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Winchester District Local Plan

Winchester District Local Plan 2040

Soundness & Legal Compliance
Statement

November 2024



Winchester
City Council

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1 Introduction

Purpose and Structure of this Statement

- 1.1 The council has submitted the Winchester Local Plan 2020-2040 to the Secretary of State for examination.
- 1.2 As required by the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework, the examination will assess whether the Winchester Local Plan has been prepared in accordance with the legal requirements and procedural requirements, and whether it is sound. This statement sets out how the submitted local plan meets these requirements.
- 1.3 The Local Plan sets out the city council's vision and objectives for the future development of the District outside of the South Downs National Park (which has its own Local Plan) – Winchester itself, our market towns, villages and countryside. It includes new Strategic policies and Development Management policies against which planning proposals will be assessed for housing, employment and open space as well as specific sites that are needed to deliver the growth over the next 15 years. Once adopted, it will replace the current Local Plan (Local Plan Part 1 – Joint Core Strategy, Local Plan Part 2 – Development Management and Site Allocations and the Gypsy, Traveller and Travelling Showpeople Development Plan Document).
- 1.4 Section 2 of this statement sets out how the submitted plan complies with the legal requirements and procedural requirements sought by the Planning Compulsory Purchase Act and the relevant other consequential legislation and Regulations.
- 1.5 Section 3 of this statement sets out how the submitted plan complies with the soundness requirement as specified by the 2004 Act and detailed in paragraph 35 of the 2023 National Planning Policy Framework (NPPF).

2 LEGAL COMPLIANCE

- 2.1 Section 20 (5) of the Planning and Compulsory Purchase Act 2004 states that the purpose of the independent examination is to determine the submitted development plan document in respect of the following:
- a) Whether it satisfies the requirements of Sections 19 and 24(1), Regulations under section 17(7) and any Regulations under Section 36 relating to the preparation of development plan documents;
 - b) whether it is sound; and
 - c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.

- 2.2 The submission plan is considered in relation to each of these aspects in turn:

(a) Requirements of Section 19 of the Planning and Compulsory Act 2004 and Regulations under Section 17(7) and Section 36

S19(1) - Development Plan Documents must be prepared in accordance with the Local Development Scheme.

- 2.3 The submission Winchester Local Plan has been prepared in accordance with the [Local Development Scheme \(August 2023\)](#). The earlier stages of Local Plan making process, in terms of public consultation and engagement, were prepared in accordance with previous iterations of the LDS that were in force at the time.

S19 (1A) - Development Plan Documents must (taken as whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

- 2.4 The council has declared a climate emergency and the whole plan has been prepared with the climate emergency as an important consideration. This is contained within the vision and objectives, the key Strategic Policy SP1 and a dedicated topic in the Local Plan on carbon neutrality and designing for low carbon infrastructure.
- 2.5 Reduction of carbon emissions is a key underlying theme in the plan. There are a number of policies in the Carbon Neutrality topic (Policy CN1 – Policy CN8) that deal with climate change and adaptation. These include setting emergency efficiency standards, improvements in water use efficiency and supporting renewable and localised energy generation. There are a number

of policies in the other topics in the Local Plan that address for example, flood risk and the promotion of sustainable transport and the promotion of walking, wheeling and cycling.

- 2.6 Specific policies that address climate change are discussed further in Section 3d) (National Policies and Guidance).

S19 (1b) Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area.

- 2.7 The Local Plan includes a vision and series of objectives. For each topic in the Local Plan there is at least one strategic policy which has been prepared with regard to national policies and advice. The High Quality and Living Well topic also includes a series of design principles for high quality and inclusive places, along with design principles for Winchester Town, South Hampshire Urban Areas and the Market Towns and Rural Villages.

S19 (1c) Policies to address those priorities must be set out in the local planning authority's development plan documents (taken as a whole).

- 2.8 See above point.

- 2.9 Further discussion on how strategic priorities are reflected in the Winchester Local Plan can be found later in this document in the analysis of the Soundness Tests (Section 3)

S19 (1d) & (1e) do not apply in the Winchester Local Plan area.

- 2.10 S19 (2) In preparing a local development document the local planning authority must have regard to –**

(a) national policies and advice contained in guidance issued by the Secretary of State.

In accordance with Section 19(2)(a), the Winchester Local Plan has had regard to national policies and advice in guidance issued by the Secretary of State. Further discussion on how national policies and guidance have been taken into consideration in the Winchester Local Plan and its preparation can be found later in this document in the analysis of the Soundness Test 4 – National Policies and Guidance (Section 3d)

(aa) The local development documents which are to be development plan documents

The Hampshire County Council Minerals and Waste Plan (2013) and the Denmead Neighbourhood Plan (2017) are existing local development documents that form part of the development plan. The Hampshire County Council Minerals and Waste Plan is currently under review and the Examination is due to take place early in 2025. Work on is also underway on updating the Denmead Neighbourhood Plan in order to bring it in line with the city council's Proposed Submission Local Plan (Regulation 19). Neighbourhood Plans are also currently under preparation for New Alresford, Curdridge and Hursley.

S19(2) (b) (c) (d) (e) do not apply in the Winchester Local Plan area.

(h) any other local development document which has been adopted by the authority;

The local plan refers to adopted Supplementary Planning Documents and the Local Plan has been prepared in accordance with the most up-to-date Statement of Community Involvement.

(i) The resources likely to be available for implementing the proposals in the document;

An [Infrastructure Delivery Plan August \(IDP\) 2024](#) has been prepared which has identified infrastructure that is required in order to implement the proposals that have been allocated in the Local Plan. The relationship of the IDP to the Winchester Local Plan is discussed later in this document under Soundness Test 3 – Effectiveness (Section 3c).

(j) Such other matters as the Secretary of State prescribes.

We are not aware of any additional matters under this section.

