

## **Examination of the Winchester District Local Plan 2020-2040 (the submitted Plan/the Plan)**

### **Winchester College – Hearing Statement**

#### **Matter 14: Biodiversity and the Natural Environment**

##### **Regulation 19 consultation reference number: BHLF-AQTS-328K-1**

As set out in Document ED17:

- Policy NE4: Green and blue infrastructure

**Question 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?**

As currently drafted Policy NE4 is ambiguous in relation to the types of green infrastructure required and how it would be linked to the proposed development and therefore not effective for the reasons set out in representations made by Winchester College at the Regulation 18 (reference 267699756) and 19 (reference BHLF-AQTS-328K-1) stages.

The Council's response to the College's Regulation 18 representations relies on an interpretation of Policy NE4 that is currently absent. There is nothing in the draft Policy that makes it clear that a contribution towards GI would only be required if there was an extension to the College such as a development on a vacant greenfield site.

It is not clear what would constitute a primary area in the fourth paragraph of the policy or whether the requirements in points i to vii apply to all proposals. This needs to be clarified.

It is not clear whether all developments need to protect and support the proposals (which are themselves undefined) that facilitate future uses and enhancements for non-motorised travel on the South Downs Way, Meon Trail and Watercress Way, particularly if they are some distance from them and would have no impact on them.

Overall this policy is very unclear as to what is required and what is aspirational. It is not clear whether proposals that do not deliver green and blue infrastructure will be refused or whether this policy only relates to proposals for green and blue infrastructure. The final paragraph suggests it will be more widely applied as it is requiring financial contributions for the provision and management of GI sites where on site provision is not possible. Further information is needed on what additional GI this would fund and how it would be linked to the proposed development.

As set out in Document ED17:

- Policy NE8 South Downs National Park

**Question 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?**

Draft Policy NE8 relates to development in close proximity to the South Downs National Park, which is both ambiguous and inconsistent with the National Planning Policy Framework (NPPF) which relates to development in the 'setting' of National Parks (NPPF 2024, paragraph 189).

The statutory purposes and duty for National Parks does not extend to land outside the boundary and therefore this policy goes beyond what is reasonable and justified.

Winchester College therefore requests that the policy is amended to read:

*Development in the setting in close proximity of the South Downs National Park will only be permitted where it would be in accordance with the statutory purposes and duty for National Parks as specified in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995 and where they conserve and enhance the intrinsic quality of dark night skies and the setting of the National Park.*

As set out in Document ED17:

- Policy NE9 Landscape character

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

The requirement for a Landscape Visual Assessment or Landscape Visual Impact Assessment for all developments is unreasonable and unnecessary. The draft policy should be amended to make it clear that it does not apply to applications for changes of use, householder developments or small scale extensions to existing buildings.

As set out in Document ED17:

- Policy NE16 Nutrient neutrality water quality effects on the Special Protection Areas (SPAs), Special Conservation Areas (SACs) and Ramsar sites of the Solent and River Itchen

**Question 1: Would policy NE16, in referring to ‘development’ rather than ‘overnight development’ be clear in its purpose and requirements, so as to ensure effectiveness?**

As drafted Policy NE16 requires the impacts of increased nutrients to be considered for all developments but also requires the guidance provided by Natural England to be followed. These statements are inconsistent with each other. The requirement for nutrients to be assessed for all developments is not the approach taken by Natural England or in Government advice on the use of the nutrient neutrality calculators, both of which restrict the assessment to development resulting in an increase in overnight accommodation. This is also consistent with the Council’s current approach for assessing nutrient neutrality. The draft policy should be amended to make this clear.

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

Policy NE16i entirely duplicates national policy and therefore its purpose is unclear.

**Question 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 effective, justified and consistent with national policy?**

The requirements of the LURA will need to be reflected in the appropriate assessments prepared by the LPA in accordance with the Habitats Regulations. As these requirements are set out in national policy, a duplicate policy in the Local Plan is unnecessary.

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

It is not clear from the draft policy what would be required to make a positive contribution to the Local Recovery Network and therefore, the effectiveness of the policy is questionable.

The only part of policy NE16 that is not set out in national policy is part iii relating to development proposals for mitigation schemes. As tree planting does not constitute development, it is not clear what control the Council would have over such schemes. Where planning permission is required for a mitigation scheme, the policy as drafted would preclude schemes coming forward that were not specifically linked to a development proposal e.g. the mitigation scheme at The Grange was designed to sell nitrate and phosphate credits for future development schemes. The wording of the policy should be amended to allow similar schemes to come forward.

Should the Council wish to retain a policy requirement for mitigation schemes, it should be clear that the prime purpose of these schemes is to ensure nutrient neutrality and that a contribution to the Local Nature Recovery Network is a secondary consideration.

**Question 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?**

As drafted, the policy does not provide any clarity in relation to strategic nutrient solutions available to developers, the only reference is in the supporting text. It would be helpful if the policy acknowledged that mitigation could be delivered through the purchase of credits to strategic nutrient solutions.

**Question 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.**

Policy NE16 does not refer to the need for nutrient mitigation schemes to be agreed with Natural England. Part iii of the policy would benefit from clarification in this respect.

As set out in Document ED17:

- Policy HE5 Protecting the significance of heritage assets (designated and non designated) and mitigating unavoidable harm

**Question 1: How would policy HE5 interact with policies HE3 and HE4 in relation to designated and non designated heritage assets? Together would they provide a clear indication of how a decision maker would react to a proposal in relation to both designated and designated heritage assets? Would that distinction be clear and unambiguous?**

Policies HE3 and HE4 duplicate policy in the NPPF. It would be clearer if the proposals for mitigation were incorporated within policy HE3 and HE4 rather than as a separate policy.