

# Response ID ANON-AQTS-3BQ5-M

Submitted to Winchester District Local Plan 2020-2040: Regulation 19 Consultation  
Submitted on 2024-10-02 14:30:06

## Privacy and publication

1 Please confirm that you have read and understood the above:

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

## About you

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

Name of respondent (or client): :  
Mr N Russell

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

Organisation/Agent::  
Caroline Waller – Clarke Willmott LLP

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 below.:

House number/name::  
Blackbrook Gate

Street address 1::  
Blackbrook Park Avenue

Street address 2::

Town/area::  
Taunton

Postcode::  
TA1 2PG

5 What is your email address?

Email address::  
Caroline.waller@clarkewillmott.com

6 What is your phone number?

What is your phone number?:  
07970318090

7 By submitting this form I acknowledge that;a) my response, together with supporting information, which includes my name, address and contact details will be sent to the Local Plan Examination Programme Officer and the Planning Inspectorate; andb) my name will be published, together with my response, in the Winchester City Council Local Plan Examination website.

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

## Contents

Please select the area that you would like to comment on:

Development Allocations - Market Towns and Rural (Policies BW1 to BW4, NA1 to NA3, CC1 to CC4, DEN1, KW1 to KW2, WK1 to WK6, KN1, HU1, OT01, SW01, SU01, SW1, WC1)

## Development Allocations – The Market Towns and Rural Area

There are 23 policies linked to development allocations – the Market Towns and Rural Area. Please click on the policy that you wish to comment on:

HU1 Neighbourhood Plan Designated Area

### HU1 Neighbourhood Plan Designated Area (Hursley)

Do you consider the supporting text and policy HU1 are:

Do think the policy HU1 is legally compliant, sound, complies with duty to co-operate. - Legally compliant:

No

Do think the policy HU1 is legally compliant, sound, complies with duty to co-operate. - Sound:

No

Do think the policy HU1 is legally compliant, sound, complies with duty to co-operate. - Complies with the duty to co-operate:

Yes

HU1 Please give details to support your answer above: Please be as precise as possible and include any paragraph/policy numbers that your comments relate to.:

The draft plan currently fails the tests of soundness for the following reasons:

1 Not Justified – the evidence base for the Plan is fundamentally flawed and needs to be corrected in order for the Plan to be found sound.

2 Not Justified, Positively Prepared nor Consistent with National Policy – The flaws in the evidence base underpin a flawed approach to the settlement of Hursley. Each iteration of the Local Plan evidence has underplayed the sustainability of the settlement and its suitability to contribute towards meeting the housing needs of the District. This, in turn, has underpinned the formulation of a policy approach whereby Hursley has, in effect, been given a housing target of zero whilst other settlements of the same category (even those which score lower than Hursley) have been given housing targets of between 40 and 60 dwellings.

As a result, the Plan does not provide an appropriate strategy for Intermediate Level Settlements taking into account the reasonable alternatives. Nor is the policy approach based on proportionate evidence.

Hursley is a well located and very sustainable settlement. Hursley has a surprising range of local facilities and employment opportunities which would significantly reduce the need for new residents to rely on travel by private motor car. The draft plan fails to take the opportunity to allocate housing to this very sustainable settlement. This approach runs contrary to all available evidence.

As a result, the draft Plan fails to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

3 Not Effective – The above failings seriously undermine the effectiveness of the plan.

4 Anomalies with Hursley Settlement Boundary

The drawing of the settlement boundary from Hursley is inconsistent. In some cases, the settlement boundary is drawn so close to the built area that it cuts through gardens or excludes existing dwellings. To the south of the settlement, the boundary is so generously drawn that it includes land which is outside of any residential curtilage which currently has agricultural use together with undeveloped areas of green land, some of which is currently woodland. The development of these green areas has not been considered at any point the local plan process and has not been subjected to the Council's Integrated Impact Assessment process. Failure to assess these areas against reasonable alternatives fails to meet the statutory requirements.

5 We have repeatedly drawn the Council's attention to the anomalies regarding the treatment of Hursley in each iteration of the draft Local Plan. Despite "tweaks" being made to the policy and underpinning evidence base, these changes appear to have been the minimum considered necessary to reduce the risk of challenge.

6 No positive steps have been made to remedy the clear inconsistencies in the policy approach to Hursley when compared to other settlements of a similar or lower classification. This should be seen as a "red flag". It appears that the policies of the plan in this respect have been prepared in order to achieve a politically driven motive rather than being justified, evidence-based and positively prepared.

Our concerns are elaborated upon below.