S19 (3) In preparing the local development documents (other than their statement of community involvement) the local planning authority must also comply with their statement of community involvement.

2.11 In accordance with Section 19(3), the preparation of the Winchester Local Plan has been carried out in compliance with the council's Statement of Community Involvement 2024 and the previous iterations of the SCI that were in force at the time.

2.12 Further detail on the consultation methods used and who was consulted is set out in the ([Reg 22 Statement of Consultation](#)), which has been submitted alongside the Winchester Local Plan.

S19 (5)The local planning authority must also—

- carry out an appraisal of the sustainability of the proposals in each development plan document;
- prepare a report of the findings of the appraisal.

Sustainability Appraisal

- 2.13 In accordance with Section 19(5), a sustainability appraisal has been carried out at each stage of the Winchester Local Plan making process. This is contained within an Integrated Impact Assessment (IIA) which comprises the Sustainability Appraisal (SA) Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA) and Equalities Impact Assessment (EqIA).
- 2.14 A SA started with an initial consultation with the statutory agencies on the scope of the SA (for a period of 5 weeks). This was followed by a SA of the Strategic Issues & Priorities (which included testing the different growth options), then a SA of the policies and proposals that were contained in the Regulation 18 Local Plan and the Regulation 19 as required under the Environmental Assessment of Plans & Programmes Regulations 2004.

Conservation of Habitats and Species Regulations 2017 Regulation 105 - Assessment of implications for European sites and European offshore marine sites

- 2.15 An Appropriate Assessment has been undertaken under the Habitat Regulations and a [Habitats Regulations Assessment \(HRA\)](#) has been undertaken at key stages of the Local Plan making process. The HRA and Appropriate Assessment has been submitted to PINS alongside the Winchester Local Plan.
- 2.16 Further discussion of how the IIA and HRA have influenced the local plan is contained within the discussion on Soundness (Section 3) later in this document.
- 2.17 Ongoing discussions have been taking place with Natural England regarding air quality impacts in relation to the site allocation at Bushfield Camp (W5). In order to address these concerns, air quality consultants were appointed to address the impact of the increase in traffic flows on the SAC along with any mitigation measures that will be required to address any impacts on the SAC. An Air Quality Assessment has now been completed and is available on the Local Plan examination website. The Air Quality Assessment still needs to be agreed and signed off by Natural England but it has confirmed:
- Traffic flows do not result in any exceedances of the 1% screening threshold for nitrogen oxides (NOx) or ammonia (NH3), nutrient nitrogen deposition and acid nitrogen deposition and the Local Plan in

isolation assessment results in a decreased in predicted concentrations/deposition rates at the River Itchen SAC; and

- The Local Plan in combination assessment results in exceedance of the 1% screening threshold for NO_x, NH₃ and nutrient N deposition, however these are due to in-combination sources.

2.18 The Air Quality Assessment and the site visit from an Ecologist has concluded that it is unlikely that the Local Plan in isolation and in combination will have an adverse effect on site integrity at the River Itchen SAC. Subject to Natural England agreeing to the conclusions of this work a further addendum to the Habitat Regulations Assessment will be published in November/December. Officers are confident that this issue can be resolved but unfortunately, it has not been possible to do this prior to the submission of the Local Plan.

Compensatory Habitats:

2.19 Natural England has also advised the Council that the River Meon and River Dever are being considered as compensatory habitat for Southern Water's Drought Plan. At the point the Drought Order is enacted the River Meon will be considered as the River Itchen Compensatory Habitat SAC, similarly the River Dever will become the River Test Compensatory Habitat SAC. There has been a delay with taking this issue forward as Natural England were unable to produce a plan of the roads that fell within this compensatory habitat. The Council are working with their HRA consultants to understand whether the assessment of road impacts within 200m of the compensatory habitats site will necessitate air quality assessment. Subject to Natural England's agreement, this matter will also be included in a further addendum to the HRA that will be published in November/December.

2.20 Subject to agreement with Natural England, a further addendum to HRA will be prepared and submitted to examination. The city council is continuing to work positively with Natural England in relation to the HRA and any additional amendments will be submitted as soon as possible, prior to the Hearings.

S19 (6) The Secretary of State may by regulations make provision— as to any further documents which must be prepared by the authority in connection with the preparation of a local development document; as to the form and content of such documents.

The Regulations made under S17 (7) & S36 of the Act –

Town and Country Planning (Local Planning) (England) Regulations 2012

- 2.21 The Winchester Local Plan 2020-2040 has been prepared in accordance with the Town and Country Planning (Local Planning) Regulations 2012 (as amended) as required under S17(7) and S36. It has been prepared with regard to the required local development documents, their form and content and the processes for their preparation and adoption as set out in the Regulations.
- 2.22 Particular regard has been had to the requirements for consultation in the preparation of the plan, including the required consultees, the timescales for consultation, the consultation stages, the consideration of representations and the requirements for the availability of documents and publicity.
- 2.23 The Regulation 22 (1) (c) Statement of Consultation submitted alongside the Winchester Local Plan describes in more detail how the council met the requirements for consultation set out in the Local Plan Regulations 2012. In particular, there is detailed analysis on Launch of the Local Plan, Strategic Issues and Priorities, Regulation 18 (Draft Local Plan consultation) and Regulation 19 (Proposed Submission Local Plan).
- 2.24 The council will continue to have regard to the provisions of the Local Plan Regulations as applicable throughout the Examination period until the formal adoption of the Local Plan.

(b) Soundness of the Plan

- 2.25 Paragraph 35 of the National Planning Policy Framework sets out a list of four criteria against which the 'soundness' of the plan will be examined, known as the 'Tests of Soundness'. How the Winchester Local Plan 2020-2040 complies with this requirement is discussed in Section 3 of this statement that follows.

