptions applied to meet the requirements of Policy NE5.
- 1.58 The adopted approach is based on data contained in the DEFRA/Natural England BNG Impact Assessment (specifically Tables 19 and 20) which states the cost of achieving a 10% BNG to be a +2.4% uplift over base build costs for greenfield land and +0.5% on PDL – see paragraph 3.25 (page 13) of [LPV01](#). These figures are based on Scenario C from the Impact Assessment, stated to represent a “worst case scenario” based on 100% of the requirement met via off-setting (credits). In practice, this scenario is only likely to occur 25% of the time and so in 75% of cases the requirement can be met via on-site solutions at lower cost. As a wider point, the provision of on-site BNG would not be provided in isolation as there is a crossover of BNG delivery and provision of open space, green and blue infrastructure etc; the costs of which are included in the viability assessment elsewhere.
- 1.59 Given the high-level typology based approach, consistent with the national guidance, the Local Plan Viability Study evidence (LPV01 – LPV18) makes appropriate and reasonable proxy cost allowances for BNG whether by way of on-site or off-site provision. We also note the adopted approach has been accepted at other Local Plan Examinations in Public.

## **6. Would policy NE5i accord with NPPF paragraph 180 in relation to protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan?**

WCC response:

- 1.60 The city council believe that this is covered in the Council’s response to Policy NE1, Question 1. It is important that the plan is read as a whole.

## **7. Would policy NE5iv and vi accord with NPPF paragraph 186 in relation to principles to protect and enhance biodiversity and geodiversity?**

WCC response:



1.61 NPPF paragraph 186 sets out the principles of the mitigation hierarchy. The city council believes that Policy NE5 iv and vi accords with this paragraph as the policy read as a whole, also sets out the principles of the mitigation hierarchy. In particular, the policy requires development to avoid adverse impacts or where unavoidable, appropriately mitigate them. As a last resort, the policy will only support development if compensation measures are provided. This is consistent with the approach set out in the NPPF paragraph 186.

**8. How would the policy interact with strategic policy NE1, which seeks to protect and enhance biodiversity and the natural environment in the District?**

WCC response:

1.62 Policy NE1 is a strategic overarching policy which encompasses the requirements for development to protect and enhance the wider natural environment which includes elements such as landscape and natural resources, air and water, whereas Policy NE5 is more focused and refers specifically to biodiversity and the need to provide measurable gains for biodiversity, deliver nature recovery and protect designated wildlife sites. The two policies should be read in conjunction with each other with Policy NE5 dovetailing into Strategic Policy NE1.

**9. Would the requirements for masterplans to precede any application for development and ensure stakeholder engagement provide the necessary flexibility to support planned development?**

WCC response:

1.63 Policy NE5 does not require masterplans but it is important to read the Local Plan as a whole as this is a requirement for some of the strategic site allocations. The process for ensuring that there is stakeholder engagement in the development of masterplans is set out in the city council's approach to [Concept Masterplans](#) and the Statement of Community Involvement ([SD12](#)). A key part of this process and to meet the requirements of the design process in Policy D1, is for the applicant to clearly demonstrate how they have addressed the issue of biodiversity as part of the development of a scheme.

**10. Overall, would policy NE5 be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular, policy NE5iv in relation to requirements for a Construction Environmental Management Plan?**

WCC response:

1.64 As stated in the city council's response to Question 1, Policy NE5 serves a distinct purpose within the Plan. The policy allows for the decision maker to

exercise an appropriate degree of professional judgement, taking into account the circumstances of each case. The preceding supporting text sets out the background for the policy criteria. For example, where sites are within the 5.6km zone of influence of statutory designated habitats sites developers will need to demonstrate that there are no negative effects and mitigate on a site by site basis. Criterion v) clearly outlines that the mitigation to compensate for the effects of recreational pressure in line with Bird Aware Solent will be required where appropriate.

1.65 The requirement for a Construction Environmental Management Plan was included in the policy to address potential impacts such as noise to internationally and nationally designated habitats during the construction phase of the development. Without environmental controls that should be set out within the CEMP there could be accidental damage to habitats sites.

1.66 The city council believe that policy NE5 is clearly written and unambiguous, and it is evident how a decision maker should react to development proposals.

**11. Would paragraphs 7.45 and 7.49 introduce policy requirements that should appropriately be included within policy?**

WCC response:

1.67 Paragraphs 7.45 and 7.49 do not seek to introduce policy requirements, they provide supporting text to support the clarification/interpretation of criterion v, iii and the first paragraph in Policy NE5.

1.68 Paragraph 7.45 provides commentary on the strategic mitigation produced by Bird Aware Solent which criterion v of policy NE5 refers to in order for development to mitigate the effects of recreational pressure on Statutory Designated Habitat Sites.

1.69 Paragraph 7.49 provides background context on Biodiversity Net Gain and explains the purpose of using tools such as the statutory metric to demonstrate a 10% net gain in line with the Environment Act 2021 or in the case of criterion iii, for development to show how biodiversity can be retained, protected and enhanced through its design and implementation, by designing for wildlife and delivering measurable BNG.

