

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

Inspector: R Barrett MRTPI IHBC

Programme Officer: Ms Jill Taylor.

Address: Winchester City Council Local Plan Examination, Winchester City Council Offices, Colebrook Street, Winchester, Hampshire, SO23 9LJ.

Email: Programmeofficer@winchester.gov.uk

Telephone number: 07980 732035

Examination web pages: [Local Plan Examination - Winchester District Local Plan](#)

Inspector Note 13

Stage 2 (Day 2) hearing agendas

I sent out my matters, issues and questions for examination in relation to the first stage hearing session some time ago (ED13,17 and 21). In light of the responses received, I have produced an agenda for the stage 1 (week 2) hearing sessions.

The hearing sessions will only cover issues about which I require further information, having read all written submissions. I expect to go round the table once on each item. Rebuttals of others' contributions are not encouraged and I will act to prevent the repetition of points made by previous speakers. However, I may myself seek further comment in the interests of clarification, or where there is a matter that I need to pursue further.

R Barrett
INSPECTOR

21 May 2025

10.00 Friday 23 May 2025 (Day 8)

Agenda

Inspector's opening announcements

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

1. Would strategic policy NE1, overall, accord with national policy?
2. Would it appropriately protect and enhance valued landscapes in accordance with NPPF paragraph 180a?
3. 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?
4. Would policy NE1i accord with NPPF paragraph 186, in relation to the role of compensation, as appropriate?
5. Would the Plan appropriately ensure an integrated approach to the management of the landscape and natural environment, including the interplay with historic features?

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?

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?
2. What is the robust evidence to justify the open space and built facilities standards included in table 1 and 2 of the policy?
3. Would policy NE3 accord with national policy set out in NPPF paragraph 103?
4. How would policy NE3 interact with policy NE10 and NE11?

ED32

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

Policy NE5 Biodiversity

1. Would the policy serve a clear purpose, avoiding unnecessary repetition of national policy, in accordance with NPPF paragraph 16f?
2. Would there be robust local evidence to justify a requirement above 10% BNG?
3. 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?
4. Would paragraphs 7.45 and 7.49 introduce policy requirements that should appropriately be included within policy?

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?
2. 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?
3. Would policy NE6, together with the heritage policies in the Plan provide appropriate protection for heritage assets in relation to flood risk?
4. 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?

ED32

Policy NE7 Settlement gaps

1. 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. 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?
3. 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?

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?

Policy NE9 Landscape character

1. How would policy NE9 interact with policy NE14 and strategic policy D1?

Policy NE10 Protecting open areas

1. 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?
2. Would policy NE10 accord with national policy set out in NPPF paragraph 99a and legislation in relation to school playing fields?

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?

Policy NE12 Equestrian development

1. Would the policy provide the necessary flexibility to enable acceptable equestrian development, in particular policy NE12v and viii?
2. Would policy NE12 introduce policy within the supporting text, and in so doing would this be effective?

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?

Policy NE14 Rural character

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

ED32

2. 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)?

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?
2. 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?

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?
2. Would policy NE16i serve a clear purpose, avoiding unnecessary duplication of national policy?
3. Would policy NE16iii, for the purposes of effectiveness, require further detail in relation to requiring a positive contribution to the Local Recovery Network?
4. 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?
5. 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 NE17 Rivers, watercourses and their settings

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

Inspector’s closing remarks

14.00 Friday 23 May 2025 (Day 8)

Agenda

Inspector's opening announcements

Matter 15: Historic environment

Issue: Whether the plan would ensure the conservation of the District's heritage and whether the Plan's policies would be clear, justified and consistent with national policy, and will they be effective?

General Comment

1. Would the historic environment policies, when taken as a whole (preamble and policies), be clear and consistent with national policy? Does each serve a clear purpose, avoiding unnecessary duplication, including policies that apply to a particular area including the heritage policies in the NPPF? Given these matters, as a whole would they be effective?

Strategic Policy HE1 Historic environment

1. Would strategic policy HE1 accurately reflect NPPF paragraph 203, which indicates the matters that, in determining applications, local planning authorities should take account of, including the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation?

Policy HE2 All heritage assets (designated and non designated)

1. In requiring applicants to describe the significance of affected heritage assets and /or their settings would the policy be consistent with NPPF paragraph 200, which requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting?
2. Would the policy requirements in relation to proposals affecting buildings at risk be clear and unambiguous and consistent with national policy?

Policy HE3 Designated heritage assets

1. Would policy HE3 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the heritage policies in NPPF?

Policy HE4 Non designated heritage assets

1. Would policy HE4 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the heritage policies in NPPF?

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

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?

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Policy HE6 Scheduled Ancient Monuments and nationally important non designated assets

1. When read as a whole, including its title, would it be clear that this policy relates to non designated heritage assets and non designated archaeological assets?

Policy HE7 Non designated archaeological assets

1. Would policy HE7 serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including the NPPF heritage policies?

Policy HE8 Applications affecting listed buildings

1. How would policy HE8 interact with policy HE3?

Policy HE9 Changes of use to listed buildings

1. Would policy HE9 strike the right balance between the preservation of listed buildings and their modernisation, energy efficiency and financial viability?

Policy HE10 Development in conservation areas

1. What is the justification for applying criteria viii, in relation to energy efficiency or generation measures, to extensions and alterations only?

Policy HE11 Demolition in conservation areas

1. Would the policy HE11 and its supporting text, in stating that demolition of buildings that make a positive contribution to the architectural or historic interest of the area will be granted only in exceptional circumstances where it has been satisfactorily demonstrated that a building is beyond repair and incapable of beneficial use accord with NPPF paragraph 213?

Policy HE12 Registered parks and gardens

1. Would policy HE12 provide appropriate protection to registered and other identified historic parks and gardens?

Policy HE13 Non designated historic rural and industrial heritage assets

1. Given the Plan is read as a whole, would policy HE13 serve a clear purpose, avoiding repetition of other policies in the Plan? Would this go to the heart of soundness?

Policy HE14 Improvements and Alterations to Improve Energy Efficiency of Historic Assets

1. To ensure consistency in implementation, should the policy refer to heritage assets as opposed to historic assets?

Inspector's closing remarks