EMERGING LOCAL PLAN FOR WINCHESTER

REGULATION 19 CONSULTATION

Privacy and publication

We are unable to legally accept anonymous submissions to the consultation. You must therefore provide your consent below before you are able to submit your response.

Privacy Notice

Any personal information that you supply to Winchester City Council will only be used for the purposes of the work required to prepare a Local Plan under the Planning Acts. We need to collect this information in order to maintain accurate records to ensure that you can be properly involved in the preparation of the Local Plan. This will include general updates on the progress on the Local Plan, sending updates/surveys/newsletters, inviting comments on the Local Plan as it moves through its statutory stages and being notified of the date of the Local Plan Examination and be invited by the Inspector to speak at the Local Plan Examination. Any comments that are received in connection with the Local Plan will be published but they will only display the person/organisation name and postcode beside them. Any information that is received, including contact details, will only be kept until the Local Plan is adopted.

As part of our statutory functions, we will share data with the Planning Inspectorate who will hold the Public Examination on behalf of the Ministry of Housing, Communities and Local Government. You have the right to see what information is held about you, to have inaccurate information corrected, to have information removed from our system unless we are required by law or a statutory purpose to keep it and the right to complain to our Data Protection Officer if you feel that your data has not been handled in accordance with the law.

Further information about how Winchester City Council uses personal information can be found on our website at www.winchester.gov.uk/strategies-and-policies/privacy-policy.

1. Please confirm that you have read and understood the above, and you consent to your submission being published (Required)

☒ Yes, I confirm I understand that my response will be published with my name and associated representation.

About you

Please add your personal details below. If you are acting as an agent, please also fill in your details, where requested below. The Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publicly available, therefore we cannot accept anonymous representations. The Council will publish names and associated representations on its website but will not publish personal information such as telephone numbers, or email addresses. You must fill in these details.

2. What is your full name or client's name if acting as an agent?

Name of respondent (or client): (Required)

[redacted]

3. If you are representing an organisation or acting as an agent, please provide the name.

Organisation/Agent:

[redacted]

4. What is your address? If you are responding on behalf of an organisation, please put the organisation's address below. If you are acting as an agent, please put the company address.

[redacted]

House number/name: (Required)

[redacted]

Street address 1: (Required)

[redacted]

Street address 2:

Town/area: (Required)

[redacted]

Postcode (Required)

[redacted]

5. What is your email address?

[redacted]

6. What is your phone number? (Required)

[redacted]

7. Please confirm by ticking the box below that under General Data Protection Regulations (GDPR) you understand and give your consent for your personal details to be sent to the programme officer. (If you do not confirm that you are happy for your details to be shared we unfortunately cannot accept your representation at this stage of the plan making process) (Required)

☒ Yes

8. Please select the box below if you would like to be kept up to date on the developments to the Local Plan via the email you have provided?

☒ Yes, I would like to be kept up to date with Local Plan developments

☐ No

What area of the Local Plan would you like to comment on?

Policy and paragraph number: (Required)

Policy W4, Page 327-329, Para 12.40-12.46

Do you consider the supporting text and policy are: (Required)

	Yes	No
Legally compliant	☐	☒
Sound	☐	☒
Complies with the duty to co-operate	☒	☐

Please give details to support your answer above (Required)

LEGAL FAILING: FAILURE TO PROTECT THE LAND FROM DEVELOPMENT IN ACCORDANCE WITH A 2012 COMMITMENT BY THE PLANNING INSPECTOR

Within the 2012 planning decision for the Barton Farm development, the Planning Inspector (acting for Secretary of State for Communities & Local Government) committed to protecting as open space the land east of the railway line. The land within Policy W4 is covered by this commitment.