## Policy NE6 Flooding, flood risk and the water environment

**1. Would paragraphs 7.58 and 7.59 accurately explain national policy in relation to flood risk and the application of the sequential and exception tests as set out in NPPF paragraphs 168 and 169?**

WCC response:

1.70 Paragraphs 7.58 and 7.59 states that development will follow a sequential approach to flood risk management, giving priority to development of sites with the lowest risk of flooding. Furthermore, criterion i) refers to the NPPF in applying the sequential and exception tests. This is consistent with paragraphs 168 and 169 of the NPPF. The city council also wish to highlight that the wording of the supporting text and Policy NE6 has been agreed with the Environment Agency.

**2. Would policy NE6 accord with national policy set out in NPPF paragraphs 165-175, in relation to planning and flood risk generally?**

WCC response:

1.71 Policy NE6 accords with paragraphs 165-175 of the NPPF. As stated in the city council's response to question 1 Policy NE6 follows a sequential approach to flood risk management, giving priority to development of sites with the lowest risk of flooding according with Paragraph 165 – 172 of the NPPF. Criterion ii) of Policy NE6 ensures that flood risk is not increased elsewhere and reduces the causes and impacts of flooding in accordance with para 173 of the NPPF. The policy has been formulated in conjunction with the Environment Agency and Hampshire County Council as the Lead Local Flood Authority from the outset, given the known water issues affecting the district and has been informed by Level 1 SFRA commissioned by PFSH ([BNE35](#)). The city council believes that Policy NE6 would be in accordance with the requirements that have been set out in paragraphs 165-175 of the NPPF in relation to planning and flood risk.

**3. Would the policy appropriately prioritise natural flood management and the requirement to ensure no net loss of floodplain storage capacity or obstruction to flood flow routes?**

WCC response:

1.72 PM35 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to address the requirement to appropriately prioritise natural flood management and the requirement to ensure no net loss of floodplain storage capacity or obstruction to flood flow routes.

**4. What is the robust evidence to justify the inclusion of sustainable drainage systems in all development and would policy NE6 provide appropriate guidelines on the application of sustainable drainage principles?**

WCC response:

1.73 Paragraph 7.57 of the plan and Policy NE6 explains that SuDs should be used appropriately to manage the risk of flooding. Aside from the statutory

requirement for SuDS for major development in the NPPF there is robust evidence to justify including SuDs for all development, including:

- The use of multifunctional SuDS features necessary to meet several planning policy requirements within the same area of the site, such as drainage, green/blue infrastructure, improving water quality.
- The management of flood risk on and off site, as set out in the Level 2 SFRA ([BNE21](#)), the level 1 SFRA ([BNE35](#)) and the Hampshire Local flood and water management strategy ([BNE22](#)).
- Contribute to providing habitats and meeting BNG requirements for new developments as set out in Policy NE5.

1.74 The wording of Policy NE6 and the supporting text has been agreed with Hampshire County Council who are the Lead Local Flood Risk Authority (LLFA).

1.75 In terms of appropriate guidelines on the application of sustainable drainage principles it is important to note that the wording of Policy NE6 has specifically referred to the need for a management plan for the SuDS that was included as a key recommendation from discussions that took place with the LLFA in relation to the wording of Policy NE6. Policy NE6 also identified the need to prioritise and explore Natural Flood Management for the lifetime of the development. In view of the collaborative way that the wording of this policy has evolved the city council believes that the wording of Policy NE6 is robust and justifies the inclusion of SuDs in all development and provides appropriate guidelines on the application of sustainable drainage principles.

**5. Would policy NE6, together with the heritage policies in the Plan provide appropriate protection for heritage assets in relation to flood risk?**

WCC response:

1.76 The Council have proactively engaged with Historic England in the process of preparing the plan. In their representation on the Proposed Submission Local Plan (Regulation 19) Historic England requested the addition of supporting text on the relationship between flooding and heritage. As a result, the Council propose additional wording PM34 in the Schedule of Proposed Modifications ([SD14a](#)) amending the supporting text of Policy NE3 to provide clarification on the impact of flooding on heritage assets. The city council consider that with the additional wording the policy provides appropriate protection for heritage assets in relation to flood risk.

**6. Would the policy appropriately refer to the need to work closely with the service provider to ensure required public water and waste water infrastructure provision?**

WCC response:

1.77 The Council have proactively engaged with Southern Water in the production of the plan. PM33 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to paragraph 7.55 of the supporting text to address comments made by Southern Water in their representations on the Proposed Submission Local Plan (Regulation 19). The proposed modification reflects the comments made by Southern Water providing clarification in relation to work with the service provider in relation to water infrastructure provision.

