

## Winchester City Councils Response to the Inspector's Note 17

### Introduction

The [Written Ministerial Statement of 27 November 2025](#) provides an update to the implementation of plan-making reforms. It refers to newly published guidance about the design of the legislation required to implement the new system, and states that further regulations setting out the detail of a new process for producing plans will shortly be published.

In addition, the Minister wrote a [letter to the Planning Inspectorate](#) on 27 November setting out an update on the Duty to Co-operate within the current plan-making system

This note sets out the Council's view on how the Written Ministerial Statement and the Letter to PINS regarding the Duty to Cooperate relate to the Winchester District Local Plan Examination currently underway.

### The Written Ministerial statement and Letter to PINS

The Written Ministerial Statement provides a number of updates for the new plan-making system. It also includes two sections which are of direct relevance to the Winchester District Local Plan Examination –

#### Plan-making in the current system

**The Local Plan 2020 – 2040 was submitted for examination in November 2024.** The WMS simply reiterates the transitional arrangements for Plan-making set out in the 2024 NPPF. These are unchanged and therefore the Council considers the description of the situation as set out in paragraph 3 to 7 of the *Inspector's Initial Letter to Winchester City Council* (Examination Document [ED06](#)) – namely that the Plan should be examined under the December 2023 NPPF - remains correct and nothing has in this respect changed in the city council's opinion

#### Duty to Cooperate

The Statement confirms that the Levelling-Up and Regeneration Act 2023 does not include the duty to Cooperate and states that this requirement is removed for plans in the current system. This then clarified in the Letter to the Planning Inspectorate which states that the Duty will “*therefore cease to apply when the Regulations come into force early next year, including for plans at examination at that point*”.

The regulations have not yet been published, and it is not clear if they will come into force before the anticipated adoption of the Winchester Local Plan. However, both the Written Ministerial statement and the Letter to the Planning Inspectorate emphasise that LPS should continue to collaborate across their boundaries including on unmet needs, and that “Inspectors should continue to examine plans in line with the policies in the NPPF on ‘maintaining effective co-operation’”.

## ED44

The Council welcomes the opportunity to confirm its views on these changes prior to them potentially being brought into force prior to the adoption of the Winchester Plan. The Winchester District Local Plan Examination has already considered the issue of cross-boundary cooperation and the duty to cooperate at some length, including in [Matter 1](#) (Procedural / Legal requirements), and [Matter 4](#) (Meeting Housing Need). This is further documented in Statements of Common Ground with relevant authorities and the submitted Regulation 22 Statement of Consultation part 1 ([SD07a](#)) and Part 2 ([SD07b](#)). The Council considers that it has demonstrated that it has met the legal test of the duty to cooperate and the requirements of the NPPF to maintain effective cooperation.

Therefore, should the Duty to Cooperate cease to apply before the Winchester Local Plan is adopted, it is not considered that this change in circumstances would raise significant new issues for the current modifications consultation, or the Examination. For instance, the position regarding unmet housing need in south Hampshire is unchanged. For its part, the Council can confirm that if the legal Duty to Cooperate is withdrawn it would continue to believe the provision of 495 additional homes in the current Plan towards unmet needs in Havant and Portsmouth would remain appropriate, given the requirements in the NPPF in para. 11b and 24-27 seeking effective cooperation.

As a result of the above, even if the Regulations come into force before the adoption of the Local Plan, and the legal duty to cooperate is removed, the Council considers that it will not change the position that we have taken at the Local Plan examination.

**16<sup>th</sup> December 2025**