(c) S33A Duty to Co-operate in relation to planning of sustainable development

- 2.26 The [Duty to Cooperate - Statement of Compliance](#) provides details of how the Winchester Local Plan 2020-2040 has been prepared in accordance with this duty. Cooperation and engagement with neighbouring authorities, statutory agencies, public bodies and key strategic infrastructure providers which has been ongoing since the commencement of the preparation of the plan.
- 2.27 Cooperation on these matters is an ongoing process and SoCG's have been updated as necessary between the public consultation on the Proposed Submission Local Plan (Regulation 19) and the submission of the Local Plan for examination. Since the Proposed Submission Local Plan (Regulation 19) was published for public consultation the Havant Borough Council SoCG

was updated (October 2024), which supersedes August 2024 SoCG. The Portsmouth City Council SoCG has also been updated (October 2024) which supersedes the August SoCG. A new SoCG has been agreed with the National Highways.

3 SOUNDNESS

- 3.1 Paragraph 35 of the National Planning Policy Framework states that Plans will be considered ‘sound’ if they are:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; 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.
- 3.2 This Statement sets out below in the following sections, how it is considered that the submitted Winchester Local Plan 2020-2040 satisfies each of the tests of soundness in turn.

SOUNDNESS – a) Positively Prepared.

- 3.3 Paragraph 35 of the National Planning Policy Framework states that the Local Plan should 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.

How the test has been met -

Summary

- 3.4 The plan presents a positively prepared strategy. The strategy of the plan sets out an approach that aims to deliver sustainable development, meeting OAN needs - including exceeding these for housing provision - and overall seeks to address the impacts of climate change over the course of the plan period.
- 3.5 Agreements are in place with other authorities in respect of unmet housing need under the Duty to Cooperate, as evidenced in the Statements of Common Ground (SoCG).
- 3.6 The plan has been tested at each stage of the Plan-making process by an Integrated Impact Assessment (IIA) containing a Sustainability Appraisal (SA), to be consistent with achieving sustainable development.
- 3.7 A summary of the plan strategy is set out below:

Winchester Local Plan 2020-2040 – Strategy

- 3.8 Plan Strategy

The main strategy of the plan is set out in the three key strategic policies:

- SP1 (Vision and Objectives)
- SP2 (Spatial Strategy and Development Principles)
- SP3 (Development in the Countryside)

- 3.9 These strategic policies set out the principles for development, the different development strategies by each area (Winchester Town, South Hampshire Urban Area, Market Towns and Rural Area) - including the open countryside – and sets out the quantum of housing development by these areas (Policy SP2).

- 3.10 Topics

3.11 A series of themed topics contain one or more strategic policies, followed by policies related to detailed implementation and the assessment of development proposals.

3.12 Topics are:

- Carbon Neutrality and Designing for Low Carbon Infrastructure
- High Quality Well-Designed Places and Living Well
- Sustainable Transport and Active Travel
- Biodiversity and the Natural Environment
- The Historic Environment
- Homes for All
- Creating a vibrant economy

3.13 Site Allocations that are required to meet the Development Strategy

3.14 The Topic chapters are followed by a number of site allocations/designated neighbourhood plan area allocations (New Alresford (NA3) Denmead (DEN1) and Hursley (HU1)) to deliver the required levels of development.

3.15 Implementation

3.16 The plan contains a Monitoring Framework and is supported by an Infrastructure Delivery Plan (IDP). The Authorities Monitoring Report, which is published at the end of each year, will be used to monitor the effectiveness of the Local Plan policies.

3.17 How the plan meets identified needs for housing and other development is set out below:

Housing Needs – Quantum

3.18 The Local Plan identifies land to meet in full the district's future housing needs (15,465 dwellings). This includes an estimated 350 dwellings within the South Downs National Park (SDNP) part of the district and an unmet needs allowance of 1,900 dwellings as a contribution towards the unmet needs of neighbouring areas in Portsmouth and Havant.

3.19 Strategic Policy H1 (Housing Provision) – sets out the figures for new housing development over the plan period divided into the three spatial areas (as set out in Policy SP2) that are provided for by this Local Plan.

3.20 Table H1 (Standard Method Calculation) – illustrates the results of the SM calculation for number of new dwellings necessary between 2020 – 2040.

- 3.21 Table H2 (Winchester District Housing Need and Provision) – illustrates how total housing requirement is derived from standard method, plus unmet needs allowance resulting in the requirement for 15,465 and how this will be met by a variety of sources of supply.
- 3.22 Strategic Policy H2 (Housing Phasing and Supply) – Sets out that phasing will be applied to new greenfield housing site allocations (post 2030), in order to prioritise the development of previously developed land, achieve a suitable housing trajectory, allow for a suitable supply nutrient mitigation and reinforcements to the energy supply chain. Policy H2 lists the greenfield sites that this applies to. The policy is accompanied by a diagram that illustrates the effect of phasing on the Housing Trajectory.
- 3.23 The Housing Topic Paper provides more detail on how the local plan housing requirement was derived and outlines the key components of housing supply. The Topic Paper is in the process of being updated in the light of representations received to the Reg 19 Plan.
- 3.24 The city council is cognisant of the government statement on housing policy in July and the publication of, and consultation on, a draft revised NPPF. The city council anticipates that the effect of these documents will be to bring about a considerably higher housing target for the District (as well as for neighbouring authorities). The city council has decided in order to ensure that it has an up-to-date Local Plan for the purposes of development management, to proceed as envisaged by the transitional provision of the draft amended NPPF to submission of the current local plan. However, the city council accepts that it will be necessary to commence work immediately on a review of the Local Plan so as to accommodate these increased housing needs.