## Policy NE7 Settlement gaps

### **1. What is the robust evidence to justify an approach to define settlement gaps, given the absence of national policy or guidance in this regard?**

WCC response:

1.78 As there is no set national policy or guidance for defining or reviewing settlement gaps the city council appointed LUC to undertake an independent Review of the Settlement Gaps ([BNE29](#)) which took place between the Regulation 18 and Regulation 19 stages of public consultation.

1.79 The Review of Settlement Gaps applies a thorough and robust methodology that was used to review the policy on settlements gaps in the Regulation 18 Local Plan (Policy NE17) that protects settlement gaps and the existing settlement gaps. The methodology that was used in the study was based on the Consultants comprehensive experience of completing a number of similar studies and recent appeal decisions. The outputs from the Review of Settlement Gaps informed the changes to the wording of Policy NE7 which were incorporated into the Proposed Submission Local Plan (Regulation 19) ([SD01](#)).

1.80 The Settlement Gap policy has been applied in the District since 2000 and aligns with Spatial Principal 7 of SPS1: Strategic Principles for Sustainable Growth (Ref [PfSH01](#)) of the PfSH Spatial Position Statement. In addition, Spatial Principle SPS12 (Strategic Principles for Strategic/Settlement Gaps) highlighted that “Councils may also identify local countryside gaps which are of fundamental local importance in their area”. Settlement gaps have been identified in Policy CP18 in the adopted Winchester Local Plan Part 1 (Joint Core Strategy) ([LP03](#)).

1.81 The 2023 National Planning Policy Framework is not prescriptive about supporting or opposing gaps in principle. However, the principle of gaps is supported by the Partnership for South Hampshire (PfSH) of which Winchester is part of. The city council believes that the principle of defining settlement gaps remains a valid and a robust way for maintaining separation between settlements and avoiding their coalescence.

### **2. The Settlement Gap Review Study [BNE29] assesses 7 of the 9 existing settlement gaps and recommends alterations to them. Is the methodology**

**used proportionate and robust? Are the outcomes logical and evidence based?**

WCC response:

1.82 The city council believes that the methodology for the Settlement Gap Review ([BNE29](#)) has followed a robust process – please see pages of 14-21 of the Report. The Review assessed the strength of each gap, taking into consideration its contribution to the setting of the settlement, the degree of physical and visual separation it provides, and the extent of urbanising influences. It also considered factors key to preserving settlement separation. The existing designated settlement gaps were then reviewed and assessed. As there is no national methodology for creating settlement gaps there is not a prescribed minimum width/extent that a gap should include. This will vary depending on the location of the gap and the underlying landscape features and the other matters that have been outlined above.

1.83 The Review identified recommendations for the settlement gaps which were taken forward in the Proposed Submission Plan (Regulation 19) ([SD01](#)):

- Retaining the existing settlement gaps identified in Policy CP18 of the Winchester Local Plan Part 1 (Joint Core Strategy);
- The removal of ‘should not cause harm to the character and landscape of the area’; and
- The Review recognises that the existing settlement gaps still perform their function to which they originally sought to protect and ensure settlement identify, and therefore have been retained. This is in response to the PFSH Spatial Position Statement (2023)

1.84 The Council therefore consider the methodology followed was proportionate and robust and the outcomes are logical and evidence based.

### **3. What is the robust evidence to assess 7 of the 9 existing settlement gaps in the Settlement Gap Review Study 2024?**

WCC response:

1.85 Paragraphs 1.7 – 1.8 of the Review of Settlement Gaps ([BNE29](#)) clearly sets out the logic and the rationale for excluding two settlement gaps from the assessment. To summarise this, the Welborne settlement gap was excluded as planning permission had been granted for the Welborne development in Fareham. The Littleton-Winchester settlement gap was not analysed as the site is subject to ongoing work building on the back of the recently agreed SJM Barracks Concept Masterplan – please see response in Matter 6, question 6 in Policy W2 (Winchester site allocations).

**4. Would the Plan represent the consistent application of that methodology, particularly in the approach to defining settlement gap boundaries some of which would be defined through site allocation requirements e.g. policy W2?**

WCC response:

1.86 Yes. Please see response to question 2. The methodology has been based on a robust and sound methodology and LUC's extensive experience of undertaking similar reviews for a number of other Local Planning Authorities. In relation to Policy W2 (SJM Barracks) please see response in Matter 6, question 6 in Policy W2 (Winchester site allocations) which outlines the reasons why this settlement gap was not reviewed.

**5. Would policy NE7 strike the right balance between ensuring planned growth is delivered and protecting the District's character and appearance, in particular the open nature and sense of separation between settlements?**

WCC response:

1.87 Yes. The city council considers that Policy NE7 does seek the correct balance and it will help to main the separate identities of settlements and prevent their coalescence. Please see response to question 1 in terms of the methodology that has been followed for the preparation of the Review. Settlement gaps are also supported and are considered to be important by Parish/Town Councils.