7 Tests of Soundness

7.1 In order to be found sound at examination, the Plan must pass the tests of soundness. The Plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

7.2 We have summarised above examples of the ways in which the Plan currently fails to meet these tests. We have elaborated on each point below.

However, before embarking on this analysis, we have set out a short summary regarding the settlement of Hursley and its sustainability credentials which make the settlement particularly suitable to make a meaningful contribution towards meeting the unmet housing needs of the District.

8 Hursley

8.1 Hursley is one of the most sustainable villages in the plan area. It has a surprisingly comprehensive range of employment opportunities.

8.2 The settlement has well over 2,000 jobs with a wide range of skill levels. Hursley contains the IBM campus which also includes Incuhive (a co-working and business incubation space) and a number of other facilities. The number and range of jobs which are accessible within walking and cycling distance from the centre of Hursley puts it in a uniquely sustainable position to accommodate new housing.

8.3 The settlement also has an extensive range of services including a primary school, nurse, convenience store, butchers shop, play areas, Sports and

Social Club, 2 pubs and a café.

8.4 The settlement is well connected to the surrounding area by public transport. Hursley is around 3 miles to the south Winchester, around 5 miles to the north east of Romsey and around 4 miles to the north of Eastleigh. The settlement is served by regular bus services to Winchester and the other settlements.

8.5 Nonetheless, in each iteration of the Local Plan, Hursley has been singled out for different treatment to the other settlements of the same classification ("Intermediate Rural Settlements").

8.6 The draft Local Plan requires each of the Intermediate Rural Settlements "to identify new sites for 50 to 60 dwellings each". This planned growth of 50-60 dwellings is in addition to the 20 Windfall Dwellings expected to be delivered in each settlement.

8.7 Hursley falls within this group of settlements and yet the proposed amendments to the local plan now only provide for a combined total of 20 Dwellings – including both allocations (to be made through the Neighbourhood Plan) and windfalls. In effect, Hursley is being given a housing target of zero.

8.8 This is particularly surprising given that, as demonstrated by this representation, had Hursley been correctly scored in the settlement assessment, the settlement should have been included in the "Larger Rural Settlement" category. Even using the Council's own scoring (which underplays the sustainability of the settlement), Hursley scores joint top in its category with South Wonston and Otterbourne scoring lower. Nonetheless, Otterbourne is given an allocation of 55 dwellings (plus a 20 dwelling windfall) and South Wonston is given an allocation of 40 dwellings (plus a 20 dwelling windfall).

8.9 At no point has a credible explanation been given for this difference in treatment.

## 9 Progress Towards a Neighbourhood Plan for Hursley

9.1 Throughout the Local Plan process, the Council has sought to delegate its responsibilities to provide a housing target for Hursley to the emerging Neighbourhood Plan. Setting aside the fact that the unwillingness to set a realistic and positively planned housing target for Hursley is contrary to both the spirit and the letter of the NPPF, in practical terms, this strategy is unlikely to be effective or result in the delivery of any development or other housing.

9.2 The Neighbourhood Plan Area was designated in January 2021. Since that date, no progress appears to have been made in the Neighbourhood Plan process. No draft plans or discussion documents have been produced or consulted upon. There is one undated document on the Parish Council's website stating that "the Parish Plan team is now keen to develop a neighbourhood plan". However, this document has been on the Parish Council's website since at least 2022. No progress has been made since that date.

9.3 The failure to meet the development needs of Hursley (and the District more widely) will make the Council vulnerable to speculative planning applications and appeals. This is precisely what the plan-led system is intended to avoid.

9.4 By failing to grapple adequately with what appears to be a thorny political issue (i.e. housing delivery within Hursley), the Council is failing to perform its role as Local Planning Authority in a manner that undermines the plan led system more widely. There is nothing to be gained from this approach.

## 10 Not Justified, Positively Prepared nor Consistent with National Policy

10.1 In order to be "positively prepared", the Plan must provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs.

10.2 Pursuant to the NPPF, "the development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area". "Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development."

10.3 Pursuant to paragraph 66 of the NPPF "Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations"

10.4 Local Plans contain both strategic and non-strategic policies whereas neighbourhood plans can only contain non-strategic policies. Therefore, it important that the housing requirement for each designated neighbourhood area is set out in the strategic local plan policies and, importantly, that the "housing requirement for designated neighbourhood areas .. reflects the overall strategy for the pattern and scale of development".