The letter dated 2nd October 2012 is available here:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgh8fwms_7AhURWcAKHYd9Al0QFnoECBoQAQ&url=https%3A%2F%2Fwww.winchester.gov.uk%2Fassets%2Fattach%2F3510%2F12-10-02-Barton-Farm-Redet-Combined.pdf&usg=AOvVaw3OiSf6AMoBBU4DDm8k3nFf

It states at Paragraph 396:

"It is also proposed that land to the east of the railway line, which is controlled by the Appellant [CALA], will be used for informal recreation and dog walking and managed

as a biodiversity area. The implementation and management of this area would be controlled through a planning condition and the provision for public access across this land is dealt with in one of the Planning Obligations."

In its response to the Regulation 18 consultation feedback on Policy W4, Winchester City Council denies that this commitment applies. The document is available here:

https://www.localplan.winchester.gov.uk/assets/attach/296/W4-Consultation-comments-on-W4.pdf

The Winchester City Council response notes the points raised, but concludes:

"While this area of land is within the control of the developers of Barton Farm [CALA], it is not included in the S106 Agreement requirement for land to the east of the railway to be provided for biodiversity in conjunction with the development of Kings Barton. That requirement has been met by the provision of Barton Meadows."

Winchester City Council's response to the Regulation 18 consultation fails to address the central point: that in 2012 the Planning Inspector committed that the land east of the railway line which is controlled by CALA should be protected. This commitment very clearly extends to the entire area of CALA's land east of the railway line. The commitment did not state that it applied to only part of CALA's land east of the railway line. Winchester City Council is therefore wrong to assert that that commitment has been discharged through the creation of Barton Meadows nature reserve. The land identified under Policy W4 must also be preserved as open space.

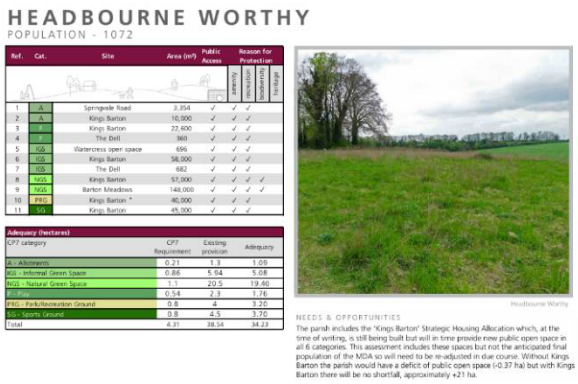
Further evidence that the Secretary of State's protection includes the land in Policy W4 is given in Winchester City Council's Open Space Assessment, available here:

https://www.winchester.gov.uk/community-recreation/open-spaces/open-space-strategy

The Assessment is a background paper to the emerging Local Plan and is used by Winchester City Council as an evidence base to ascertain where there are shortfalls

or surpluses of open space, and to identify which existing open spaces should be protected from development.

The Assessment for Headbourne Worthy (Pages 34-5) shows that the land within Policy W4 is designated as Natural Green Space (Labelled 9 on Page 35 – copied below).



HEADBOURNE WORTHY

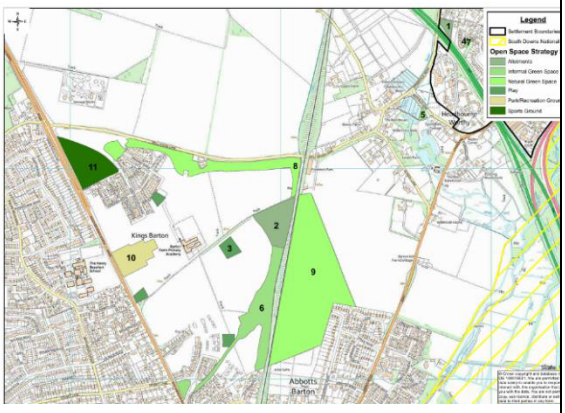
POPULATION - 1072

Ref.	Cat.	Site	Area (m²)	Public Access	Reason for Protection			
					Amenity	Recreation	Conservation	Heritage
1	A	Springvale Road	2,354	✓	✓	✓		
2	A	Kings Barton	10,000	✓	✓	✓		
3	A	Kings Barton	22,600	✓	✓	✓		
4	A	The Dell	360	✓	✓	✓		
5	IGS	Watercress open space	696	✓	✓	✓		
6	IGS	Kings Barton	58,000	✓	✓	✓		
7	IGS	The Dell	682	✓	✓	✓		
8	NGS	Kings Barton	57,000	✓	✓	✓	✓	
9	NGS	Barton Meadows	148,000	✓	✓	✓	✓	
10	PRG	Kings Barton *	40,000	✓	✓	✓		
11	NG	Kings Barton	45,000	✓	✓	✓		