**6. Given that settlement gaps are a spatial planning tool designed to shape the pattern of settlements, for the purposes of soundness, would the policy be a good fit in the biodiversity and natural environment chapter of the Plan?**

WCC response:

1.88 Whilst arguably settlement gaps could be considered as a spatial planning tool and in this respect Policy NE7 could have been included in the Development Strategy it is important to read the Local Plan as a whole. As mentioned in response to question 5 settlement gaps do provide areas for nature, as well as a sense of place. In this respect, it is considered that the policy does fit within the Biodiversity and Natural Environment topic as settlement gaps support biodiversity/the city council's nature emergency and settlement gaps also help maintain and protect the function and integrity of the existing green infrastructure network which helps promote health and well-being.

**7. Would paragraph 7.64 be accurate in relation to definition of the gap between Wickham, Knowle and the proposed Welborn development in Fareham being defined by the Welborne Plan?**

WCC response:



1.89 Yes. Planning permission has been granted by Fareham Borough Council and the development is now underway on the Welborne Garden Village. An integral part of the proposals that are coming forward on this site is a settlement gap that has been agreed in the Welborne Plan ([RP03](#)) which was developed to support the planning permission. The city council considers that the settlement gap that has been identified in Policy NE7 fully aligns with the agreed Welborne Plan.

**8. Should policy NE7 provide a clear link to the policies map for the purpose of effectiveness?**

WCC response:

1.90 PM187 in the Schedule of Proposed Modifications ([SD14a](#)) has proposed a minor addition to the preamble of Policy NE7 that says 'as shown on the Policies Map' to help improve the clarity and effectiveness of Policy NE7.

## Policy NE8 South Downs National Park

**1. Would policy NE8 serve a clear purpose given national policy as set out in NPPF paragraphs 182-183? In this regard would it accord with NPPF paragraph 16?**

WCC response:

1.91 PM36-41 in the Schedule of Proposed Modifications ([SD14a](#)) has put forward amendments to the wording of Policy NE8 and the supporting text that were proposed by the South Downs National Park Authority (SDNPA). Subject to these alterations, the Council consider Policy NE8 is clear and effective. The Council have worked collaboratively with the SDNPA to develop and agree the wording of Policy NE8 in order to ensure that it meets the duty for National Parks as specified in the National Parks and Access to Countryside Act 1949, as amended by Section 245 of the Levelling Up and Regeneration Act 2023. The Council is of the view that policy NE8 appropriately balances the need to address appropriate development whilst maintaining the integrity of the National Park which has the highest level of protection in relation to landscape and scenic beauty as highlighted in paragraphs 182 and 183 of the NPPF.

**2. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular would the supporting text and policy appropriately consider the setting of the National Park?**

WCC response:

1.92 The city council believes that Policy NE8 is clearly written and unambiguous as the wording has been agreed with the SDNPA. Please see response above



regarding PM41 in the Schedule of Proposed Modifications (SD14a) which addresses the point about the setting of the National Park.

## Policy NE9 Landscape character

### **1. Would the requirement for a landscape visual appraisal or landscape and visual impact assessment for all development be reasonable, clear and unambiguous?**

WCC response:

1.93 It is not considered that a landscape visual appraisal or landscape and visual impact assessment would be necessary for all development. It would depend on the magnitude of what was being proposed and the sensitivity of its context as set out in Policy NE9. Applications would be assessed on a case-by-case basis and in some instances the proportional assessment could be scoped out in the design and access statement. A LVIA may be carried out formally as part of an Environmental Impact Assessment or informally as a contribution to the appraisal of development proposals and planning applications. In the latter case the council may reasonably ask applicants for 'appraisals' where planning applications raise concerns about the potential effects on the landscape or on visual amenity. The city council believes this is a reasonable, clear and unambiguous approach.

### **2. Would the policy requirements in relation to green and blue corridors be proportionate? Would they be justified by the evidence and effective?**

WCC response:

1.94 The green and blue corridors referred to are those identified in Policy NE4 and illustrated on Map 9. It is important that the Plan is read as a whole. The council considers it necessary to require applicants to safeguard these assets and if the opportunity arises to enhance them and connect to them. The city council considers that the policy requirements are justified by the evidence and effective.

### **3. Would the Plan and in particular policies NE3 and NE9 accord with national policy in relation to valued landscapes as set out in NPPF paragraph 187a?**

WCC response:

1.95 Policy NE9 refers to the distinctive landscape character of the district as defined in the Landscape Character Assessment 2022 and the need to protect and enhance it. However, as stated in the response to question 3 under Policy NE1, the term 'valued landscapes' is not defined in the NPPF and the Council considers that the landscape of the district will continue to enjoy necessary

protection from inappropriate development through the countryside policies NE9 'Landscape Character' and NE14 'Rural Character'.

#### **4. How would policy NE9 interact with policy NE14 and strategic policy D1?**

WCC response:

- 1.96 Policy NE9 discusses the need for development to respect rural character, as defined in the Landscape Character Assessment, whereas Policy NE14 sets out the specific sorts of impacts which might affect that character in the countryside. Policy D1 is an overarching policy which sets out the framework for development proposals in urban areas to consider their context as part of an analysis of constraints and opportunities, in order to be well designed. Criterion v.) of Policy D1 references landscape framework. It is important that the Plan is read as a whole.