Key Evidence – Housing Topic Paper. SHMA, AMR

Gypsy and Traveller Needs

- 3.25 A [Gypsy and Traveller Accommodation Assessment \(GTAA\)](#) and a [Pitch Deliverability Study](#) were prepared to inform the plan.
- 3.26 Although overall provision for gypsy travellers is expected to meet needs across the Local Plan period, it is not possible to meet short-term needs in full or to demonstrate a 5-year supply of sites. For travelling showpeople it is not possible to meet overall needs or to demonstrate a 5-year supply of sites.
- 3.27 The Gypsy and Traveller Topic Paper updates information on the need and supply of traveller sites from that contained in the GTAA, also taking account of the ‘Smith judgement’. The Topic Paper examines all reasonable options

for increasing supply in detail and demonstrates that the Council has 'left no stone unturned' in seeking suitable sites. The Council has asked its neighbouring authorities to assist with provision but has not received any offers of sites as a result. The issue of the unmet needs for gypsy, travellers and travelling showpeople and the efforts to address these needs are included in the Statements of Common Ground with neighbouring authorities.

- 3.28 The plan will meet the needs of gypsy, travellers and travelling showpeople identified in H12, by a combination of the retention and suitable expansion of existing sites (H13, H14 & H15) and site allocations (H16 & H18). The criteria set out in H15 will be used to consider other additional applications

Key Evidence – Gypsy and Traveller topic paper, Gypsy and Traveller Accommodation Assessment (GTAA), Pitch Deliverability Study

Unmet Needs of Neighbouring Authorities

- 3.29 Given part of Winchester District is covered by South Downs National Park, the Winchester Local Plan makes an allowance for 350 homes within the South Downs National Park part of the District.
- 3.30 Current unmet needs are in the Partnership for South Hampshire (PfSH) area and the Council has worked with PfSH to develop a Statement of Common Ground and Joint Position Statement, published in December 2023. The Winchester Local Plan incorporates an unmet needs allowance of about 1,900 homes for neighbouring authorities in the PfSH area. This will contribute specifically to Havant Borough Council and Portsmouth City Council which have both requested assistance with meeting unmet housing needs. Updated Statements of Common Ground have been produced with these authorities, which agree that the Winchester unmet needs allowance (1,900 dwellings in the Regulation 19 Local Plan) will be split between these authorities (30% to Portsmouth and 70% to Havant).

Key Evidence - SoCG (authorities & PfSH) DtC Statement of Compliance

Housing Needs of Different Groups (including Affordable Housing)

- 3.31 The policies were developed following the analysis of the needs of different groups in the Winchester District ([Strategic Housing Market Assessment 2020 \(SHMA\)](#)) and its focussed [SHMA Update](#) in 2024). This included assessment of affordable housing needs and was supported by the viability study to produce deliverable policies H5 in H6. The plan provides for the needs of different groups by the means of policies set out in the following policies:

- Strategic Policy H5 – Meeting Housing Needs sets out the requirements for dwelling size and tenure, self and custom build, acceptable and adaptable homes, specialist and supported housing and build to rent.
- Policy H6 affordable housing provision and requirements
- Policy H7 affordable housing exception sites
- Policy H8 small dwellings in the countryside
- Policy H9 Purpose built student accommodation
- Policy H10 Houses in Multiple Occupation
- Policy H11 Housing for essential rural workers
- Policy H12 provision for gypsies, travellers and travelling showpeople needs (and expanded on in policies H13-H14)

Key Evidence – Housing Topic Paper SHMA 2020, SHMA Update 2024
GTAA

Other Development Needs – Employment

- 3.32 The required need for employment development throughout the plan period is established in the updated [Employment Study](#) of 2024. Policies within the Economy Topic of the Plan set out the required needs and the strategy for addressing the need as set out below:
- 3.33 Strategic Policy E1 (Vibrant Economy) – sets out the plan provision for about 39 hectares of employment land to be achieved through a combination of retention of appropriate existing provision, new development consistent with the spatial strategy, and the allocation of additional employment land.
- 3.34 Strategic Policy E2 (Spatial Distribution of Economic Growth) – sets out the spatial distribution of economic growth, reflecting the spatial areas in SP2. It identifies a number of site allocations to deliver new development.
- 3.35 Table C illustrates how the requirements will be met by different sources of supply, including the sites allocated in E2.

Key Evidence – Employment Study 2024

Other Development Needs – Retail/Town Centre

- 3.36 The required need for retail and town centre development throughout the plan period is established in the updated [Town Centre Uses Study 2024](#). Policies within the Economy Topic of the Plan set out the required needs and the strategy for addressing the retailing and town centre needs as set out below:

- 3.37 Strategic Policy E3 (Town Centres Strategy and Hierarchy) – sets out how the required need for retail and main town centre uses is to be achieved through a combination of new development within the centres of the hierarchy and development within the site allocations of the plan.
- 3.38 Analysis of need and supply indicated that development since 2020, together with commitments and allocations in the current Local Plan that included town centre uses, would be sufficient to meet the required needs.

Key Evidence – Town Centre Uses Study 2024

Other Development Needs – Infrastructure

- 3.39 The need for new infrastructure such as transport and community development has been assessed as part of the development of the plan strategy and the site allocations. This is detailed within the IDP.
- 3.40 Site allocations require the provision of specific infrastructure such as transport improvements and the provision of community facilities such as health, education and open space where necessary.
- 3.41 In other cases, infrastructure needs will be catered for via the planning obligations and CIL system on a site-by-site basis.
- 3.42 How the needs for and requirements for provision of various types (forms) of infrastructure is discussed further below as part of consideration of the justified criteria.
- 3.43 How infrastructure will be delivered is part of the effectiveness for the delivery of the plan and is explored in more detail below under that section.