10.5 Whilst the plan will be examined having regard to the policies as currently proposed, the development of the policy approach to Hursley is relevant and enlightening. Prior to the Reg 18 Plan, the draft plan factored in an anticipated 20 windfall dwellings for Hursley together with an additional housing target to be formulated as part of the Neighbourhood Plan process. At that stage, the Local Plan stated:

"Following the reassessment and updating of the settlement hierarchy, Hursley is now within the group of 'intermediate' settlements, where the aim was to identify new sites for 50-60 dwellings. However, the parish council has commenced production of a Neighbourhood Plan and it would not be appropriate to identify a new housing target at this stage." (para 14.107)

10.6 Para 14.108 of the Local Plan at that stage gave a target for New Sites to be allocated in Hursley Neighbourhood Plan (Policy HU1) as "?".

10.7 The Council has since moved away from this approach but not in a manner that will result in the allocation of any sites within the emerging Neighbourhood Plan.

10.8 The Local Plan now states:

### INTERMEDIATE RURAL SETTLEMENTS

#### HURSLEY

##### 14.147

Following the reassessment and updating of the settlement hierarchy, Hursley is now within the group of 'intermediate' settlements, where the aim was to identify new sites for 50-60 dwellings. However, the parish council has commenced production of a Neighbourhood Plan and it would not be appropriate to identify a new housing target at this stage. Even so, the Neighbourhood Plan is able to identify local housing needs and allocate any sites that may be appropriate as it is developed.

##### 14.148

It is expected that there is capacity for the development of about 20 dwellings in Hursley, either through allocations in the emerging Neighbourhood Plan or windfall, which can be achieved as follows

Hursley Housing Sources No. of dwellings

Net Completions in or adjoining settlement (2020 - 2023) 0

Outstanding permissions (at 2023) 0

New Sites to be provided by allocations in Hursley Neighbourhood Plan or windfall (Policy HU1) 20

Total Provision 2020 - 2040 20

10.9 Policy HU1 goes on to state:

"Additional land will be allocated as necessary to meet local housing and other needs in the Hursley Neighbourhood Plan, including provision through site allocations or windfall for about 20 dwellings and any amendments to the settlement boundary. Development will be expected to:

- i. Show how it contributes towards the Vision and Objectives of the Plan in Policy SP1 and is in general conformity with its strategic approach;
- ii. Have regard to information on local needs for new homes, jobs and facilities, for the Neighbourhood Plan area."

10.10 As explained above, this is wholly at odds with the approach taken to settlements within the same category as Hursley. Even settlements which score lower in the Settlement Hierarchy Assessments are given an allocation or housing target in addition to the predicted windfall allowance of 20 dwellings. Hursley is the only Intermediate Rural Settlement to be given a housing target of zero. No explanation is given for this difference in approach.

10.11 The difference in approach is particularly difficult to understand given that, if scored correctly, Hursley would have fallen into the higher category of settlement (Large Rural Settlement).

10.12 It is wholly insufficient to set the housing requirement for the designated neighbourhood area of Hursley as zero. In so doing, the Council is failing in its role as a local planning authority by seeking to dodge making an unpopular political decision. In short, the Council is not pursuing an evidence-based nor positively prepared strategy which, as a minimum, seeks to meet the area's housing needs.

10.13 To date, the Council has identified the emerging Neighbourhood Plan as the reason why the Council first refused to set a housing target for Hursley and then set a housing target of zero. However, this is at odds with the other settlements identified in the Local Plan as having emerging Neighbourhood Plans.

10.14 The Local Plan 14.7 states "New Alresford, Denmead and Hursley have existing or emerging Neighbourhood Plans which will need to provide for the housing targets identified in Policies NA3, D1 and HU1". Both Denmead and New Alresford are each set housing targets for their Neighbourhood Plans to allocate land for 100 Dwellings in addition to other planned development and windfall allowances.

10.15 Therefore, the Council appears to be aware of the need to comply with the clear advice of the NPPF to set housing targets for neighbourhood plan areas, but refuses to do so for Hursley. Again, Hursley has been singled out for different treatment with no credible explanation or objective, evidence-based reason.

10.16 The Supporting Text to policy HU1 states "It is expected that there is capacity for the development of about 20 dwellings in Hursley, either through allocations in the emerging Neighbourhood Plan or windfall...". No evidence is given to explain how the Council has reached the view that there would be "capacity for the development of about 20 dwellings in Hursley".

10.17 Paragraph 1.3 of the Strategic Housing and Employment Availability Assessment (SHELAA) published in December 2021 states that the document "forms an important part of the evidence base that will help to inform the preparation of the new Local Plan. Its purpose is to enable realistic assumptions to be made about how much housing and employment space could potentially come forward on sites that are suitable, available and achievable to meet the council's housing and employment needs." And yet, the SHELAA appears to have been ignored when preparing the policies for Hursley.