## **Policy NE10 Protecting open areas**

#### **1. Is the methodology used in the Open Space Assessment that underpins policy NE10 robust and has it been consistently applied? Are the outcomes logical and evidence based?**

WCC response:

- 1.97 The methodology used in the Open Space Assessment is set out in the introduction. It lists, maps and quantifies important open areas in and around the towns and villages of the district in collaboration with local communities and then assesses whether there is a deficit or a surplus in each category when compared to the councils open space standard. This information allows the council to logically determine what open space is needed, where, and in what categories, which then informs planning policy, particularly for allocated sites. The council considers the Open Space Assessment methodology that underpins Policy NE10 to be robust and to have been applied consistently leading to logical and evidence-based outcomes.

#### **2. Would policy NE10 serve a clear purpose, avoiding unnecessary duplication of national policy? Would it accord with NPPF paragraph 103, in relation to building on existing open space?**

WCC response:

- 1.98 Policy NE10 has been carried forward from the adopted plan (policy DM5 of the Local Plan Part 2) and extends the scope of paragraph 103 of the NPPF which focuses purely on the 'recreational' value of open space. Within settlement boundaries, there is a general presumption in favour of development. It is therefore necessary to identify and protect important open

areas within settlement boundaries as demonstrated by Policy NE10. Policy NE10 provides a clear purpose by providing protection for spaces identified as having an important amenity, biodiversity, heritage or recreational value. The Council consider that Policy NE10 serves a clear purpose, avoids necessary duplication of national policy and accords with paragraph 103 of the NPPF.

**3. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, in respect of its requirement for '...options for developing elsewhere have been explored..'?**

WCC response:

1.99 The wording of this policy has been based on Policy DM5 in the adopted Local Plan Part 2. It is considered to be an important policy as the district is fortunate to have a number of open areas that have important amenity, recreational, biodiversity and heritage value. Furthermore, Paragraph 53 of the Local Plan Part 2 Inspectors Report (LP05) highlighted that Policy DM5 (Protecting Open Areas) provided protection and provision to open space respectively that was clear and provided 'suitable and appropriate criteria to facilitate the consideration of proposals in each instance'. In this respect, the Council considers that policy NE10 serves a clear purpose and is clearly written and unambiguous and it is evident how a decision maker should react to a proposal as it has been successfully applied over a number of years.

**4. Would policy NE10 accord with national policy set out in NPPF paragraph 99a and legislation in relation to school playing fields?**

WCC response:

1.100 School playing fields across the district are identified in the council's Open Space Assessment and are included in the Open Space Standard under policy NE3 ('outdoor sport') in accordance with Paragraph 99a of the NPPF.

1.101 Playing fields are additionally referenced in the commentary to NE3 at paragraph 7.27. However, the Council consider it necessary to address the legislation and the requirements for school playing fields set out by Hampshire County Council in their consultation response on the Proposed Submission Local Plan (Regulation 19). The Council therefore propose additional wording to the supporting text PM42 ([SD14a](#)) for Policy NE10 to reflect the comments made by HCC in relation to the loss of school playing fields.

**5. The Plan does not allocate any Local Green Spaces. Would this approach be justified, effective and consistent with national policy set out in NPPF paragraph 105-107?**

WCC response:

- 2.1 The council considers that the allocation of Local Green Spaces could be dealt with as part of the Neighbourhood Plan process. National policy makes clear that a blanket designation of all green spaces is not appropriate. This is reflected in the plan where Policies NE3, NE4, and NE10 provides protection over specific open spaces/green infrastructure that are important to the district. It is also important to highlight that the Council engaged with Parish Councils and Ward Members to identify green spaces that are important to them as part of the Open Space Assessment 2022 ([RL01](#)).
- 2.2 A Neighbourhood Plan would be able to identify specific Local Green Spaces that are demonstrably special to the local community and is considered appropriate that it is dealt with as part of this process. For example, New Alresford Town Council are in the process of identifying Local Green Spaces in their Neighbourhood Plan. The Council considers that this approach is justified, effective and consistent with national policy.

## Policy NE11 Open space provision in new developments

### **1. Would policy NE11 serve a clear purpose, avoiding unnecessary duplication of national policy? How would it interact with policy NE3? And paragraphs 7.81 and 7.82, in respect of potential loss of important open areas?**

WCC response:

- 2.3 The Council believes that Policy NE11 serves a clear purpose as it sets out the Council's approach to the provision of new open spaces in relation to new developments, is appropriate to its context, in accordance with the aim of achieving sustainable development (NPPF clause 7).
- 2.4 In terms of interaction, NE3 sets out the general requirement for open space provision and the standards sought in regard to various categories of open space in association with new development, whilst NE11 provides more detailed guidance of how this will be implemented in respect of new developments. Paragraphs 7.81 and 7.82 explain the circumstances where open space is proposed to be lost to development and where replacement open space cannot be provided.