Key Evidence – IDP 2024, Duty to Co-operate and Statements of Common Ground

SOUNDNESS – b) Justified

- 3.44 Paragraph 35 of the 2024 National Planning Policy Framework states that the Local Plan should be b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

How the test has been met –

Summary

- 3.45 The plan sets out an appropriate strategy, being developed through the assessment of a series of alternative options for development (see paragraph 3.47), which were tested through appropriate evidence, Sustainability Assessments, a Strategic Transport Assessment, engagement with delivery stakeholders, public consultations and subject to a viability assessment. The preparation of the plan has been subject to detailed engagement and public consultations throughout, which have informed the strategy of the plan and the site allocations and policies within it. Accordingly, the plan is considered to be an appropriate strategy and therefore sound in this respect.
- 3.46 How the plan preparation process developed an appropriate strategy is discussed in more detail below:

Appropriate Strategy - Reasonable Alternatives to the development strategy

- 3.47 Different alternative growth options were tested and consulted upon through the [Strategic Issues and Priorities](#) Consultation in 2021, which set out four initial options for the distribution of growth:
- Option 1: Development Strategy based on the approach in the existing Local Plan of distributing development to the sustainable hierarchy of settlements, this option added about 10% to the housing requirements for Winchester Town, the South Hampshire Urban Areas and the Market Towns and Rural Areas. Through this option, the majority of the development required above existing commitments would be provided at Winchester Town and in the South Hampshire Urban Areas
 - Option 2: To focus development on Winchester itself and other larger and more sustainable settlements.
 - Option 3: A strategy that includes one or more completely new strategic allocations or new settlements to deliver about 1,700 dwellings.
 - Option 4: To disperse development around the District largely in proportion to the size of the existing settlements.

3.48 The Council subsequently identified an additional hybrid option for growth following responses to the SIP where it was concluded that the existing method of spatial distribution in the existing adopted Local Plan worked subject to some minor adjustments to reflect the plans' vision and objectives moving forward to 2040. The distribution broadly reflects the existing adopted local plan strategy, updated with a hybrid approach to reflect a revised vision and series of objectives, with a focus on the larger more sustainable settlements in a proportionate manner.

Key Evidence – Reg 22 Statement

Assessment of Reasonable alternative sites to deliver the development strategy

- 3.49 The process for selecting particular sites is detailed in the [Development Strategy and Site Selection July 2024](#). Inputs included SHELAA sites, evidence from the [Settlement Hierarchy Review](#), inputs from statutory agencies and local providers, the results of public engagement and consultation and the evidence from the IIA.
- 3.50 The responses to previous consultations (Strategic Issues and Priorities), the outputs of the Sustainability Appraisal of the options, and the updated evidence base (settlement hierarchy), known constraints and capacity of settlements to accommodate growth, together with information on housing requirements and supply, were determining factors.
- 3.51 For completeness, all of the ([SHELAA](#)) sites were appraised by the IIA (Appendices E and F) on a policy off basis to enable a consistent means of assessment. Pages 218- 287 set out the summary IIA assessments for all sites. The site selection process is also set out in the [Development Strategy and Site Selection July 2024](#) document.
- 3.52 These results, together with matters set out in the settlement hierarchy, spatial development strategy, strategic transport assessment, Strategic Flood Risk Assessment (Stage 1 and Stage 2 and the Flood Risk sequential and exception test) and other elements of the evidence base have provided a robust framework for the determination of sites to include in the local plan as required by soundness test 'Justified'.

Key Evidence – DSSS, Settlement Hierarchy Review, STA, SFRA, SHELAA, IDP, IIA

Participation in and Consultation on, alternative strategies and sites

- 3.53 The iterations of the plan have been prepared in the light of participation of stakeholders and local communities and public consultations that have taken place at various stages of the Plan-making process. This is detailed in the Regulation 22 Statement. This has involved 4 stages of community engagement including consultation on the 4 alternative growth options considered as part of the Local Plan making process.
- 3.54 Specifically, the Strategic Issues and Priorities (SIP) public consultation, which was undertaken during a national lockdown, won two Royal Town Planning Institute (RTPI) awards for the engagement process that we followed. The public consultation on the SIP won the RTPI Excellence award for Plan making and was the overall Regional winner for the South East. Gareth Giles FRTPI, Chair of RTPI South East judging panel, said: *“Winchester’s Local Plan Consultation project demonstrated excellence in engagement and a willingness to actively learn from, and improve its processes to reach as many people as possible. It is a shining example of innovation in a pandemic context, as well as making use of new technological innovations. Local authorities should look to this as an example of best practice for consultations in their own areas”*.
- 3.55 In addition, in recognition that Active Travel England (ATE) are a new statutory agency, officers from the city council were part of a pilot project with ATE. As part of the pilot project, ATE provided feedback on the draft policies in Regulation 18 Winchester Local Plan. ATE provided suggestions on where polices could be strengthened, and where the links between active travel and other planning objectives could be improved. This collaborative work was undertaken to ensure that the policies in the Local Plan promote walking, cycling and wheeling. ATE have subsequently confirmed in writing in response to the Regulation 19 public consultation that they have worked closely with Officers from the city council to strengthen the consideration of active travel and its associated benefits in the Local Plan.
- 3.56 Ongoing engagement with stakeholders such as public agencies and statutory undertakers is also evidenced in the Infrastructure Delivery Plan and the Statements of Common Ground.

Key Evidence – Reg 22 Statement, Duty to Cooperate Statement, SoCG, IDP

Evidence supporting the local plan strategy

- 3.57 The Local Plan has been developed using comprehensive, but proportionate evidence, as listed in the [evidence base](#) that is available on the Local Plan website/submitted in support of this plan.

3.58 The evidence base has continued to be developed as necessary throughout the preparation of the plan. Updates have been made since the commencement of the plan preparation to ensure that the plan is supported by relevant and up-to-date evidence. Examples of recent evidence updates prepared during the course of the draft plan and completed in 2024 include –

- SHMA Update
- Settlement Hierarchy Update
- Employment, Retail and Town Centre Uses Updates
- SFRA Part 2
- STA Stage 2
- Nutrient Neutrality Study.

