



EXAMINATION OF THE WINCHESTER DISTRICT LOCAL PLAN 2020-2040

MATTER 14: BIODIVERSITY AND THE NATURAL ENVIRONMENT

On behalf of Wates Developments Ltd.

Representor ID: BHLF-AQTS-328G-W

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CONTENTS

1.0 INTRODUCTION	4
2.0 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?	5
Policy NE5 Biodiversity	5
1. Would the policy serve a clear purpose, avoiding unnecessary repetition of national policy, in accordance with NPPF paragraph 16f?	5
2. Would there be robust local evidence to justify a requirement above 10% BNG?	5
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?	5
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?	5
5. How has viability been reflected in the policy requirements?	5
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?	6
7. Would policy NE5iv and vi accord with NPPF paragraph 186 in relation to principles to protect and enhance biodiversity and geodiversity?	6
8. How would the policy interact with strategic policy NE1, which seeks to protect and enhance biodiversity and the natural environment in the District?	6
9. Would the requirements for masterplans to precede any application for development and ensure stakeholder engagement provide the necessary flexibility to support planned development?	6
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?	6
11. Would paragraphs 7.45 and 7.49 introduce policy requirements that should appropriately be included within policy?	6
Policy NE7 Settlement gaps	7
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?	7

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?	7
3.	What is the robust evidence to assess 7 of the 9 existing settlement gaps in the Settlement Gap Review Study 2024?	7
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?	7
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?	7
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?	8
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?	8
8.	Should policy NE7 provide a clear link to the policies map for the purpose of effectiveness?	8
Policy NE11 Open space provision in new developments		8
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?	8
2.	Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?	8

1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of Wates Developments Ltd. ('Wates') in relation to the Examination in Public of Winchester City Council ('the Council') Local Plan 2020-2040 ('the Local Plan'). Carter Jonas LLP is instructed by Wates.
- 1.2 Wates is promoting the development of land on the northern edge of Winchester, ('the site' or 'Pudding Farm').
- 1.3 The site is identified in the Strategic Housing & Economic Land Availability Assessment (SHELAA) (December 2021) as site reference HW03. The SHELAA confirms that the site is 'deliverable' and 'developable' with no identified environmental, historical, constraints, and only limited physical constraints (this includes flood risk, which is disputed). Wates confirms that the site remains available for development. It is therefore considered wholly suitable for allocation through the Local Plan.
- 1.4 Wates has been supportive of the preparation and principal direction of the key elements of the plan. Wates supports the overall strategy and the aim to provide a stable policy context for developers to help deliver much needed housing across the Local Plan area in a sustainable manner.
- 1.5 Wates made representations in response to the consultations held on the informal (Regulation 18) Plan and the Publication Plan (Regulation 19) consultation on the Local Plan. Wates Representor ID is: BHLF-AQTS-328G-W
- 1.6 In this submission, Wates sets out its responses to Matter 14: Biodiversity and the natural environment, relating to policies NE5, NE7 and NE11.
- 1.7 This statement should be read in combination with Wates' responses to the Inspector's others Matters.

2.0 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?

Policy NE5 Biodiversity

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

- 2.1 There is repetition of national policy, and the Environment Act, in the policy but this is set in a framework which sets out local priorities and collects different strategies in a 'signposting' exercise.
- 2.2 Wates is of the view that the policy is generally sound in this regard.

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

- 2.3 No. Wates' is not aware of any evidence to justify such a requirement.

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?

- 2.4 Paragraph 7.38 will become out of date very quickly and offers little necessary detail. It could be deleted from the plan with no consequence.

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?

- 2.5 No. Wates believes that such measures, and details, should be part of the development management process. This would allow for the necessary site-specific details to be agreed, through conditions and obligations, and will avoid a lengthy policy text in the Local Plan (as required by NPPF 16f).