### **2. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?**

WCC response:

- 2.5 Policy NE11 expands on Policy DM6 in the Local Plan Part 2. It is considered to be an important policy to ensure that the provision of open space is secured for new developments. It is important to note that Paragraph 53 of the Local Plan Part 2 Inspectors Report (LP05) highlighted that Policy DM6 (Open Space Provision for New Development) provided protection and provision to open

space respectively that was clear and consistent with national policies providing 'suitable and appropriate criteria to facilitate the consideration of proposals in each instance'. In this respect, the Council considers that policy NE10 serves a clear purpose and is clearly written and unambiguous and it is evident how a decision maker should react to a proposal as it has been successfully applied over a number of years.

## Policy NE12 Equestrian development

### **1. Given the requirement for the Plan to be read as a whole, would paragraphs 7.95 and 7.96 be necessary for effectiveness?**

WCC response:

2.6 Paragraphs 7.95 and 7.96 refer to compliance with other policies in the plan. The Council considers these are not required as the plan should be read as a whole. PM198 in the Schedule of Proposed Modification ([SD14a](#)) addresses this point by removing paragraphs 7.95 and 7.96 which is necessary for effectiveness.

### **2. Would the policy provide the necessary flexibility to enable acceptable equestrian development, in particular policy NE12v and viii?**

WCC response:

2.7 Policy NE12 aims to meet the needs for equestrian development in the plan area and is reflective of the approach in the current Local Plan, which has been successfully used to manage equestrian development. Since the adoption of the Local Plan Part 2 in 2017, the Council has received on average 10 equestrian related planning applications per year. Given, the rural context of the district and the number of applications that it receives, it is seen as necessary to have a policy to set out the approach to the management of relevant proposals. Policy criterion v and vii ensure the careful planning, design and management of land on which horses are kept. The revised policy emphasis in criterion v and viii is worded clearly enough and provides necessary flexibility to enable equestrian development.

### **3. Overall, would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?**

WCC response:

2.8 Yes, the Council consider that the policy is clearly written and unambiguous. Policy NE12 expands on Policy DM12 in the Local Plan Part 2 which was previously found to be sound, clearly written and effective.

**4. Would policy NE12 introduce policy within the supporting text, and in so doing would this be effective?**

WCC response:

2.9 The city council does not believe that Policy NE12 introduces policy within the supporting text. As the Council have stated in question 2 the Policy has been carried forward from the current Local Plan and is considered to be effective and sound.

## **Policy NE13 Leisure and recreation in the countryside**

**1. How would policy NE13 interact with strategic policy SP3? Would it be consistent with strategic policy SP3?**

WCC response:

2.10 Policy NE13 allows for appropriate recreational uses where a countryside location is necessary, subject to specified criteria. Exceptionally, other recreational and leisure uses may be permitted under Policy SP3 where it can be demonstrated to meet the criteria within the policy. It is considered with policies NE13 and SP3 taken together allow for a suitable range of leisure and recreational provision within the countryside.

**2. Would the Plan accord with NPPF paragraph 96 and 97, in relation to promoting healthy and safe communities?**

WCC response:

2.11 Yes, the Plan would accord with Paragraphs 96 and 97 of the NPPF in relation to healthy and safe communities. For example, Policy T1 criterion iv. requires integrating sustainable and active travel routes into the layout which aligns with Paragraph 96 b) of the NPPF and Policy E8 plans positively for local shops services and facilities and accords with Paragraph 97 a). The city council consider that the Plan should be read as a whole and in that respect accords with paragraphs 96 and 97 of the NPPF.

## **Policy NE14 Rural character**

**1. Would policy NE14 serve a clear purpose, avoiding unnecessary duplication of national policy and other Plan policy requirements?**

WCC response:

2.12 Policy NE14 permits development proposals outside the settlement boundary providing they do not have an unacceptable effect on the rural character of the area. The policy in particular references key design factors in considering the rural character and sense of place such as tranquillity and light pollution. The policy aims to permit extensions, replacement dwellings and ancillary accommodation where it meets the relevant policy criteria. The city council considers that Policy NE14 compliments at a local level national policy with regard to recognising the intrinsic character and beauty of the countryside and provides further details of the sort of harm that development can potential create in the countryside which is set out in the supporting text.

2.13 This policy has been carried forward from the adopted Local Plan (policy DM23 in the Local Plan Part 2) and to date the Council has not encountered difficulties with its implementation. The most recent AMR (ED03a) highlights that Policy DM23 was still cited in 32% of planning applications over the year as a reason for refusal, and therefore demonstrates that Policy NE14 serves a clear purpose and avoids necessary duplication of national policy and other Plan policy requirements.

## **2. In wording policy NE14 in the negative, would it be effective?**

WCC response:

2.14 Policy NE14 is positively worded for development proposals outside the settlement boundary providing they do not have an unacceptable effect on the rural character of the area as set out in the city council's response to question 1 on Policy NE14. As the Council have stated in question 1 the Policy has been carried forward from the current Local Plan and is considered to be effective.