10.18 The 2021 SHELAA identifies 5 potential sites around the village of Hursley. Each site scores highly against the SHELAA criteria. None of the sites has a constraint that would result in the site being undeliverable or unsuitable for housing. Together, these sites have capacity to accommodate 117 dwellings. Each site is identified as being available and deliverable within the first 5 years.

10.19 The statements made in the Local Plan run entirely contrary to the evidence base which has been prepared. No explanation is given or evidence produced to explain the approach taken by the Local Plan.

10.20 Setting an artificially low development capacity for Hursley will curtail and effectively predetermine the outcome of the Neighbourhood Planning process. No statement should be made which would limit capacity unless there is compelling evidence which justifies such a setting a limit.

## 11 Errors in the Evidence Base

11.1 The NPPF makes it clear that "The preparation and review of all policies should be underpinned by relevant and up-to-date evidence" .

11.2 Paragraph 9 of the NPPF notes that planning policies and decisions should play an active role in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area.

11.3 Therefore, the assessment of the sustainability credentials of settlements in order to generate a settlement hierarchy is of considerable importance.

11.4 Since December 2022, we have written a number of letters to the Council pointing out that the assessment of Hursley that informs the Local Plan fails to take account of a number of facilities.

11.5 Whilst the Settlement Hierarchy Assessment has been updated, the assessment of Hursley still contains fundamental errors which underplay the status and sustainability of the settlement.

11.6 Hursley's sustainability credentials are a matter of fact. The information is objective, openly discoverable and easily proven. We have tried to point out to the Council that there is nothing to be gained by the Council in relying on a flawed evidence base. Nonetheless, the Council continues to omit reference to facilities when assessing Hursley.

11.7 Originally, despite the facilities available in Hursley, it was assessed as being smaller rural settlement. Following reassessment in the Review of Settlement Hierarchy 2022, Hursley was included within the group of 'intermediate' rural settlements. The Council updated the Settlement Hierarchy Assessment in August 2024. However, the Assessment remains incorrect.

11.8 In our 2022 letter, we drew attention to the fact that the assessment failed to take account of a number of facilities. We explained that the score took account of the Post Office but not the shop. We also noted that the Hursley has a butchers shop, which is another convenience retail opportunity.

11.9 The Council responded to our comments stating "The 2022 Settlement hierarchy document already recognised the Post Office services". This misunderstands the point being made.

11.10 The 2024 Updated Settlement Hierarchy Assessment now acknowledges the Convenience Retail (Daily Needs)". However, it rates Hursley as "0" for "Other convenience store (daily needs)". An additional point should have been included.

11.11 Hursley is very well served by buses and this is recognised in the score for hourly bus services. However, some settlements which have been scored for "hourly bus services" have received additional scores for infrequent and/or weekly bus services in the "Other Services" element of the assessment (see, for example, the scoring of Winchester, Bishop's Waltham, New Alresford, Kings Worthy, South Wonston). As well as having frequent bus services, Hursley also has infrequent bus services to other locations. Therefore, if the Council is taking this approach when scoring other settlements another point should have been included.

11.12 An additional point has been awarded to some settlements with "Access to 2 out of 3 employment types". Whilst it is not clear, we presume that the "3 employment types" is a reference to "warehouse, workshop and/or office" which is given as an example of employment opportunities in the document. Despite the presence of more than 2,000 jobs in the settlement including the IBM campus (which provides a wide range of job opportunities of different types), Hursley scores zero in this respect. This is clearly wrong. An additional point should have been included.

11.13 The Council's Local Plan Regulation 18 responses regarding the Settlement Hierarchy (ref BHLF-KSAR-N8ZS-4) states:

"... The Incuhive falls outside of the settlement boundary but in any event the education provision is not considered sufficient to warrant inclusion, .... The Hursley Sports and Social Club is outside the settlement boundary. ..."

11.14 The Council's decision to exclude any facilities which fall outside of the tightly drawn settlement limit of Hursley does not follow the methodology which the Council claims to have followed when preparing the Settlement Hierarchy. The August 2024 Update states that the assessment takes account of:

"Presence of various services and facilities – based upon a survey of all roads extending 1.6km from the edge of each settlement ..."

11.15 Hursley Sports and Social Club is just over 500m outside the settlement boundary. Therefore, this should have been factored into the assessment, resulting in a further point.

11.16 Incuhive is also around 500m from the settlement boundary and presents an innovative and unusual "other education opportunity" which is particularly important for start-up businesses. The Local Plan expressly refers to the IBM campus (which includes Incuhive) as being an education/training establishment.