Adequacy (hectares)			
CP7 category	CP7 Requirement	Existing provision	Adequacy
A - Allotments	0.21	1.3	1.09
IGS - Informal Green Space	0.86	5.94	5.08
NGS - Natural Green Space	1.1	20.5	19.40
PC Play	0.54	2.3	1.76
PRG - Park/Recreation Ground	0.8	4	3.20
SG - Sports Ground	0.8	4.5	3.70
Total	4.31	38.54	34.23

NEEDS & OPPORTUNITIES

The parish includes the 'Kings Barton' Strategic Housing Allocation which, at the time of writing, is still being built but will in time provide new public open space in all 6 categories. This assessment includes these spaces but not the anticipated final population of the MDA so will need to be re-adjusted in due course. Without Kings Barton the parish would have a deficit of public open space (-0.37 ha) but with Kings Barton there will be no shortfall, approximately +21 ha.



This map indicated that officers within Winchester City Council also believe the land within Policy W4 is not available for residential development. The view of these officers is consistent with the interpretation that Planning Inspector committed the land be preserved as open space.

LEGAL FAILING: FAILURE TO ACCOUNT FOR ECOLOGICAL IMPACT OF POLICY W4 OR TO GIVE DUE CONSIDERATION TO PRIORITY BAT SPECIES

A bat survey conducted by Hampshire & Isle of Wight Wildlife Trust in 2019 identified the vital importance of the tree-line that would form the northern boundary of the land within Policy W4.

Survey available here:

https://democracy.winchester.gov.uk/documents/s9458/KBF%2025%20Appendix%201%20Barton%20Meadow%20Bat%20Report%202019.pdf

Over a two-week survey period, twelve bat species (out of the UK's total of 17 species) were identified along the tree-line. Of these, five are priority species under the UK Biodiversity Action Plan: soprano pipistrelle; noctule; brown long-eared; Bechstein's; barbastelle. Two of these bat species (Bechstein's and barbastelle) are also listed in Annex II of the Habitats Directive.

The survey report concludes that Barton Meadows is an important site for bats and that the tree-line itself (forming the northern boundary of the land within Policy W4) provides an important feature for a wide variety of bat species within the landscape. The report recommends that that tree-line "should be considered a feature of vital importance to bats."

The report and its conclusions were presented in response to the Regulation 18 consultation and were noted by Winchester City Council. The document is available here:

https://www.localplan.winchester.gov.uk/assets/attach/296/W4-Consultation-comments-on-W4.pdf

Despite this, Policy W4 fails to give due consideration to its potential impact on bats and is therefore noncompliant with national policies and legislation. Policy W4 would enable detrimental and damaging development right up to the tree-line, which is "of vital importance to bats" – and would create a significant new housing development right on the boundary of Barton Meadows nature reserve.

Development of the land as proposed under Policy W4 would generate artificial light pollution from street lighting and housing, which is known to be detrimental and disruptive to bats' feeding and behaviour (authority for this is given here: https://www.bats.org.uk/about-bats/threats-to-bats/lighting). 150 houses on this land would additionally generate noise pollution, disturbance by people and vehicles, predation by pets, and application of garden pesticides. These disruptive factors would apply to the tree line as a vital habitat for bats and would have a direct and detrimental impact on the rare and threatened bat species that are present.