## **3. How would policy NE14 interact with strategic policies D1, T1 and policy H8?**

WCC response:

2.15 Policy NE14 provides specific guidance on the impact of development on the character of rural areas. Policy D1 compliments NE14 but D1 is more oriented toward design considerations in ensuring that there are no impacts on the rural character of the area, and to take account of local distinctiveness and features as set out in paragraph 7.102 of the supporting text. Paragraph 7.105 specifically references traffic generation and Paragraph 7.106 sets out the context for extensions and ancillary buildings in considering the impact of these on the rural character of the countryside. Both of these factors align with the principles set out in policies T1 and H8.

## **4. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, in particular the**

**phrase ‘... development should not detract from the enjoyment of the countryside...’ (10th paragraph)?**

2.16 Yes, the Council consider that the policy is clearly written and unambiguous. Policy NE14 lists a number of relevant factors to be taken into account where possible new development outside defined settlement boundaries are considered. Policy NE14 expands on Policy DM23 in the Local Plan Part 2 which was previously found to be sound, clearly written and effective.

## **Policy NE15 Special trees, important hedgerows and ancient woodlands**

**1. Would policy NE15i accord with national policy at NPPF paragraph 186c in relation to the removal of protected trees, groups of trees, woodland or hedgerows?**

WCC response:

2.17 The city council believes that Policy NE15 i) accords with the NPPF in that it ensures the retention of protected trees, woodland and hedgerows unless there are exception circumstances and where it has been demonstrated that is avoidable for their removal. Where removal has been justified, the policy ensures a suitable compensation strategy in respect of the replacement (in terms of number, species and size) of trees, woodlands and hedgerows.

**2. What is the robust justification for a minimum 15 metre buffer zone between development and ancient woodland or veteran trees? Would it provide appropriate guidance in this regard and in relation to tree removal and replacement for the purposes of soundness?**

WCC response:

2.18 The minimum 15 metre buffer zone is based on standing advice from Natural England and the Forestry Commission on ancient woodland and veteran trees. Criterion iii) of Policy NE15 states that adequate buffers must be provided to prevent damage to root, including for replacement and removal. The city council believe that Policy NE15 provides sufficiently flexibility to account for tree removal/replacement for the purposes of soundness.

**3. For the purposes of soundness should the Plan include a definition of ancient trees, special trees and distinctive ground flora or any other specific terms used in the policy?**

WCC response:



2.19 The terms 'Ancient trees, special trees, and distinctive ground flora' are included in Policy DM23 in the Local Plan Part 2 and have been successfully applied for a number of years.

2.20 The plan includes a definition of veteran trees which accords with the definition of ancient and veteran trees in the NPPF. PM204 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to the plan glossary term 'veteran' to include 'or ancient' for completeness.

2.21 Paragraph 7.108 of Policy NE15 defines 'special trees'. For completeness PM 215 in the Schedule of Proposed Modifications ([SD14a](#)) proposes a definition of special trees in the glossary.

## Policy NE16 Nutrient neutrality water quality effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and RAMSAR Sites of the Solent and River Itchen

### **1. Would policy NE16, in referring to 'development' rather than 'overnight development' be clear in its purpose and requirements, so as to ensure effectiveness?**

WCC response:

2.22 The Council considers that a proposed modification should be made to Policy NE16 to refer to 'overnight development' in criterion i). PM203 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to strengthen the wording to be clear in its purpose and requirements to ensure effectiveness.

### **2. Would policy NE16i serve a clear purpose, avoiding unnecessary duplication of national policy?**

WCC response:

2.23 The Council considers that Policy NE16 i) serves a clear purpose in that planning permission will only be granted provided the integrity of designated sites are not adversely affected from the increased production of wastewater as a result of development. Paragraph 7.111 of the Plan make clear the type of development the policy applies to.

2.24 The Council has a Statement of Common Ground with Natural England ([ED19](#)) which covers the effects of nutrients on designated sites. In terms of the Local Plan's effect on designated sites in the Solent and on the River Itchen SAC, agreement has been reached that the proposed mitigation measures, including

Policy NE16, ensure that development will not adversely affect the integrity of the designated sites. Furthermore, the Plan's HRA addendum ([SD04a](#)) concludes that there are no adverse effects on designated sites through increased wastewater production as a result of Policy NE16. This particular point has been agreed with Natural England in the updated SoCG ([ED19](#)).

**3. Given requirements in the Levelling Up and Regeneration Act (LURA) for wastewater treatment works to be upgraded to the highest technically achievable limits by 2030, would the policy be justified, effective and consistent with national policy?**

2.25 As set out in question 2, the Council considers that Policy NE16 i) serves a clear purpose in that planning permission will only be granted provided the integrity of designated sites are not adversely affected from the increased production of wastewater as a result of development in accordance with 186 a) of the NPPF.