3.59 The robustness of the plan has continued to be tested throughout the stages of preparation by continuing analysis and updating of the following assessments following the Reg 18 Draft Plan, prior to the Reg 19 Publication

- DSSS (informed by updated Settlement Hierarchy information, information from potential site developers on delivery, ongoing engagement with infrastructure delivery providers and updated IIA)
- IIA updated to reflect new information, including revised site data
- STA Part 2 reflecting the latest proposed development strategy
- Viability Assessment

Sustainability Assessment of Reasonable Alternatives

3.60 The IIA comprises Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA) and Equalities Impact Assessment (EqIA). The HIA and EqIA are presented as part of the SA and references to the IIA should be taken as incorporating SA, SEA, HIA and EqIA.

3.61 Chapter 2 of the IIA report details the methodology of the process including reasons for selecting the alternatives in terms of both options for growth, sites and policies.

3.62 Each Local Plan stage has been subject to integrated Impact Assessment (incorporating Sustainability Appraisal). The IIA assessed the effects of the Plan policies, site allocations and reasonable alternatives.

3.63 As outlined in the SIP, the Council identified and consulted on four alternative options for the distribution of development in the district. Reasonable site alternatives were identified as part of a call for sites following the publication of the SIP. Sites were then assessed through the SHELAA and appraised by the IIA. In addition, brownfield sites were subject to appraisal and considered as reasonable alternative site options.

- 3.64 Alternatives were evaluated in the IIA including options for the spatial distribution of growth, and options for potential site allocations. The assessment of reasonable alternatives clearly demonstrates why these haven't been selected over the proposed growth and sites allocated in the Plan.
- 3.65 The IIA at Regulation 18 included a number of recommendations for the Council to consider. Recommendations were made where changes to policy text could help to strengthen positive effects and mitigate adverse effects identified. Para 5.281 of the updated IIA sets out the recommendations from the previous IIA together with the Council's response and includes the following in terms of the spatial strategy "No recommendations are included in relation Policies SP2, H1, H2 and H3. The level of housing provision for the District is set out to have regard for the Government's Standard Method calculation and it is therefore not considered appropriate to include recommendations in relation to this policy area"
- 3.66 An EqIA has been undertaken at each stage of the Local Plan as part of the IIA. The EqIA of the Proposed Submission Local Plan (Regulation 19) is set out in Appendix B of the IIA and considers the impact of the Local Plan policies and proposals on those groups with protected characteristics as defined in the Public Sector Equality Duty. Paragraph B.31 of the EqIA sets out an overview of the findings and concludes that most policies will have a positive, mixed or neutral impact on protected characteristics and the Plan is therefore considered to be compatible with the three main duties of the Equalities Act 2010.

SOUNDNESS– c) Effective

- 3.67 Paragraph 35 of the National Planning Policy Framework states that the Local Plan should be c) 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.

How the test has been met -

Summary

- 3.68 The Local Plan is considered deliverable over the plan period as the strategy and policies have been discussed with infrastructure providers to ensure the necessary infrastructure can be provided. The viability assessment, which has been undertaken at each stage of the Plan-making process, has ensured that the requirements of the plan are deliverable. The plan is further supported by cross-boundary working on strategic matters as demonstrated in the Duty to Cooperate Statement of Compliance. The wording and requirements of policies are reasonable and appropriate and easily understood to implement. It is therefore considered that the submitted Local Plan is sound in respect of effectiveness.
- 3.69 Evidence demonstrating the effectiveness of the submitted Winchester Plan is set out in more detail below:

Transport and Travel Impacts and Infrastructure

- 3.70 Hampshire County Council (trading arm) were appointed to undertake a Strategic Transport Assessment working in partnership with Hampshire County Council Highways (statutory arm) and National Highways. The Strategic Transport Assessment 2024, which was agreed by both highway agencies states (Chapter 12 Summary and conclusion) *“In conclusion, based on the work of this Strategic Transport Assessment, it is considered that the quantum and distribution of the development proposed in the Winchester Local Plan, and the resulting transport impacts, are capable of mitigation at the strategic level, and that the plan is therefore deliverable and sound from a transport perspective.”*
- 3.71 As mentioned in paragraph 3.55, the Council actively engaged with Active Travel England during the progression of the Strategic Transport Assessment. The city council was a pilot for Active Travel England and their recommended changes to the wording of the Local Plan policies were incorporated into the Proposed Submission Local Plan (Regulation 19).

3.72 The Plan focuses on sustainable transport infrastructure with sites such as Sir John Moore Barracks (Policy W2) includes the provision of approximately 850 space park and ride facility which aligns with one of the key recommendations in the Winchester Movement Strategy which identified the need for a new P&R site to the north of the city. The wording of the Winchester city centre site allocations (St Peter's car park - Policy W3, Central Winchester Regeneration – Policy W7), includes criterion to only permit car parking for car clubs / delivery spaces) as a result of recommendations from the Strategic Transport Assessment work.

Key Evidence - STA

Delivery of Infrastructure to support the strategy

3.73 The required infrastructure to support the strategy will be set out by a combination of specific site requirements and contributions via the S106 and CIL regimes.

3.74 The Local Plan does not have a specific policy that relates to infrastructure planning but each site allocation policy does include a generic criterion on infrastructure. Where it is considered necessary to make the development acceptable in planning terms, a specific criterion has been included in a site allocation policy which has usually been at the request of an infrastructure provider. This infrastructure is expected to be delivered at the relevant stage of the development.

3.75 The [Infrastructure Delivery Plan \(IDP\)](#) identifies specific infrastructure requirements, funding gaps and how these will be fulfilled.