Given that Policy W4 does not give due consideration to priority species, it is contrary to the Natural Environment & Rural Communities Act 2006 which applies to local authorities. Section 40 of the Act states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under Section 41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

POLICY FAILING: FAILS TO ADDRESS DEFICIT IDENTIFIED IN WINCHESTER CITY COUNCIL OPEN SPACE ASSESSMENT

Policy W4 does not take account of the needs of residents for open space, and so is not based on sound policy. The Open Space Assessment that informs the emerging local plan is dated 2022, available here:

https://www.winchester.gov.uk/community-recreation/open-spaces/open-space-strategy

The Assessment bases its estimates for demand for open space on population figures from 2020. These figures were already out of date when the Assessment was published in 2022; they are an inappropriate measure of Winchester communities' need for open space even today – and they are certainly inappropriate when assessing need for open space in the period 2030-2039 covered by the emerging local plan.

Page 10 of the 2022 Open Space Assessment estimates each parish population size against the Local Plan open space standard of 40sq.m per person. The Assessment shows the population of St Bartholomew ward (which includes residents of Courtenay Road, Abbotts Barton and Northlands Drive) is in deficit of open space by 3.11ha.

The Assessment's estimate of area available to informal open space appear likely to be an over-estimate of the actual area, because it includes inaccessible and inappropriate land in its calculation. For example, the estimate includes a large area of land (close to the railway line) in the King's Barton development which is as a

seasonal reservoir for surface-water and ground-water drainage, and is therefore fenced-off to prevent access for good reasons of public safety.

Policy W4 is unsound because it does not address the assessed shortfall in open space provision – and instead proposes residential development which will exacerbate the open space deficit for residents.

POLICY FAILING: POLICY W4 DOES NOT PRESENT JUSTIFICATION FOR HOUSING DEVELOPMENT IN A GREENFIELD LOCATION

Policy W4 amounts urban sprawl of northern Winchester on open land. The emerging local plan presents no justification to develop open space in this location, especially when the location is considered alongside the adjacent major development underway at Kings Barton and proposed new development at nearby Sir John Moore Barracks (Policy W2).

When challenged on this lack of evidence in Regulation 18 consultation, Winchester City Council offered only a stock response of "The Council is required by Government to meet housing requirements." The evidence base for allocating 150 units of high-density housing on this greenfield site was not provided – the proposal is unjustified, and the policy is therefore unsound.

Policy W4 is unsound because it does not present justification for housing development on greenfield land at this site – there are other comparable sites in the SHELAA (evidence base) which have less impact (social and environmental), but which are not included in the submitted plan.

POLICY FAILING: REGULATION 18 CONSULTATION DISPROPORTIONATELY FAVOURED THE RESPONSES OF LANDOWNER/DEVELOPER CALA HOMES

In total there were 967 published responses to the Regulation 18 consultation. In response to Policy W4, the published figures show there were 116 responses – 12% of the total responses received. The document is available here:

https://www.localplan.winchester.gov.uk/assets/attach/296/W4-Consultation-comments-on-W4.pdf

Of the published responses to Policy W4, there were 103 objections (89%), 9 neutral and 4 in support (3%).

Disproportionate weight was given (as reflected the Regulation 19 policy) to two respondents in favour, who are clearly making representations from CALA (the landowner). The annotation to these comments from CALA is "noted and support welcomed." The action taken in response to these two supporting comments was to increase the housing allocation under Policy W4 from 108 to 150 houses.

Policy W4 is unsound, because it was formulated through giving disproportionate weight to the vested interests of the landowner.

POLICY FAILING: UNSUPPORTED BY LOCAL SERVICES

PUBLIC TRANSPORT, LACK OF GP CAPACITY, LACK OF SCHOOL PLACES WITHIN WALKING DISTANCE

The Regulation 18 feedback, and Winchester City Council's comments against it, identify a number of areas where the residents within the 150 houses could not be accommodated within existing services. The document is available here:

https://www.localplan.winchester.gov.uk/assets/attach/296/W4-Consultation-comments-on-W4.pdf

These include:

- There is no primary school capacity within walking distance. The Regulation 18 responses estimated 100 dwellings would generate 30 primary pupils – and so 150 dwellings would generate 45 primary school pupils. These would need to be accommodated by Kings Worthy Primary School, which is located at least 1.6 miles away and could only realistically be accessed by car.