2.26 Policy NE16 ii). is clear that planning permission will only be granted where effects of new overnight development can be excluded, if this is not the case mitigation will need to be secured to demonstrate nutrient neutrality. It should be noted that although wastewater treatment works will be upgraded to the highest technically achievable limits in line with the LURA, nutrient mitigation will still be essential where overnight developments are required to demonstrate nutrient neutrality. As set out in paragraph 7.113 all overnight development will need to produce a nutrient budget using Natural England's Nutrient Neutrality Calculators. The calculators were updated in 2024 to include the upgrades set out in the LURA as evidenced in the Nutrient Neutrality Topic Paper to account for development delivered pre and post 2030 ([SD10h](#)). The calculators provide information on the amount of nutrient mitigation for nitrogen and/or phosphorus required to demonstrate that the development is nutrient neutral. The city council believes that Policy NE16 is justified, effective and consistent with national policy.

**4. Would policy NE16iii, for the purposes of effectiveness, require further detail in relation to requiring a positive contribution to the Local Recovery Network?**

WCC response:

2.27 Making a positive contribution to the Local Recovery Network in relation to criterion iii) means that nutrient mitigation schemes are designed and located so that they are capable of contributing towards achieving one or more of the identified priorities for nature recovery set out in the Local Nature Recovery Strategy. The Council does not feel that Policy NE16 iii requires further detail in relation to this. However, the Council proposes to include some additional supporting text to the policy to explain what is meant by 'a positive contribution' in relation to the Local Nature Recovery Network.

2.28 The Local Nature Recovery Strategy for Hampshire is at the time of writing, still under development and not likely to be published before the Local Plan is adopted. PM205 in the Schedule of Proposed Modifications ([SD14a](#)) proposes additional wording in the supporting text to make clear that once the LNRS is published it should be used to guide nutrient mitigation schemes.

**5. Would the policy provide appropriate clarity in relation to strategic nutrient solutions available to developers as part of the planning process, so as to ensure effectiveness?**

WCC response:

2.29 Yes, the criterion ii) of Policy NE16 is clear that planning permission will only be granted where effects of new overnight development can be excluded, if this is not the case mitigation will need to be secured to demonstrate nutrient neutrality. Paragraph 7.114 highlights that there are appropriate strategic nutrient mitigation schemes available to developers and that further details on the scheme are included in the Nutrient Neutrality Topic Paper ([SD10h](#)).

2.30 The Council's Nutrient Neutrality Topic Paper provides details on the strategic supply of nutrient mitigation schemes currently available for use by development in Winchester. Paragraph 1.3 of the Topic Paper notes that the city council are in the process of entering an Inter Authority Agreement (IIA). The Council can now confirm that an IIA has been signed to ensure that a share of strategic mitigation credits from all three riverine catchments are available to developers in the district. Furthermore, the city council has signed a Statement of Common Ground with Natural England ([ED19](#)) which covers the supply of strategic nutrient mitigation.

2.31 The city council considers that Policy NE16 and the Nutrient Neutrality Topic paper provides clarity in relation strategic nutrient mitigation solutions so as to ensure effectiveness.

**6. Would the policy and supporting text appropriately recognise the impacts of phosphates and nitrogen draining into the River Itchen and the need to agree nutrient mitigation schemes with Natural England?**

WCC response:

2.32 PM43 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to the supporting text of Policy NE16 to appropriately recognise that the River Itchen catchment is affected by both phosphorus and nitrogen.

2.33 PM44 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to the supporting text of Policy NE16 to appropriately recognise that nutrient mitigation schemes should be agreed with Natural England.

## Policy NE17 Rivers, watercourses and their settings

### **1. Would policy NE17 provide appropriate support for the creation of natural buffers zones between riverbanks/watercourse banks and any built development?**

WCC response:

2.34 PM46 and PM48 in the Schedule of Proposed Modifications ([SD14a](#)) proposes an amendment to the supporting text and criterion vii) to ensure that Policy NE17 provides appropriate support for the creation of natural buffer zones between riverbanks/watercourse banks and any built development. The amendments reflect comments made by the Environment Agency in relation to the requirement for adequate buffer zones.

### **2. Would policy NE17 appropriately reflect the scope and requirements of the Solent Wader and Brent Geese Strategy, including the Habitat Regulations requirements in relation to functionally linked land?**

WCC response:

2.35 PM45, PM47 and PM49 in the Schedule of Proposed Modifications ([SD14a](#)) proposes amendments to the supporting text and Policy NE17 in relation to the requirements for an ecological survey in respect of the classification of Solent Wader and Brent Geese sites in the district and the requirement for a project level HRA for the loss of habitats in primary support areas, secondary support areas and low use sites.

2.36 It should be noted that the amendments reflect comments by Natural England to ensure clarity and completeness. The Council believe with the amendments made to Policy NE17 appropriately reflects the scope and requirements of the SWBGS, including the Habitats Regulations requirements in relation to functionally linked land.