3.76 The IDP has been informed by ongoing engagement with infrastructure providers, statutory bodies and public agencies. Table 1 of the IDP sets out the types of infrastructure considered, and the bodies engaged with and is reproduced below:

Infrastructure Type	Infrastructure Provider(s)
Sustainable Transport and Highways	Hampshire County Council, National Highways, Stagecoach, Network Rail, Active Travel England
Education	Hampshire County Council
Health and Public Services	NHS Hampshire and Isle of Wight Integrated Care Board (ICB), Hampshire Hospitals NHS Foundation Trust(HHFT), South Central Ambulance Service NHS Foundation Trust, Hampshire & Isle of Wight Fire and Rescue Service, Hampshire and Isle of Wight Constabulary, and Police and Crime Commissioner - Hampshire
Community Infrastructure	Hampshire County Council, Winchester City Council

Utility Infrastructure	Scottish and Southern Electricity Network (SSEN), National Grid, Southern Water, Portsmouth Water, Independent Water Networks, Leep Utilities, South East Water, Southern Gas Network, Mobile Broadband Network Limited, Openreach, EE and Three, Hampshire County Council
Open Space, Recreation, Green / Blue Infrastructure	Hampshire County Council, Winchester City Council, Environment Agency, Marine Management Organisation , Natural England

- 3.77 Part 3 of the IDP lists District wide infrastructure requirements and includes indicative costs where known, together with funding sources.
- 3.78 Part 4 of the IDP assessed specific infrastructure requirements to support the local plan allocations, and includes indicative costs where known, together with funding sources. In terms of funding shortfalls these are yet to be determined and will be reliant on continuing discussions with the developers and respective agencies/infrastructure providers.
- 3.79 Each allocation policy also details the key infrastructure and mitigation measures necessary to enable the allocation to be implemented, in some instances this is expressed as ‘contribute to infrastructure needed to make the development acceptable in planning terms’. In other instances, the policy is specific in requiring preparation of further detailed assessments and the like, e.g. flood risk assessment.
- 3.80 The IDP is a live document and will be kept up-to-date in accordance with the latest information. A new SoCG with National Highways and a revised SoCG with Southern Water have been provided as part of the Submission documents, together with an update on the situation regarding Air Quality with Natural England.

Key Evidence – IDP, SoCG

Strategic Cross-Boundary Co-operation

- 3.81 The council has engaged proactively with neighbouring authorities on cross-boundary matters throughout the plan preparation process and the Winchester Local Plan 2020-2040 reflects the outcome of these discussions. The Duty to Cooperate Statement summarises all engagement that has taken place under the Duty, together with key outcomes.
- 3.82 Strategic matters identified with various organisations and neighbouring local authorities cover the following:

- Meeting identified housing needs within the district and any wider future potential unmet housing needs
 - Meeting the identified need for Gypsy, Traveller and Travelling Showpeople accommodation within the district and any wider future potential unmet needs
 - Employment land needs
 - Achieving nutrient neutrality (Bird Aware strategy (Solent SPA) – which is in the process of being updated)
 - Biodiversity Net Gain
 - Air quality
 - Wastewater and water supply infrastructure to serve planned development
 - Partnership for South Hampshire matters
- 3.83 SoCG have been prepared with all the neighbouring local planning authorities, including the South Downs National Park. WCC has signed up to the PfSH SoCG (Sept 2023) which covers a number of strategic issues.
- 3.84 SoCG have also been signed with key public bodies and infrastructure providers:
- Southern Water (August 2024)
 - Natural England (September 2024)
 - National Highways (October 2024)
- 3.85 Recent updates to Statements of Common Ground since the Reg 19 Publication have been produced in relation to Portsmouth City Council, Havant Borough Council, Natural England and Southern Water, together with the new SoCG agreed with National Highways.
- 3.86 The Duty to Cooperate Statement contains full details of the cooperation with the prescribed bodies and other parties in the preparation of the Plan.

Key Evidence – Duty to Cooperate Statement, SoCG

Effectiveness of plan requirements

- 3.87 Viability Assessment.
- 3.88 A [Viability Assessment](#) has been conducted of the proposed Winchester Local Plan 2020-2040, to ensure that the Plan's required standards are realistic and do not adversely affect delivery of development. Particular areas focussed on are in relation to the Plan's requirements for affordable housing and energy efficiency standards. Another area that has particular consequences for the Winchester area is in the need to achieve nitrate neutrality. The Assessment has factored in the changes regarding nitrate

mitigation that are anticipated by 2030 and this has fed into its recommendations for varying levels of requirements both by geographical location and type of site, that should also vary according to whether the development is planned pre or post- 2030. These recommendations have been reflected in the Plan in H5.

- 3.89 The Viability Assessment has been updated prior to the Reg 19 Publication to take account of more recent information regarding matters from the SHMA 2024 update and updated assessments of the costs of housing delivery in particular. This provides an up-to-date evidence of how the standards and requirements of the plan can be effectively delivered.

Key Evidence – Viability Assessment

Deliverable over plan period

- 3.90 The Local Plan includes a housing trajectory to illustrate how sites will continue to be delivered over the plan period in Policy H2. This takes account of likely changes in delivery rates as major sites are developed. This will be updated following assessment of the latest housing pipeline information for the December AMR and a revised trajectory will be submitted prior to the Local Plan Examination Hearings.
- 3.91 All site promoters have been contacted about the deliverability of their sites, including how they will incorporate measures relating to the provision of BNG and achieve nutrient neutrality.

Flexibility

- 3.92 The delivery of development and the successful implementation of the Plan's policies will be monitored by a number of indicators as set out in the Monitoring Framework of the Plan.
- 3.93 Significant underperformance could indicate a need for a review of the Local Plan or aspects of it. Policy H2 contains a requirement to consider significant underperformance in relation to this.

