

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)

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

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.

House number/name: (Required)

Street address 1: (Required)

Street address 2:

Town/area: (Required)

Postcode (Required)

5. What is your email address?

6. What is your phone number? (Required)

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Complies with the duty to co-operate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgh8fwms_7AhURWcAKHYd9AI0QFnoECBoQAQ&url=https%3A%2F%2Fwww.winchester.gov.uk%2Fassets%2Fattach%2F3510%2F12-10-02-Barton-Farm-Redet-Combined.pdf&usq=AOvVaw3OiSf6AMoBBU4DDm8k3nFf)

[sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgh8fwms_7AhURWcAKHYd9AI0QFnoECBoQAQ&url=https%3A%2F%2Fwww.winchester.gov.uk%2Fassets%2Fattach%2F3510%2F12-10-02-Barton-Farm-Redet-Combined.pdf&usq=AOvVaw3OiSf6AMoBBU4DDm8k3nFf](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjgh8fwms_7AhURWcAKHYd9AI0QFnoECBoQAQ&url=https%3A%2F%2Fwww.winchester.gov.uk%2Fassets%2Fattach%2F3510%2F12-10-02-Barton-Farm-Redet-Combined.pdf&usq=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.

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