- There is minimal public transport provision at this site – a single bus service from Worthy Road, with services each 20 minutes at peak time.

- There is no further capacity in GP and primary care provision - the Winchester surgeries and Primary Care Network does not assess it is able to absorb any further increases in population.

Policy W4 is unsound because this development cannot be accommodated within existing or funded service provision.

POLICY FAILING: FAILURE TO ACCOUNT FOR THE IMPACT OF INCREASED TRAFFIC THROUGH THE EXISTING ESTATE

The traffic in the area around Courtenay Road and its junctions (especially with Park Road) are already dangerous. Policy W4 would have the effect of increasing vehicle traffic at the access junctions – these are Stoke Rd and Worthy Rd; Abbotts Rd and Worthy Rd; Courtenay Rd and Park Rd. At present a total of some 167 dwellings are accessed from these junctions, in practise only a proportion of vehicles that access via these junctions then transit through the estate – many of these vehicle journeys will be to access houses within the existing estate.

Policy W4 is likely to increase the number of vehicles using the access junctions by 90% (bringing total dwellings to 317). Although the local policy suggests there may be no parking allocated to these new properties, this seems unlikely given the very limited public transport provision and likely need of new residents to need cars for regular access to shops and essential services, such as schools and primary healthcare.

The traffic situation is likely to worsen with the proposed redevelopment of the former Brendoncare site near the junction of Courtenay Rd and Park Rd.

If (as suggested) Policy W4 does not allocate vehicle parking for new dwellings, then this could lead to disruptive and antisocial parking issues in all nearby communities.

Policy W4 is unsound because it fails to assess or account for the impact of vehicles associated with new dwellings.

Please be as precise as possible and include any paragraph/policy numbers that your comments relate to. Please make sure that you put in all the evidence and information needed to support your representation.

What modification(s) are necessary to make the policy legally compliant or sound?

The land west of Courtenay Road should be taken out of housing allocation, and protected as open space to deliver ecological benefit and/or meet current and forecast community open space need. This aligns with national policy on need for more protected land, which (as a proportion of England's land area) has fallen in the past year from 3.11% to 2.93% in the past year alone. Reporting (03 Oct 24) available here:

https://www.theguardian.com/environment/2024/oct/03/nature-england-under-threat-protected-land-falls-data

The landowner would have several options for future land use. These include focussing on environmental gain, by incorporating it in Barton Meadows nature reserve. Alternatively both community and environmental benefit could be realised by establishing a community farm. There are similar, successful models for this, including in Farnham (https://www.farnhamcommunityfarm.com/) and Highbridge Community Farm, Eastleigh (https://highbridgecommunityfarm.org/).

If (despite these arguments in favour of protecting it as open space) this land is allocated for housing, at the very least there must be a meaningful stand-off distance between housing and the treeline to the north, with effective measures to minimise impact on the sensitive ecology of the nature reserve. Hampshire & IoW Wildlife Trust (who manage Barton Meadows nature reserve) should be consulted on the most effective design and environmental impact mitigations, which should extend to artificial light pollution and be enforced through restrictive covenants.

What is your suggested wording or text for the policy?

The land west of Courtenay Road should be included within policy NE10 – Protecting Open Areas. These are open areas within defined settlement boundaries which have an important amenity, biodiversity, heritage or recreational value which are given protection from development.

The Inspector will decide on who will appear at the hearing(s). You may be asked to take part when the Inspector has identified the matters and issues for examination. If the Inspector invites you, do you consider it necessary to participate in the examination hearing sessions? (Required)

☐ Yes, I want to take part in a hearing session if I am invited to by the Inspector to participate

☒ No, I don't want to take part in a hearing session