SOUNDNESS – d) National Policy Consistency

3.94 Paragraph 35 of the National Planning Policy Framework states that the Local Plan should be c) 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

How the test has been met

Summary

3.95 The guidance set out in the NPPF, national planning policy guidance and the other relevant national planning policy statements has been taken into account when preparing the plan and also with regard to the content of the plan. The plan therefore aims to enable the delivery of sustainable development in accordance with the NPPF and other statements of policy . The plan is therefore considered sound by virtue of being consistent with national planning policy.

3.96 How the Local Plan is consistent with national policy and enables the delivery of sustainable development is discussed in more detail below:

Sustainable Development

3.97 The Winchester 2020-2040 Local Plan has been prepared with the objective of contributing to the achievement of sustainable development as required by section 39(2) of the Planning and Compulsory Purchase Act 2004 and in accordance with paragraph 16a) of the NPPF. The Plan has been considered by a Sustainability Appraisal as part of the IIA which considered how the plan as a whole achieves sustainable development.

3.98 As set out Section 2 of this Statement on Legal Compliance, the whole plan has been prepared with regard to the climate emergency. This is reflected in the Vision and Objectives of the Plan and the key Strategic Policy SP1. It is embedded throughout the plan, but Sections of the Plan that are particularly related to achieving carbon neutrality and addressing aspects of climate change are;

- Carbon Neutrality and Designing for Low Carbon Infrastructure (Policies CN1-CN8)
- Sustainable Transport and Active Travel (T1-T4)
- Biodiversity and the Natural Environment (NE1-NE17)
- NPPF & national planning policy guidance (PPG)

3.99 The Local Plan has been prepared in accordance with the policies set out in the latest versions of the NPPF and other relevant statements of national planning policy. This is in regard to both the process of plan preparation as well as in the content of the plan. The Topic Papers prepared on the key issues of the Plan refer to relevant national policy guidance in NPPF, PPG and other sources as relevant.

Key Evidence – Topic Papers, IIA

Relevant Written Ministerial Statements (WMS)

- WMS on energy from wind - WMS Local Planning and Onshore Wind' 18.06.15 & WMS Onshore Wind 08.07.24

3.100 The pre-Reg 19 stages of the preparation of the Winchester 2020-2040 Local Plan took account of the 2015 WMS on onshore wind. The draft Local Plan was reviewed in the light of the subsequent WMS of 08.07.24, which removed the criteria in respect of onshore wind energy generation that the previous 2015 WMS had added to the NPPF,

3.101 The draft Local Plan already contained criteria that would be used to assess any planning proposals for onshore wind turbines (CN5) and it was concluded that there was no need to alter the draft Local Plan as result of the Onshore Wind WMS of 08.07.24.

- WMS on Energy Efficiency – WMS Housing standards: streamlining the system' 25.03.15 & WMS Local Energy Efficiency Standards Update 13.12.23.

3.102 The 2015 WMS stated that local authorities could set local energy efficiency standards that go beyond current or planned building regulations where justified and evidenced. The 2023 WMS confirmed the above, but also stated the government's view that plans should only express energy efficiency requirements in terms of Target Emission Rates (TER).

3.103 The Winchester Local Plan 2020-2040 was prepared using the Local Energy Transformation Initiative (LETI) which uses a different approach to TER, and this was contained Policy CN3 of the Reg 18 Draft Local Plan. The council have considered the content of the December 2023 WMS and have concluded that LETI approach is reasonable and justified, so this policy remains in the Reg 19 Plan.

3.104 There are national precedents for using the LETI approach, including most recently confirmation in the Salt Cross Area Action Plan (see Topic Paper for details). The updated [Carbon Neutrality and Embodied Carbon Topic Paper \(Nov 2024\)](#) contains more discussion on this and justification for the

council's approach based on KC advice and open legal advice from Essex County Council.

- WMS on Building the Homes we Need 30.07.24

3.105 This statement set out the government's aim to increase the number of houses being built and reforms to the planning system in respect of several key areas. Mandatory local housing targets were proposed, with a revised Standard Methodology, there was a commitment to strategic planning, changes to green belt policy and the intention to publish a long-term housing strategy. Details of some the reforms were set out in proposed revisions to the NPPF, which was published for consultation on that day.

3.106 The Local Plan has been prepared with regard to the policy aims of the new government set out in this WMS, whilst recognising that legislative and policy changes in the NPPF have not yet been finalised and published.

- WMS on Social and affordable housing 28.10.24 & other initiatives

3.107 This recently published WMS sets out the government's intentions regarding social and affordable housing for the budget. Amongst other things, this included additional funding for the Affordable Homes Programme and an increased emphasis on social rent and will include alterations to the Right to Buy Scheme.

3.108 It is not considered necessary to make any alterations to the Winchester Local Plan 2020-2040 at present, as a result of this.

3.109 In addition to the matters referred to in this WMS, there are also a number of other proposed changes to national policies that may affect the planning system, such as in relation to energy efficiency and net zero carbon requirements, new national and regional economic strategies and national strategic infrastructure projects. However, most of these initiatives have not been confirmed as yet, along with any consequential planning legislation, so it is not possible to take these into consideration at the current time.

Key Evidence – Carbon Neutrality Topic Paper

Current and Future Changes to the Planning System

3.110 The council is aware that the new government may soon make changes to planning legislation and policy, as proposed in the WMS of 30.07.24 and subsequent policy announcements. A revised NPPF was consulted on during the summer, which the council made comments in relation to, but a revised NPPF has not been published at the time of Submission. There are

also outstanding changes as result of the 2023 LURA, which have not yet been enacted.

3.111 In view of the need to ensure that there is an up-to-date local plan for the purposes of development management, the City Council has been decided to proceed to Submission and Adoption of the current local plan, with an intention to commence an immediate review.

3.112 The Winchester Local Plan 2020-2040 is therefore submitted in accordance with current legislation, but there is a commitment to undertake a early review, which will take account of any new guidance such as revised NPPF and any new housing requirements such as a revised Standard Methodology, any standards such as Future Homes and other changes to planning legislation.