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

- 2.6 The Viability Report (LPV01 & LPV02) assumes the cost of BNG at 2.4% of the build cost of a residential development (on greenfield sites). This equates to around £3,500-£4,000 per unit, using the build cost assumptions in the same report.
- 2.7 Wates' view is that this may be underestimating the cost of BNG, and BNG is very site specific. So, the policy should allow for individual viability assessments, where appropriate. In Wates experience,

biodiversity units generally cost £25,000-£35,000 but the number of dwellings these cater for is very scheme dependent.

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?

2.8 No. The criterion groups together different 'levels' of site designation and does not reflect the hierarchy in national policy. Moreover, the policy does not properly reflect the process of avoiding, mitigating, or, as a last resort, compensating for harm to biodiversity.

7. Would policy NE5iv and vi accord with NPPF paragraph 180 in relation to principles to protect and enhance biodiversity and geodiversity?

2.9 As above, these criteria do not properly reflect the sequential approach of avoidance, mitigation, and compensation.

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

2.10 There is some repetition across the two policies which could be removed in favour of 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?

2.11 Masterplans do not appear to be directly referenced in the Policy. However, Wates recognises the value of site masterplans for major development, and these can be consulted upon in the usual way during the development management process. Additional engagement can be encouraged but should not be a requirement in policy.

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?

2.12 The plan is generally clearly written and easily understood. However, there should be some guidance included which explains how a decision maker should use the contents of the CEMP, not simply requiring one to be produced.

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

2.13 7.45 and the reference to strategic mitigation measures, should be included in policy. 7.49 is additional detail about how to calculate BNG, and is not necessary as policy text.

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?**
 - 2.14 The Policy Framework for Gaps produced by the Partnership for Urban South Hampshire (PUSH, produced in 2008) provides guidance for Local Planning Authorities on formulating strategic gap policies. The Council has presented landscape evidence to support its settlement gaps, and this is set out in a review document – reference BNE29.
 - 2.15 Wates has considered this evidence, and especially how it has been used where it relates to the Winchester – Kings Worthy/ Headbourne Worthy Gap. This is set out in our Reg. 19 response (ref: BHLF-AQTS-328G-W).
- 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?**
 - 2.16 Wates' review of the Council's evidence suggests that the assessment is logical, but the outcomes are not necessarily robust, because Land at Pudding Farm could be developed without compromising the Winchester – Kings Worthy/ Headbourne Worthy Gap, therefore it raises the question as to whether the site is included in the gap, in the first instance (see our Reg. 19 response ref: BHLF-AQTS-328G-W).
- 3. What is the robust evidence to assess 7 of the 9 existing settlement gaps in the Settlement Gap Review Study 2024?**
 - 2.17 Wates' is not clear about the decision to not review all the gaps.
- 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?**
 - 2.18 No. Wates has demonstrated in its Reg. 19 response (ref: BHLF-AQTS-328G-W), that land at Pudding Farm could be developed without compromising the relevant gap. While this would comply with the proposed policy, it also undermines the value, and necessity of the policy in the first instance.
- 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?**
 - 2.19 No. Wates' view is that the policy, and gaps, are too restrictive and the same outcomes could be achieved with appropriate development design, layout and landscaping. The policy puts at risk the effective delivery of development.

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?

2.20 Wates' view is that the 'gaps' are an attempt to create Green Belts around settlements and this is unjustified. This view is supported by this comment that the 'gaps' are a spatial planning tool, and not necessarily a landscape designation, as such if the policy is to remain, then it would be a better fit as a 'strategic policy.'

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?

2.21 No comment.

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

2.22 Yes, the spatial extent of the 'gaps' should be referenced in the policy text, by adding "as shown on the policies map".

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?

2.23 No. Wates believes that NE11 should either be included in Policy NE3 or become supporting text for it.

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

2.24 No. The policy should have more detail about the "*council's open space standard for quantity and type*." As written the policy is seeking to rely on evidence that is not part of the examination, and its soundness cannot be scrutinised, neither can a decision maker react appropriately to an undefined measure