11.17 At paragraph 7.24, the Local Plan states "Across the district there are a number of large commercial and educational/training establishments set in the wider countryside" and then goes on to list "IBM (Hursley)" first in that list. Paragraph 7.24 goes on to state "These establishments are primarily involved in business and training activities which support the district's economy and it is important that they can continue to thrive. They also employ large numbers of people with a range of skills that the council wishes to retain locally."

11.18 The Council's conclusion in its Consultation Response that the "education provision" at Incuhive and the IMB Campus "is not considered sufficient to warrant inclusion" is at odds with paragraph 7.24 of the Local Plan. No explanation is given as to why a different conclusion was reached when assessing the settlement of Hursley. However, we would note that this inconsistency is a hall-mark of the Council's policy approach to Hursley and is indicative of a pattern of behaviour which demonstrates that the plan is not objective nor evidence-based in this respect.

11.19 Taking account of the Built Leisure Facilities, additional shop, bus services, other education facilities and the wide range of employment opportunities, Hursley would have scored an additional 5 points thus putting it firmly within the "Larger Rural Settlements" classification with a total score of 25 points (a score of between 22 and 26 would put a settlement in the Larger Rural Settlement classification).

11.20 Even if the Inspector does not agree that all of these facilities should have been scored as part of the assessment, there is no getting away from the fact that the sustainability of Hursley has been underplayed by the assessment and has been repeatedly underscored throughout the Local Plan process. Even if 2 of the 5 points find favour with the Inspector, it would put Hursley into the "Larger Rural Settlements" classification.

11.21 These sorts of errors have occurred repeatedly throughout the production of the Local Plan. The errors in the assessment underplay Hursley's suitability to accommodate additional development in a sustainable location. This, in turn, feeds through to the strategic approach adopted by the plan and the failure to allocate any housing for the [answer truncated to 25000 characters]

What modification(s) are necessary to make the policy HU1 legally compliant or sound?

What modification(s) is necessary to make HU1 legally compliant or sound?:

1. Hursley must be treated in a manner that is consistent with other settlements. A housing target should be set in addition to the 20 dwelling windfall figure. The evidence demonstrates that the settlement could accommodate a housing target at the upper range for settlements of this category – i.e. 60 dwellings.

2. All landowners must be treated fairly as regards the drawing of the settlement boundary. If existing residential land is to be excluded to the north of the settlement with the boundary line being drawn tight to the built area, this approach must also be taken when setting the boundary line to the south of the settlement – particularly at South End Close and the Cedars. At the very least, the land which has been included at the Cedars and South End Close which is woodland or agricultural land and which has not been formally promoted or assessed during the Local Plan process must be excluded from the settlement boundary.

What is your suggested wording or text for the policy HU1:

What is your suggested wording or text for the policy HU1::

14.147

Following the reassessment and updating of the settlement hierarchy, Hursley is now within the group of 'intermediate' settlements, where the aim was to identify new sites for 50-60 dwellings. Delete (However,) The parish council has commenced production of a Neighbourhood Plan delete (and it would not be appropriate to identify a new housing target at this stage. Even so, the Neighbourhood Plan is able to identify local housing needs and allocate any sites that may be appropriate as it is developed.) The Neighbourhood Plan process Add the following - is at a very early stage. The housing target for Hursley will be met through the allocation of additional sites in the new Neighbourhood Plan.

14.148

It is expected that there is capacity for the development of about 2080 dwellings in Hursley, either through allocations in the emerging Neighbourhood Plan or windfall, which can be achieved as follows

Hursley Housing Sources No. of dwellings

Net Completions in or adjoining settlement (2020 - 2023) 0

Outstanding permissions (at 2023) 0

Windfall Add - Allowance 20

Add - New Sites to be provided by allocations in Hursley Neighbourhood Plan (Policy HU1) 60

Total Provision 2020 - 2040 Delete (20) Add - 80

Policy HU1

Neighbourhood Plan Designated Area

Additional land will be allocated Add - for development Delete (as necessary to meet local housing and other needs) in the Hursley Neighbourhood Plan , Delete (including provision through site allocations or windfall) for about Delete (20) Add - 60 dwellings Delete (and) Add - including any amendments to the settlement boundary. Development will be expected to:

- i. Show how it contributes towards the Vision and Objectives of the Plan in Policy SP1 and is in general conformity with its strategic approach;
- ii. Have regard to information on local needs for new homes, jobs and facilities, for the Neighbourhood Plan area.

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 for HU1?

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

Where would you like to go next?

I would like to go to the end of the survey and SUBMIT my response

About this Consultation

Has this consultation enabled you to give your opinions and ideas on this matter?

Not Answered

How easy or difficult was it for you to complete this consultation?

Not Answered